

HCS SS SB 416 -- PROFESSIONAL REGISTRATION

SPONSOR: Wasson (Fraker)

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Professional Registration by a vote of 15 to 0. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 10 to 0.

This bill changes the laws regarding professional registration.

HEALTH INFORMATION (Sections 191.236 - 191.238, RSMo)

The bill establishes the Missouri Health Information Exchange Commission that has authority to develop a process by which a health information organization may receive approval status from the commission. The process must include compliance with commonly and equally applied standards designed to ensure adherence to nationally recognized standards for interoperability between approved health information organizations, conduct operations in a transparent manner to promote consumer confidence, adoption and adherence to commission rules regarding access to and use and disclosure of protected health information, financial and operational sustainability in the absence of state and federal funding, and maintenance of policies and procedures to address data security. The commission must develop a re-approval process and a process for the investigation of reported complaints and concerns, as well as develop and impose the appropriate proactive and remedial measures to address any identified deficiencies. The state must end the practice of conveying state designated entity status to any health information organization and cease awarding and funding single source vendor contracts to health information organizations operating within the state. Approved organizations may respond to contracting opportunities. An organization must exchange standard-based clinical summaries for patients and all clinical and claims data from an agency with all other approved organizations in the state. Failure to exchange the information must result in the suspension or revocation of approval status by the commission and the immediate termination of any contracts, grants, and other forms of state funding.

FUNERAL DIRECTORS (Sections 194.119 and 214.208)

The bill specifies that if a funeral director has knowledge that there is more than one person in a class who is equal in priority and who does not agree on the disposition of a dead human body, the decision of the majority of the members of that class must control the disposition. Proxy voting is permitted for conducting a majority vote.

PROFESSIONAL REGISTRATION (Sections 324.001 and 621.280)

The bill establishes guidelines for the regulation of occupations and professions not regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration prior to January 1, 2016. An individual may engage in the occupation of his or her choice, free from unreasonable government regulation and the state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is an important governmental interest for the state to protect the general welfare. If an interest exists, the regulation adopted by the state must be substantially related to the public interest to be protected. All bills introduced in the General Assembly to regulate an occupation or profession for the first time must be reviewed according to specified criteria.

After January 1, 2016, an applicant group must submit a written report explaining specified factors to the legislative committee of reference. Any legislative proposal that contains a continuing education requirement must be accompanied by an explanation of how the requirement could be effective for the profession addressed in the legislation.

These provisions cannot be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified, or registered with the government or to create a right of action against the state, county, municipal, or other level of government in the state.

For any new board or commission created after July 1, 2015, and charged with regulating or licensing an occupation or profession, the bill specifies that those practitioners actively engaged in a newly regulated occupation or profession for at least one year prior to the effective date of the regulatory statute must have a property right in his or her continued legal ability to engage in his or her occupation or profession and specified due process rights.

COLLABORATIVE AGREEMENTS (Section 334.104)

The bill authorizes an advanced practice registered nurse and a collaborating physician to enter into agreements allowing an advanced practice registered nurse to communicate with the collaborating physician or designated physician either in person or electronically for consultation when diagnosing and treating acutely or chronically ill or injured patients.

PROPONENTS: Supporters say that the bill solves a problem which occurs between disagreeing family members and keeps it out of the courts.

Testifying for the bill were Senator Wasson; Missouri Funeral Directors and Embalmers Association; and Associated Cemeteries of Missouri.

OPPONENTS: There was no opposition voiced to the committee.