

HCS SB 325 -- PROFESSIONAL REGISTRATION

SPONSOR: Wasson (Smith, 150)

COMMITTEE ACTION: Voted "do pass" by the Committee on Professional Registration and Licensing by a vote of 18 to 0.

This substitute changes the law regarding professional registration.

PROFESSIONAL LICENSES

The substitute requires any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to notify any known current employer of a change in a licensee's license and discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensing status of an employee.

LIMITED DENTAL TEACHING LICENSES

The Missouri Dental Board within the department is authorized to issue a limited teaching license to a dentist employed as an instructor in an accredited dental school located in this state. The substitute also:

- (1) Limits the licensee to practice dentistry to the confines of the dental school program;
- (2) Requires a limited teaching license to be renewed every two years;
- (3) Requires a limited teaching licensee to be subject to discipline by the board and a license to be canceled or nullified if the holder ceases to be employed by the dental school; and
- (4) Specifies the requirements to qualify for a license.

LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS

The substitute:

- (1) Allows an individual with a general equivalency diploma to be eligible for a license as a funeral director or an embalmer;
- (2) Removes the requirement that a licensee be a Missouri

resident or a resident of a county which borders Missouri;

(3) Removes the provision requiring an applicant for an embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to complete a program accredited by the American Board of Funeral Service Education or another accrediting entity approved by the State Board of Embalmers and Funeral Directors within the department;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprentice program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration district recorded in the office of the local registrar of vital statistics; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state.

#### LICENSED PRACTICAL NURSES

A licensed practical nurse who is an approved instructor for the level 1 medication aid program will be qualified to teach the insulin administration course; and any licensed practical nurse working in a residential care or assisted living facility will be qualified to perform diabetic nail care and monthly onsite reviews of basic personal care recipients as required by the Department of Social Services and to perform dietary oversight as required by the Department of Health and Senior Services.

#### VETERINARY LEGEND DRUGS

A licensed veterinarian is allowed to administer or prescribe only for use in animals any medicine, drug, or pharmaceutical product including legend drugs under 21 U.S.C. Section 353 by expanding Class L veterinary permits issued by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to include the administering or prescribing of legend drugs.

The membership of an advisory committee appointed by the board to review and make recommendations to it regarding drug distributors is increased from five to six by adding a licensed veterinarian recommended by the Board of Veterinary Medicine within the department. The committee will also review and make recommendations to the Board of Pharmacy regarding rules and

regulations on veterinary legend drugs.

#### WHOLESALE DRUG DISTRIBUTORS

The substitute defines "legend drug" as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to certain federal laws and required to be dispensed by prescription only or used by practitioners only excluding any drug being used for conducting a clinical trial or investigation.

#### REAL ESTATE LICENSEE LIABILITY

Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee. The substitute specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

#### ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, AND WELL DIGGERS

The substitute increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, landscape architect, or well digger.

The statute of limitations for an error or omission in a land survey is increased from five years after the error or omission is discovered to 10 years from the completion of the survey.

#### PRENEED FUNERAL CONTRACTS

The substitute revises the definition of "insurance-funded preneed contracts" to include preneed contracts designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract in an account in the beneficiary's name and payable on the beneficiary's death to the seller. The substitute also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.

The substitute contains an emergency clause for the provisions regarding wholesale drug distributors.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill provides safeguards to the public and will help employers who are being penalized because they are not aware that an employee's license has been sanctioned.

Testifying for the bill were Senator Wasson; and Missouri Health Care Association.

OPPOSERS: There was no opposition voiced to the committee.