

HCS HB 57 -- PROFESSIONAL REGISTRATION

SPONSOR: Wildberger (Wasson)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Professional Registration and Licensing by a vote of 12 to 0.

This substitute changes the laws regarding certain professions including child care, registered surgical technologists, the Elevator Safety Board, medical school certification, and dentistry.

CHILD CARE

Currently, a person who cares for fewer than five children, not including any children related to the caregiver by blood, marriage, or adoption within the third degree, is not required to obtain a child care facility license. The substitute changes the provision to include these related children in the total child care count except for those children living in the house. Any unlicensed child care facility with fewer than five children will be required to disclose its exempt status to the parents or guardians of the children for which the facility provides care. Any person violating child care licensure requirements or illegally obtaining a child care license will be guilty of a class A misdemeanor and assessed a fine of \$200 per day up to \$10,000. Unlicensed child care facilities operating illegally can be immediately closed by the Department of Health and Senior Services and the county prosecuting attorney may file suit to obtain a permanent order preventing the facility from further operations.

REGISTERED SURGICAL TECHNOLOGIST TITLE PROTECTION ACT

The substitute establishes the Registered Surgical Technologist Title Protection Act. In its main provisions, the substitute:

- (1) Requires persons wishing to practice as registered surgical technologists to be registered with the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration;
- (2) Requires applicants to be certified by the Liaison Council on Certification for the Surgical Technologist or complete an accredited surgical technologist program approved by the board;
- (3) Requires all registered surgical technologists to practice under the direct supervision of a licensed physician, dentist, or podiatrist;

(4) Makes it unlawful for any person to present himself or herself as a registered surgical technologist without first being duly registered with the board;

(5) Exempts certain licensed health care professionals from registration;

(6) Authorizes the board to establish rules; set fees; refuse to issue, renew, or restore a registration; or place a person on probation, censure, reprimand, or take other disciplinary action for violations specified in the substitute; and

(7) Creates the Registered Surgical Technologist Fund to be used by the board for the administration of the act.

#### SURGICAL TECHNOLOGY

The substitute specifies that "surgical technology" is intraoperative surgical patient care involving operating room and surgical equipment preparation and performing directed tasks within the sterile field and establishes the required criteria before an individual can practice surgical technology in a health care facility.

#### ELEVATOR SAFETY BOARD

The membership of the Elevator Safety Board within the Department of Public Safety is increased from 11 to 12 by adding one member who represents an elevator company that installs, services, and maintains elevators and elevator-related equipment but is not a manufacturer.

#### MEDICAL SCHOOL CERTIFICATION

The substitute requires the Coordinating Board for Higher Education, prior to issuing a certificate of approval to a medical school organized as a for-profit corporation, to submit a study to the General Assembly examining the need for medical schools in the state and the impact of certification of medical schools as for-profit corporations.

#### TEETH WHITENING

The substitute specifies that any person providing teeth-whitening services to another person by the use of products not readily available to the public through over-the-counter purchase will be considered to be engaging in the practice of dentistry. Application of whitening formulations may be done by licensed dental hygienists and registered dental assistants, but only under the appropriate level of supervision of a licensed dentist.

Any person who takes dental impressions or performs any part of the teeth-whitening process without being under the appropriate level of supervision of a licensed dentist will be deemed to be engaging in the practice of dentistry.

The provisions regarding the Registered Surgical Technologist Title Protection Act become effective July 1, 2010.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that the bill creates standards and training for individuals wishing to become certified as surgical technologists. The bill only requires registration and not licensure which will be more cost efficient.

Testifying for the bill was Representative Wildberger.

OPPOSERS: There was no opposition voiced to the committee.