

HCS HB 1700 -- PROFESSIONAL REGISTRATION (Wasson)

COMMITTEE OF ORIGIN: Special Committee on Professional  
Registration and Licensing

This substitute changes the laws regarding the licensure or registration of certain professionals in the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration and the Missouri Public Service Commission.

CERTIFIED PUBLIC ACCOUNTANTS

Certified public accountants who live out of state may qualify for a Missouri license if the state in which they hold their license has equivalent qualifications. Applicants must have an unrestricted license in their state and can only practice with a firm holding a valid state permit to practice certified public accountancy.

Permit requirements for certified public accounting firms are also expanded.

PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS

The substitute:

- (1) Specifies the services which may be provided by a physical therapist without a prescription or the direction of an approved health care provider;
- (2) Creates an inactive license for physical therapists and physical therapy assistants, establishes certain criteria to be followed when applying for an inactive status and for reinstatement of an active status, and adds additional restrictions on the issuance of temporary licenses;
- (3) Removes the provision which allows applicants to take the licensing examination only three times;
- (4) Allows physical therapists and physical therapy assistants licensed in other states to provide gratuitous services for a period not to exceed 14 days in any one calendar year;
- (5) Authorizes the State Board of Registration for the Healing Arts to destroy all documentation regarding meritless actions brought by individuals incarcerated under the Department of Corrections against licensees three months after the final disposition of the case;

(6) Authorizes the board to issue probationary licenses as an alternative to a refusal to issue, suspend, or revoke a license;

(7) Authorizes the board to file complaints with the Administrative Hearing Commission;

(8) Requires the board to publish at least quarterly a list of persons whose licenses have been revoked, suspended, surrendered, restricted, denied, or withheld except those who voluntarily enter treatment programs;

(9) Authorizes the board to suspend or restrict licenses of those who it considers to be a clear and present danger to the public;

(10) Specifies that physical therapists retain ultimate authority and responsibility of any physical therapy treatment being provided by the physical therapy assistant under their supervision; and

(11) Requires all physical therapist assistant applicants to pass a test administered by the board on the laws and rules relating to the practice of physical therapist assistants.

#### CHRISTIAN SCIENCE NURSES

The substitute allows Christian Science nurses to provide religious, nonmedical services to any person who chooses to rely upon healing by spiritual means alone. The provision which specifies that only individuals listed in the Christian Science Journal as Christian Science nurses may use the title Christian Science nurse is repealed.

#### BOARD OF PHARMACY

The position of Executive Director and Inspector within the State Board of Pharmacy must have at least three years of pharmacy experience. The substitute requires that professional positions within the board be compensated at the composite average for the corresponding positions within adjoining states and requires the board to annually conduct an equitable salary survey in order to determine the need for salary adjustments.

#### REAL ESTATE TRANSACTIONS

Currently, certain persons, partnerships, associations, or corporations acting as owners, lessors, or lessees are allowed to perform activities of a real estate broker without a license if they are not engaged in the real estate business. The substitute repeals the requirement that they are not engaged in the real

estate business.

Real estate brokers are allowed to affiliate with out-of-state real estate brokers or salespersons for transactions involving commercial real estate if those out-of-state licensees consent to certain requirements specified in the substitute.

#### MANUFACTURED HOUSING

Currently, every manufactured housing manufacturer or dealer who offers for sale four or more manufactured homes in any consecutive 12-month period must register with the Missouri Public Service Commission. The substitute changes the registration requirement to those who offer to sell four or more used homes or one or more new manufactured homes or modular units within that time period. The Manufactured Housing Consumer Recovery Fund is created to pay, subject to appropriations, claims filed by aggrieved consumers who have exhausted all other legal remedies. Manufactured home dealers are required to provide purchasers with a bill of sale or purchase agreement containing the serial number, if available, or the manufacturer name and model number of the unit along with any waivers. Every manufactured home dealer must register and pay a \$200 registration or renewal fee by January 15 of each year with a permanent physical address and telephone number of the place where the files and other records are located for inspection.

The commission may refuse to register an applicant or may suspend or revoke a registration, which will apply to all registrations held by the dealer, if there is a consistent pattern of abuse. The commission, through its general counsel, may seek remedies in a circuit court for violations.

#### LICENSING FEES

The substitute authorizes the Division of Professional Registration to reduce license fees by emergency rule if the projected fund balance of any agency assigned to the division is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

FISCAL NOTE: No impact on General Revenue Fund in FY 2009, FY 2010, and FY 2011. Estimated Cost on Other State Funds of Unknown exceeding \$116,553 in FY 2009, FY 2010, and FY 2011.