

SECOND REGULAR SESSION

SENATE BILL NO. 844

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed January 2, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5480S.02I

AN ACT

To repeal sections 324.177, 324.180, 324.478, 332.086, 334.430, 334.625, and 334.749, RSMo, and to enact in lieu thereof seven new sections relating to the appointment power of the director of the division of professional registration.

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

Section A. Sections 324.177, 324.180, 324.478, 332.086, 334.430, 334.625, and 334.749, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 324.177, 324.180, 324.478, 332.086, 334.430, 334.625, and 334.749, to read as follows:

324.177. 1. There is hereby established an "Advisory Commission for Clinical Perfusionists" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 324.133 and shall assist the board in carrying out the provisions of sections 324.125 to 324.183.

2. The advisory commission shall consist of five perfusionist members and two public members which shall be appointed by the [governor with the advice and consent of the senate] **director of the division of professional registration**. The members of the commission shall be appointed for terms of six years; except those first appointed, of which one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years, one shall be appointed for a term of five years and one shall be appointed for a term of six years. The nonpublic commission members shall be residents of the state of Missouri for at least one year, shall be United States citizens and shall meet all the requirements for licensing provided in sections 324.125 to 324.183, shall

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 be licensed pursuant to sections 324.125 to 324.183, except the members of the
18 first commission, who shall be licensed within six months of their appointment
19 and are actively engaged in the practice of perfusion. If a member of the
20 commission shall, during the member's term as a commission member, remove the
21 member's domicile from the state of Missouri, then the commission shall
22 immediately notify the [governor] **director** and the seat of that commission
23 member shall be declared vacant. All such vacancies shall be filled by
24 appointment as in the same manner as the preceding appointment. The public
25 members shall be at the time of the members' appointment citizens of the United
26 States; residents of the state for a period of at least one year and registered
27 voters; persons who are not and never were members of any profession licensed
28 or regulated pursuant to sections 324.125 to 324.183 or the spouse of such person;
29 persons who do not have and never have had a material, financial interest in
30 either the provision of the professional services regulated by sections 324.125 to
31 324.183, or an activity or organization directly related to any profession licensed
32 or regulated by sections 324.125 to 324.183.

33 3. Notwithstanding any other provision of law to the contrary, any
34 appointed member of the commission shall receive as compensation an amount
35 established by the director of the division of professional registration not to
36 exceed seventy dollars per day for commission business plus actual and necessary
37 expenses. The director of the division of professional registration shall establish
38 by rule guidelines for payment. All staff for the commission shall be provided by
39 the division of professional registration.

40 4. A member of the commission may be removed if the member:

41 (1) Does not have, at the time of appointment, the qualifications required
42 for appointment to the commission;

43 (2) Does not maintain during service on the commission the qualifications
44 required for appointment to the commission;

45 (3) Violates any provision of sections 324.125 to 324.183;

46 (4) Cannot discharge the member's duties for a substantial part of the
47 term for which the member is appointed because of illness or disability; or

48 (5) Is absent from more than half of the regularly scheduled commission
49 meetings that the member is eligible to attend during a calendar year, unless the
50 absence is excused by a majority vote of the commission.

324.180. Not later than thirty days after the [governor] **director of the**
2 **division of professional registration** appoints the initial members of the

3 commission and annually thereafter, the commission shall meet and elect one of
4 its members as chairperson and one of its members as vice chairperson. The
5 commission shall meet at least quarterly or at any other time if called by the
6 chairperson or a majority of the commission. A majority of the members of the
7 commission shall constitute a quorum.

324.478. 1. There is hereby created within the division of professional
2 registration a committee to be known as the "Missouri Acupuncturist Advisory
3 Committee". The committee shall consist of five members, all of whom shall be
4 citizens of the United States and registered voters of the state of Missouri. The
5 **[governor] director of the division of professional registration** shall
6 appoint the members of the committee **[with the advice and consent of the senate]**
7 for terms of four years; except as provided in subsection 2 of this section. Three
8 committee members shall be acupuncturists. Such members shall at all times be
9 holders of licenses for the practice of acupuncture in this state; except for the
10 members of the first committee who shall meet the requirements for licensure
11 pursuant to sections 324.475 to 324.499. One member shall be a current board
12 member of the Missouri state board for chiropractic examiners. The remaining
13 member shall be a public member. All members shall be chosen from lists
14 submitted by the director of the division of professional registration. The
15 president of the Acupuncture Association of Missouri in office at the time shall,
16 at least ninety days prior to the expiration of the term of a board member, other
17 than the public member, or as soon as feasible after a vacancy on the board
18 otherwise occurs, submit to the director of the division of professional registration
19 a list of five acupuncturists qualified and willing to fill the vacancy in question,
20 with the request and recommendation that the **[governor] director** appoint one
21 of the five persons so listed, and with the list so submitted, the president of the
22 Acupuncture Association of Missouri shall include in his or her letter of
23 transmittal a description of the method by which the names were chosen by that
24 association.

25 2. The initial appointments to the committee shall be one member for a
26 term of one year, one member for a term of two years, one member for a term of
27 three years and two members for a term of four years.

28 3. The public member of the committee shall not be and never has been
29 a member of any profession regulated by the provisions of sections 324.475 to
30 324.499, or the spouse of any such person; and a person who does not have and
31 never has had a material financial interest in either the providing of the

32 professional services regulated by the provisions of sections 324.475 to 324.499
33 or an activity or organization directly related to the profession regulated pursuant
34 to sections 324.475 to 324.499.

35 4. Any member of the committee may be removed from the committee by
36 the [governor] **director** for neglect of duty required by law, for incompetency or
37 for unethical or dishonest conduct. Upon the death, resignation, disqualification
38 or removal of any member of the committee, the [governor] **director** shall
39 appoint a successor. A vacancy in the office of any member shall only be filled for
40 the unexpired term.

41 5. The acupuncturist advisory committee shall:

42 (1) Review all applications for licensure;

43 (2) Advise the board on all matters pertaining to the licensing of
44 acupuncturists;

45 (3) Review all complaints and/or investigations wherein there is a possible
46 violation of sections 324.475 to 324.499 or regulations promulgated pursuant
47 thereto and make recommendations and referrals to the board on complaints the
48 committee determines to warrant further action, **which may include a**
49 **recommendation for prosecuting violations of sections 324.475 to**
50 **324.499 to an appropriate prosecuting or circuit attorney;**

51 (4) Follow the provisions of the board's administrative practice procedures
52 in conducting all official duties;

53 (5) [Recommend for prosecution violations of sections 324.475 to 324.499
54 to an appropriate prosecuting or circuit attorney;

55 (6)] Assist the board, as needed and when requested by the board, in
56 conducting any inquiry or disciplinary proceedings initiated as a result of
57 committee recommendation and referral pursuant to subdivision (3) of this
58 subsection.

332.086. 1. There is hereby established a five-member "Advisory
2 Commission for Dental Hygienists", composed of dental hygienists appointed by
3 the [governor] **director of the division of professional registration** as
4 provided in subsection 2 of this section and the dental hygienist member of the
5 Missouri dental board, which shall guide, advise and make recommendations to
6 the Missouri dental board. The commission shall:

7 (1) Recommend the educational requirements to be registered as a dental
8 hygienist;

9 (2) Annually review the practice act of dental hygiene;

10 (3) Make recommendations to the Missouri dental board regarding the
11 practice, licensure, examination and discipline of dental hygienists; and

12 (4) Assist the board in any other way necessary to carry out the provisions
13 of this chapter as they relate to dental hygienists.

14 2. The members of the commission shall be appointed by the [governor
15 with the advice and consent of the senate] **director**. Each member of the
16 commission shall be a citizen of the United States and a resident of Missouri for
17 one year and shall be a dental hygienist registered and currently licensed
18 pursuant to this chapter. Members of the commission who are not also members
19 of the Missouri dental board shall be appointed for terms of five years, except for
20 the members first appointed, one of which shall be appointed for a term of two
21 years, one shall be appointed for a term of three years, one shall be appointed for
22 a term of four years and one shall be appointed for a term of five years. The
23 dental hygienist member of the Missouri dental board shall become a member of
24 the commission and shall serve a term concurrent with the member's term on the
25 dental board. All members of the initial commission shall be appointed by April
26 1, 2002. Members shall be chosen from lists submitted [by] **to** the director of the
27 division of professional registration. Lists of dental hygienists submitted to the
28 [governor] **director** may include names submitted to the director of the division
29 of professional registration by the president of the Missouri Dental Hygienists
30 Association.

31 3. The commission shall hold an annual meeting at which it shall elect
32 from its membership a chairperson and a secretary. The commission shall meet
33 in conjunction with the dental board meetings or no more than fourteen days
34 prior to regularly scheduled dental board meetings. Additional meetings shall
35 require a majority vote of the commission. A quorum of the commission shall
36 consist of a majority of its members.

37 4. Members of the commission shall receive as compensation an amount
38 set by the Missouri dental board not to exceed fifty dollars for each day devoted
39 to the duties of the commission and shall be reimbursed for all actual and
40 necessary expenses incurred in the performance of their official duties on the
41 commission and in attending meetings of the Missouri dental board. The
42 Missouri dental board shall provide all necessary staff and support services as
43 required by the commission to hold commission meetings, to maintain records of
44 official acts, and to conduct all other business of the commission.

334.430. 1. There is hereby established an "Advisory Commission for

2 Anesthesiologist Assistants" which shall guide, advise and make
3 recommendations to the board. The commission shall be responsible for the
4 ongoing examination of the scope of practice and promoting the continuing role
5 of anesthesiologist assistants in the delivery of health care services. The
6 commission shall assist the board in carrying out the provisions of sections
7 334.400 to 334.430.

8 2. The commission shall be appointed no later than July 1, 2005. The
9 commission shall be composed of five members, to be appointed by the [governor,
10 with the advice and consent of the senate] **director of the division of**
11 **professional registration**, as follows:

- 12 (1) One member of the board;
- 13 (2) One licensed anesthesiologist assistant;
- 14 (3) Two licensed, board-certified anesthesiologists; and
- 15 (4) One lay member.

16 3. Each licensed anesthesiologist assistant member shall be a citizen of
17 the United States and a resident of this state, and shall be licensed as an
18 anesthesiologist assistant by this state. Each physician member shall be a
19 United States citizen, a resident of this state and have an active license to
20 practice medicine in this state. The lay member shall be a United States citizen
21 and a resident of this state.

22 4. The licensed anesthesiologist assistant member shall be appointed to
23 serve a three-year term. The anesthesiologist members and lay member shall
24 each be appointed to serve three-year terms, except at the time the commission
25 is created, when one anesthesiologist member will be appointed for a first term
26 of two years while the second anesthesiologist member will be appointed to a
27 three-year term. This will ensure that at least one anesthesiologist member has
28 at least one year's experience as a member of the commission. Neither the
29 anesthesiologist assistant member nor the physician members shall be appointed
30 for more than two consecutive three-year terms.

31 5. The president of the Missouri Society of Anesthesiologists or its
32 successor in office at the time shall, at least ninety days prior to the expiration
33 of a term of an anesthesiologist assistant member or an anesthesiologist member
34 of the commission or as soon as feasible after such a vacancy on the commission
35 otherwise occurs, submit to the director of the division of professional registration
36 a list, not to exceed five individuals per vacancy, of qualified and willing
37 anesthesiologists or anesthesiologist assistants, respectively, to fill the vacancy

38 in question, with the request and recommendation that the [governor] **director**
39 appoint one of the persons so listed. With the list so submitted, the president of
40 the Missouri Society of Anesthesiologists shall include in a letter of transmittal
41 a description of the method by which the names were chosen by that association.

42 6. Until such time as eligible anesthesiologist assistant candidates are
43 identified, the anesthesiologist assistant seat may remain vacant or may be filled
44 by a qualified anesthesiologist candidate, at the [governor's] **director's**
45 discretion [with the advice and consent of the senate]. This member may serve
46 no more than two consecutive three-year terms or until an eligible
47 anesthesiologist assistant candidate selected by the [governor with the advice and
48 consent of the senate] **director** from a list provided as outlined above is
49 appointed.

50 7. Notwithstanding any other provision of law to the contrary, any
51 appointed member of the commission shall receive as compensation an amount
52 established by the director of the division of professional registration not to
53 exceed seventy dollars per day for commission business plus actual and necessary
54 expenses. The director of the division of professional registration shall establish
55 by rule the guidelines for payment. The board shall provide all staff for the
56 commission.

57 8. The commission shall hold an open annual meeting at which time it
58 shall elect from its membership a chairman and secretary. The commission may
59 hold such additional meetings as may be required in the performance of its
60 duties, provided that notice of every meeting shall be given to each member at
61 least ten days prior to the date of the meeting. A quorum of the commission shall
62 consist of a majority of its members.

63 9. No licensing activity or other statutory requirements shall become
64 effective until expenditures or personnel are specifically appropriated for the
65 purpose of conducting the business as required to administer the provisions of
66 sections 334.400 to 334.430 and the initial rules filed have become effective.

334.625. 1. There is hereby established an "Advisory Commission for
2 Physical Therapists" which shall guide, advise and make recommendations to the
3 board. The commission shall approve the examination required by section
4 334.530 and shall assist the board in carrying out the provisions of sections
5 334.500 to 334.620.

6 2. The commission shall be appointed no later than October 1, 1989, and
7 shall consist of five members appointed by the [governor with the advice and

8 consent of the senate] **director of the division of professional**
9 **registration.** Each member shall be a citizen of the United States and a
10 resident of this state and four shall be licensed as physical therapists by this
11 state, and one shall be licensed as a physical therapist assistant by this
12 state. Members shall be appointed to serve three-year terms, except that the first
13 commission appointed shall consist of one member whose term shall be for one
14 year; two members whose terms shall be for three years; and two members whose
15 terms shall be for two years. The president of the Missouri Physical Therapy
16 Association in office at the time shall, at least ninety days prior to the expiration
17 of the term of a commission member or as soon as feasible after a vacancy on the
18 commission otherwise occurs, submit to the director of the division of professional
19 registration a list of five physical therapists if the commission member whose
20 term is expiring is a physical therapist, or five physical therapist assistants if the
21 commission member whose term is expiring is a physical therapist assistant, with
22 the exception that the first commissioner to expire or vacancy created on the
23 commission after August 28, 2007, shall be filled by the appointment of a physical
24 therapist assistant. Each physical therapist and physical therapist assistant on
25 the list submitted to the division of professional registration shall be qualified
26 and willing to fill the vacancy in question, with the request and recommendation
27 that the [governor] **director** appoint one of the five persons so listed, and with
28 the list so submitted, the president of the Missouri Physical Therapy Association
29 shall include in his or her letter of transmittal a description of the method by
30 which the names were chosen by that association.

31 3. Notwithstanding any other provision of law to the contrary, any
32 appointed member of the commission shall receive as compensation an amount
33 established by the director of the division of professional registration not to
34 exceed seventy dollars per day for commission business plus actual and necessary
35 expenses. The director of the division of professional registration shall establish
36 by rule guidelines for payment. All staff for the commission shall be provided by
37 the board of healing arts.

38 4. The commission shall hold an annual meeting at which it shall elect
39 from its membership a chairman and secretary. The commission may hold such
40 additional meetings as may be required in the performance of its duties, provided
41 that notice of every meeting must be given to each member at least ten days prior
42 to the date of the meeting. A quorum of the board shall consist of a majority of
43 its members.

334.749. 1. There is hereby established an "Advisory Commission for
2 Physician Assistants" which shall guide, advise and make recommendations to
3 the board. The commission shall also be responsible for the ongoing examination
4 of the scope of practice and promoting the continuing role of physician assistants
5 in the delivery of health care services. The commission shall assist the board in
6 carrying out the provisions of sections 334.735 to 334.749.

7 2. The commission shall be appointed no later than October 1, 1996, and
8 shall consist of five members, one member of the board, two licensed physician
9 assistants, one physician and one lay member. The two licensed physician
10 assistant members, the physician member and the lay member shall be appointed
11 by the [governor with the advice and consent of the senate] **director of the**
12 **division of professional registration**. Each licensed physician assistant
13 member shall be a citizen of the United States and a resident of this state, and
14 shall be licensed as a physician assistant by this state. The physician member
15 shall be a United States citizen, a resident of this state, have an active Missouri
16 license to practice medicine in this state and shall be a supervising physician, at
17 the time of appointment, to a licensed physician assistant. The lay member shall
18 be a United States citizen and a resident of this state. The licensed physician
19 assistant members shall be appointed to serve three-year terms, except that the
20 first commission appointed shall consist of one member whose term shall be for
21 one year and one member whose term shall be for two years. The physician
22 member and lay member shall each be appointed to serve a three-year term. No
23 physician assistant member nor the physician member shall be appointed for
24 more than two consecutive three-year terms. The president of the Missouri
25 Academy of Physicians Assistants in office at the time shall, at least ninety days
26 prior to the expiration of a term of a physician assistant member of a commission
27 member or as soon as feasible after such a vacancy on the commission otherwise
28 occurs, submit to the director of the division of professional registration a list of
29 five physician assistants qualified and willing to fill the vacancy in question, with
30 the request and recommendation that the [governor] **director** appoint one of the
31 five persons so listed, and with the list so submitted, the president of the
32 Missouri Academy of Physicians Assistants shall include in his or her letter of
33 transmittal a description of the method by which the names were chosen by that
34 association.

35 3. Notwithstanding any other provision of law to the contrary, any
36 appointed member of the commission shall receive as compensation an amount

37 established by the director of the division of professional registration not to
38 exceed seventy dollars per day for commission business plus actual and necessary
39 expenses. The director of the division of professional registration shall establish
40 by rule guidelines for payment. All staff for the commission shall be provided by
41 the state board of registration for the healing arts.

42 4. The commission shall hold an open annual meeting at which time it
43 shall elect from its membership a chairman and secretary. The commission may
44 hold such additional meetings as may be required in the performance of its
45 duties, provided that notice of every meeting shall be given to each member at
46 least ten days prior to the date of the meeting. A quorum of the commission shall
47 consist of a majority of its members.

48 5. On August 28, 1998, all members of the advisory commission for
49 registered physician assistants shall become members of the advisory commission
50 for physician assistants and their successor shall be appointed in the same
51 manner and at the time their terms would have expired as members of the
52 advisory commission for registered physician assistants.

Bill ✓

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