

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 177
93RD GENERAL ASSEMBLY

Reported from the Committee on Professional Registration & Licensing April 13, 2005, with recommendation that House Committee Substitute for Senate Bill No. 177 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

0787L.04C

AN ACT

To repeal sections 105.712, 256.468, 329.050, 334.735, 337.600, 337.603, 337.615, 337.618, 337.653, 344.040, 436.218, and 621.045, RSMo, and to enact in lieu thereof nineteen new sections relating to professional registration.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 105.712, 256.468, 329.050, 334.735, 337.600, 337.603, 337.615, 337.618, 337.653, 344.040, 436.218, and 621.045, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 105.712, 190.550, 256.468, 329.050, 332.302, 332.303, 332.304, 332.305, 332.312, 334.735, 337.600, 337.603, 337.615, 337.618, 337.653, 344.040, 436.218, 621.045, and 1, to read as follows:

105.712. Dental primary care and preventive health services as authorized in section 105.711 shall include examinations, cleaning, fluoride treatment, application of sealants, placement of basic restorations **extractions**, and emergency treatment to relieve pain.

190.550. 1. The department of health and senior services shall by rule establish a schedule of fees to be paid by applicants for specific licensure or accreditation under sections 190.001 to 190.250 and sections 190.525 to 190.537; except that, such fee shall not be imposed for specific licensure or accreditation of persons employed by volunteer ambulance services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

2. All fees imposed under this section shall be collected by the department and deposited in the Missouri public health services fund established in section 192.900, RSMo. Moneys in the fund deposited under this section shall be used upon appropriation by the general assembly for the purpose of implementing the provisions of sections 190.001 to 190.250 and sections 190.525 to 190.537. Notwithstanding the provisions of section 33.080, RSMo, moneys deposited to the credit of the fund under this section shall not revert to the credit of general revenue at the end of the biennium.

256.468. 1. An applicant for certification as a registered geologist shall complete and sign a personal data form, prescribed and furnished by the board, and shall provide the appropriate application fee. The personal data of an individual shall be considered confidential information.

2. The applicant shall have graduated from a course of study satisfactory to the board and which includes at least thirty semester or forty-five quarter hours of credit in geology.

3. The applicant shall provide to the board a detailed summary of actual geologic work, documenting that the applicant meets the minimum requirements for registration as a geologist, including a demonstration that the applicant has at least three years of postbaccalaureate experience in the practice of geology.

4. Except as provided in this section, no applicant shall be certified unless he **or she** shall have passed an examination covering the fundamentals, principles and practices of geology prescribed or accepted by the board.

5. [The examination requirement of subsection 4 of this section shall be waived for those persons who were practicing geology on August 28, 1994, provided that application is made on or before October 1, 1995, and all applicable fees have been paid. All other requirements of sections 256.450 to 256.483 must be satisfied.

6. The examination requirement of subsection 4 of this section and the course of study requirement of subsection 2 of this section shall be waived for persons who meet the following conditions:

(1) Are licensed professional engineers in accordance with the provisions of sections 327.181 to 327.261, RSMo;

(2) Has provided the board a summary of the actual geologic work

demonstrating that the applicant has at least ten years of competent postbaccalaureate experience in the practice of geology;

(3) Have made timely application and paid the applicable fees as provided in subsection 5 of this section; and

(4) Had their application denied by the board solely for failure to meet the course of study requirements as provided in subsection 2 of this section.

7.] Any person, upon application to the board and demonstration that the person meets the requirements of subsections 1 and 2 of this section and has passed that portion of the professional examination covering the fundamentals of geology, shall be awarded the geologist-registrant in-training certificate.

The geologist then may use the title "geologist-registrant in-training" subject to the limitations of sections 256.450 to 256.483.

[8.] **6.** The board shall deny registration to an applicant who fails to satisfy the requirements of this section. The board shall not issue a certificate of registration pending the disposition in this or another state of any complaint alleging a violation of this chapter or the laws, rules, regulations and code of professional conduct applicable to registered geologists and regulated geologic work of which violation the board has notice. An applicant who is denied registration shall be notified in writing within thirty days of the board's decision and the notice shall state the reason for denial of registration. Any person aggrieved by a final decision of the board on an application for registration may appeal that decision to the administrative hearing commission in the manner provided in section 621.120, RSMo.

[9.] **7.** The board shall issue an appropriate certificate evidencing the issuance of the certificate of registration upon payment of the applicable registration fee to any applicant who has satisfactorily met all the requirements of this section for registration as a geologist. Such certificate shall show the full name of the registrant, shall have a serial number, and shall be dated and signed by an appropriate officer of the board under the seal of the board.

[10.] **8.** The certificate seal shall be prima facie evidence that the person named therein is entitled to all rights and privileges of a registered geologist under sections 256.450 to 256.483 and to practice geology as an individual, firm or corporation while such certificate remains unrevoked or unexpired.

[11.] **9.** The board may issue a certificate of registration to any individual who has made application and provided proof of certification of registration from another state nongovernmental or governmental organization, or country, approved by the board, provided that the registration or licensing requirements are substantially similar to the requirements of this section and the necessary fees have been paid. The board may require, by examination or other procedures, demonstration of competency pertaining to geologic conditions in Missouri.

[12.] **10.** The board shall reissue the certificate of registration of any registrant who, before the expiration date of the certificate and within a period of time and procedures established by the board, submits the required renewal application and fee.

[13.] **11.** The board, by rule, may establish conditions and fees for the reissuing of certificates of registration which have lapsed, expired, or have been suspended or revoked.

[14.] **12.** Registered geologists may purchase from the board, or other approved sources, a seal bearing the registered geologist's name, registration number, and the legend "Registered Geologist".

329.050. 1. Applicants for examination or licensure pursuant to this chapter shall possess the following qualifications:

(1) They must be persons of good moral character, have an education equivalent to the successful completion of the tenth grade and be at least seventeen years of age;

(2) If the applicants are apprentices, they shall have served and completed, as an apprentice under the supervision of a licensed cosmetologist, the time and studies required by the board which shall be no less than three thousand hours for cosmetologists, and no less than [seven hundred eighty hours] **eight hundred hours** for manicurists and no less than fifteen hundred hours for esthetics. However, when the classified occupation of manicurist is apprenticed in conjunction with the classified occupation of cosmetologist, the [apprentices] **apprentice** shall be required to successfully complete [the] **an** apprenticeship of no less than a total of three thousand hours;

(3) If the applicants are students, they shall have had the required time in a licensed school of no less than one thousand five hundred hours training or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of cosmetologist, with the exception of public vocational technical schools in which a student shall complete no less than one thousand two hundred twenty hours training. All students shall complete no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students shall complete no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of esthetician. However, when the classified occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist, the student shall not be required to serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise required to include

manicuring of nails; and

(4) They shall have passed an examination to the satisfaction of the board.

2. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of a school of cosmetology or apprentice program in another state or territory of the United States which has substantially the same requirements as an educational establishment licensed pursuant to this chapter. **A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of an educational establishment in a foreign country that provides training for a classified occupation of cosmetology, as defined by section 329.010, and has educational requirements that are substantially the same requirements as an educational establishment licensed under this chapter. The board has sole discretion to determine the substantial equivalency of such educational requirements. The board may require that transcripts from foreign schools be submitted for its review, and the board may require that the applicant provide an approved English translation of such transcripts.**

3. Each application shall contain a statement that, subject to the penalties of making a false affidavit or declaration, the application is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application.

4. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may delegate this authority to its executive director subject to such provisions as the board may adopt.

5. For the purpose of meeting the minimum requirements for examination, training completed by a student or apprentice shall be recognized by the board for a period of no more than five years from the date it is received.

332.302. As used in sections 332.302 to 332.305, the following terms shall mean:

(1) "Committee", the "Dental Hygienist Distance Learning Committee" created under section 332.303;

(2) "Department", the department of economic development;

(3) "Director", the director of the department of economic development.

332.303. 1. Subject to appropriations, there is hereby established the "Dental Hygienist Distance Learning Committee". The committee shall consist of six members and the director of the division of professional registration. The director shall appoint the members of the committee, three of whom shall be dentists licensed under this chapter, and three of whom shall be dental hygienists holding certificates of registration under this chapter.

2. Members of the committee shall not be compensated for their services, but they shall be reimbursed for actual and necessary expenses incurred in the

performance of their duties. Each member shall serve until the committee is dissolved under section 332.305. The department shall provide staff to the committee and aid it in the performance of its duties.

332.304. The specific duties of the committee shall include the following:

(1) Designing a training program for dental hygienists which allows coursework to be completed off-site from the educational institution, and clinical and didactic training to be delivered in the office of a dentist licensed under this chapter, or any other facility approved by the council on dental accreditation;

(2) Developing suggestions for the creation of a contract between the department and an institution of higher education to establish the training program designed under subdivision (1) of this section;

(3) Analyzing issues relating to the curriculum, funding, and administration of the training program designed under subdivision (1) of this section; and

(4) On or before November 1, 2005, delivering to both houses of the general assembly and the governor a report on the training program designed under subdivision (1) of this section and any suggestions developed and analysis made under subdivisions (2) and (3) of this section.

332.305. The committee shall dissolve upon delivery of the report required under subdivision (4) of section 332.304.

332.312. 1. As used in this section, "distance dental hygienist education program" shall mean a training program for dental hygienists accredited by the Commission on Dental Accreditation of the American Dental Association that allows didactic and clinical course work to be completed offsite of the educational institution, including a dental facility regulated under this chapter, if such offsite location is a part of an accredited dental hygiene program through the Commission on Dental Accreditation of the American Dental Association as an extended campus facility.

2. The department of economic development shall contract with an institution of higher education, which meets the standards established by the Commission on Dental Accreditation of the American Dental Association, to establish a distance dental hygienist education program.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training

requirements;

(4) "Department", the department of economic development or a designated agency thereof;

(5) "License", a document issued to an applicant by the department acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working within the same office facility of the supervising physician except a physician assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician. The board shall promulgate rules pursuant to chapter 536, RSMo, for the proximity of practice between the physician assistant and the supervising physician and documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a

licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform;

(10) Physician assistants shall not perform abortions.

3. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall not prescribe controlled substances;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant or advanced practice nurse as defined in section 335.016, RSMo, may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

4. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant.

5. [The physician assistant shall be a person who is a graduate of a physician assistant program accredited by the American Medical Association's Committee on

Allied Health Education and Accreditation or its successor or is certified by a national nongovernmental agency or association, who has passed the National Commission on Certification of Physician Assistants examination and has active certification by the National Commission on Certification of Physician Assistants or its successor. A person who has been employed as a physician assistant for three years prior to August 28, 1989, and has passed the National Commission on Certification of Physician Assistants examination shall be deemed to have met the academic requirements necessary for licensing.

6.] For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536, RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to be licensed as physician assistants.

[7.] 6. "Physician assistant supervision agreement" means a written agreement, jointly agreed upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services.

[8.] 7. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement, shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

[9.] 8. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

337.600. As used in sections 337.600 to 337.689, the following terms mean:

(1) "Clinical social work", the application of methods, principles, and techniques of case work, group work, client-centered advocacy, community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration of mental and emotional conditions;

(2) "Department", the Missouri department of economic development;

(3) "Director", the director of the division of professional registration in the department of economic development;

(4) "Division", the division of professional registration;

(5) **"Independent practice", any practice of social workers outside of an organized setting such as a social, medical, or governmental agency in which a social worker assumes responsibility and accountability for services required;**

(6) "Licensed clinical social worker", any person who offers to render services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical social worker;

[(6)] (7) "Practice of clinical social work", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, or the general public any service involving the application of methods, principles, and techniques of clinical social work;

[(7)] (8) "Provisional licensed clinical social worker", any person who is a graduate of an accredited school of social work and meets all requirements of a licensed clinical social worker, other than the supervised clinical social work experience prescribed by subdivision (2) of subsection 1 of section 337.615, and who is supervised by a person who is qualified to practice clinical social work, as defined by rule;

[(8)] (9) "Social worker", any individual that has:

(a) Received a baccalaureate or master's degree in social work from an accredited social work program approved by the council on social work education;

(b) Received a doctorate or Ph.D. in social work; or

(c) A current baccalaureate or clinical social worker license as set forth in sections 337.600 to 337.689.

337.603. No person shall use the title of "licensed clinical social worker", "clinical social worker" or "provisional licensed clinical social worker" and engage in the practice of clinical social work in this state unless the person is licensed as required by the provisions of sections 337.600 to 337.639. Only individuals who are licensed clinical social workers shall practice **clinical** social work [as an independent practice]. Sections 337.600 to 337.639 shall not apply to:

(1) Any person registered, certificated, or licensed by this state, another state, or any recognized national certification agent acceptable to the committee to practice any other occupation or profession while rendering services similar in nature to clinical social work in the performance of the occupation or profession which the person is registered, certificated, or licensed; and

(2) The practice of any social worker who is employed by any agency or department of the state of Missouri while discharging the person's duties in that capacity.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has [twenty-four months] **completed three thousand hours** of supervised clinical experience **with a licensed clinical social worker** acceptable to the committee, as defined by rule, **in no less than twenty-four months and no more than forty-eight consecutive calendar months;**

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. A licensed clinical social worker who has had no violations and no suspensions and no revocation of a license to practice clinical social work in any jurisdiction may receive a license in Missouri provided said clinical social worker passes a written examination [on Missouri laws and regulations governing the practice of clinical social work as defined in subdivision (1) of section 337.600,] and meets one of the following criteria:

(1) [Is a member in good standing and holds a certification from the Academy of Certified Social Workers;

(2)] Is currently licensed or certified as a licensed clinical social worker in another state, territory of the United States, or the District of Columbia; and

(a) Who has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education;

(b) Has been licensed for the preceding five years; and

(c) Has had no disciplinary action taken against the license for the preceding five years; or

[(3)] (2) Is currently licensed or certified as a clinical social worker in another state, territory of the United States, or the District of Columbia that extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section. The committee shall issue a provisional

clinical social worker license to any applicant who meets all requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but who has not completed the twenty-four months of supervised clinical experience required by subdivision (2) of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social worker upon completion of the twenty-four months of supervised clinical experience.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.639 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months[; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.600 to 337.639 in accordance with the provisions of subsection 14 of section 620.010, RSMo]. The committee [may] **shall** require [a specified number] **a minimum number of thirty clock hours** of continuing education [units] for renewal of a license issued pursuant to sections 337.600 to 337.639. The committee shall renew any license, **other than a provisional license**, upon application for a renewal, completion of [any] **the** required continuing education **hours** and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. **As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.**

337.653. 1. No person shall use the title of "licensed baccalaureate social worker" or "provisional licensed baccalaureate social worker" and engage in the practice of baccalaureate social work in this state unless the person is licensed as required by the provisions of sections 337.650 to 337.689.

2. A licensed baccalaureate social worker [may] **shall be deemed qualified to practice the following:**

(1) Engage in [psychosocial] assessment and evaluation **from a generalist perspective**, excluding the diagnosis and treatment of mental illness and emotional disorders;

(2) Conduct basic data gathering of records and social problems of individuals, groups, families and communities, assess such data, and formulate and implement a plan to achieve specific goals;

(3) Serve as an advocate for clients, families, groups or communities for the purpose of achieving specific goals;

(4) Counsel, excluding psychotherapy; **however, counseling shall be defined as providing support, direction, and guidance to clients by assisting them in successfully solving complex social problems;**

(5) Perform crisis intervention, screening and resolution, excluding the use of

psychotherapeutic techniques;

(6) Be a community supporter, organizer, planner or administrator for a social service program;

(7) Conduct crisis planning ranging from disaster relief planning for communities to helping individuals prepare for the death or disability of family members;

(8) Inform and refer clients to other professional services;

(9) Perform case management and outreach, including but not limited to planning, managing, directing or coordinating social services; and

(10) Engage in the training and education of social work students from an accredited institution and supervise other licensed baccalaureate social workers.

3. A licensed baccalaureate social worker [shall not] **may** engage in the [private] **independent** practice of [clinical] **baccalaureate** social work **as defined in subdivision (6) of section 337.650 and subdivisions (1) to (10) of subsection 2 of this section.**

344.040. 1. Every license issued under this chapter shall expire on June thirtieth of the year **following the year** of issuance and [each] **every other** year thereafter, **provided that licenses issued or renewed during the year 2006 may be issued or renewed by the board for a period of either one or two years, as provided by rule.** Licensees seeking renewal shall, during the month of May of [each] **the year of renewal**, file an application for renewal on forms furnished by the board, which shall include evidence satisfactory to the board of completion of the approved continuing education hours required by the board, and shall be accompanied by a renewal fee [of fifty dollars] **as provided by rule** payable to the [director] **department** of [revenue] **health and senior services.**

2. Upon receipt of an incomplete application for renewal, the board shall grant the applicant a temporary permit which shall be in effect for thirty days. The applicant is required to submit the required documentation or fee within the thirty-day period, or the board may refuse to renew his application. The thirty-day period can be extended for good cause shown for an additional thirty days. Upon receipt of the approved continuing education credits or other required documentation or fee within the appropriate time period, the board shall issue [an annual] **a license.**

3. The board shall renew the license of an applicant who has met all of the requirements for renewal.

4. As a requirement for renewal of license, the board may require not more than forty-eight clock hours of continuing education a year. The continuing education provided for under this section shall be approved by the board. There shall be a separate, nonrefundable fee for each single offering provider. The board shall set the amount of fee for any single offering provided by rules and regulations promulgated pursuant to section 536.021, RSMo. The fee shall be set at a level to produce revenue which shall

not substantially exceed the cost and expense in administering and reviewing any single offering.

5. By April first of each year, the board shall mail an application for renewal of license to every person [for whom a] **whose** license [was issued or] **shall be** renewed during the current year. The applicant must submit such information as will enable the board to determine if the applicant's license should be renewed. Information provided in the application shall be given under oath.

6. Any licensee who fails to apply to renew his license by June thirtieth **of the licensee's year of renewal** may be relicensed by the board if he meets the requirements set forth by the board pursuant to sections 344.010 to 344.100 and pays the [fifty-dollar] renewal fee **required by rule**, plus a penalty of twenty-five dollars. No action shall be taken by the board in addition to a penalty of twenty-five dollars imposed by this section against any such licensee whose license has not expired for a period of more than two months, and who has had no action in the preceding five years taken against them by the board, and who has met all other licensure requirements by June thirtieth **of the year of renewal**; provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050. A person whose license has expired for a period of more than twelve months must meet the requirements set out in section 344.030 for initial licensure.

436.218. As used in sections 436.215 to 436.272, the following terms mean:

(1) "Agency contract", an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract;

(2) "Athlete agent", an individual who enters into an agency contract with a student athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent;

(3) "Athletic director", an individual responsible for administering the overall athletic program of an educational institution or if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate;

(4) "Contact", a direct or indirect communication between an athlete agent and a student athlete to recruit or solicit the student athlete to enter into an agency contract;

(5) "Director", the director of the division of professional registration;

(6) "Division", the division of professional registration;

(7) "Endorsement contract", an agreement under which a student athlete is

employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;

(8) "Intercollegiate sport", a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics;

(9) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity;

(10) "Professional sports services contract", an agreement under which an individual is employed or agrees to render services as a player on a professional sports team, with a professional sports organization, or as a professional athlete;

(11) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(12) "Registration", registration as an athlete agent under sections 436.215 to 436.272;

(13) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(14) "Student athlete", [an individual] **a current student** who engages in, **has engaged in**, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. [If an individual is permanently ineligible to participate in a particular intercollegiate sport the individual is not a student athlete for purposes of that sport.]

621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

- Missouri State Board of Accountancy
- Missouri Board of Registration for Architects, Professional Engineers and Land Surveyors
- Board of Barber Examiners
- Board of Cosmetology
- Board of Chiropody and Podiatry
- Board of Chiropractic Examiners

Missouri Dental Board
Board of Embalmers and Funeral Directors
Board of Registration for the Healing Arts
Board of Nursing
Board of Optometry
Board of Pharmacy
Missouri Real Estate Commission
Missouri Veterinary Medical Board
Supervisor of Liquor Control
Department of Health and Senior Services
Department of Insurance
Department of Mental Health

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof **and the agency's initial settlement offer**, or file a contested case against the licensee[, at least thirty days prior to offering the licensee a settlement proposal, and provide the licensee with an opportunity to respond to the allegations];

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, [during which] to consider the agency's initial settlement offer and **to contact the agency to** discuss the terms of such settlement offer [with the agency];

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact pursuant to this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

4. If the licensee desires review by the administrative hearing commission pursuant to subdivision (3) of subsection 3 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement

and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

[5. As to a matter settled prior to August 28, 1995, by consent agreement or agreed settlement, any party to a consent agreement or agreed settlement, other than a state agency, after having received written notice at their last known address known to the agency from the respective licensing agency of a person's rights under this section, shall have six months to file an action in the circuit court of Cole County contesting the authority of any agency described in subsection 1 of this section to enter into such consent agreement or agreed settlement. Any consent agreement or agreed settlement which is not invalidated by the court pursuant to this subsection shall be given full force and effect by all courts and agencies.]

Section 1. Any provision of the law to the contrary notwithstanding, the board of pharmacy shall prepare and maintain an equitable salary schedule for professional staff that are employees of the board. The positions and classification plan for personnel attributed to the inspection of licensed entities within this chapter shall allow for a comparison of such positions with similar positions in adjoining states. Board of pharmacy professional positions shall not be compensated at more than ninety percent parity for corresponding positions within adjoining states for pharmacists employed in those positions.

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