

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 635, Page 3, Section 191.1085, Line 35,
2 by inserting after all of said section and line the following:

3
4 "324.001. 1. For the purposes of this section, the following terms mean:

5 (1) "Department", the department of insurance, financial institutions and professional
6 registration;

7 (2) "Director", the director of the division of professional registration; and

8 (3) "Division", the division of professional registration.

9 2. There is hereby established a "Division of Professional Registration" assigned to the
10 department of insurance, financial institutions and professional registration as a type III transfer,
11 headed by a director appointed by the governor with the advice and consent of the senate. All of the
12 general provisions, definitions and powers enumerated in section 1 of the Omnibus State
13 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its
14 divisions, agencies, and personnel.

15 3. The director of the division of professional registration shall promulgate rules and
16 regulations which designate for each board or commission assigned to the division the renewal date
17 for licenses or certificates. After the initial establishment of renewal dates, no director of the
18 division shall promulgate a rule or regulation which would change the renewal date for licenses or
19 certificates if such change in renewal date would occur prior to the date on which the renewal date
20 in effect at the time such new renewal date is specified next occurs. Each board or commission
21 shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees
22 set by a board or commission shall be effective for the entire licensing period involved, and shall
23 not be increased during any current licensing period. Persons who are required to pay their first
24 registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the
25 period remaining at the time the fees are paid. Each board or commission shall provide the
26 necessary forms for initial registration, and thereafter the director may prescribe standard forms for
27 renewal of licenses and certificates. Each board or commission shall by rule and regulation require
28 each applicant to provide the information which is required to keep the board's records current.
29 Each board or commission shall have the authority to collect and analyze information required to
30 support workforce planning and policy development. Such information shall not be publicly
31 disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each
32 board or commission shall issue the original license or certificate.

33 4. The division shall provide clerical and other staff services relating to the issuance and
34 renewal of licenses for all the professional licensing and regulating boards and commissions
35 assigned to the division. The division shall perform the financial management and clerical functions
36 as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of

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1 licenses and certificates" means the ministerial function of preparing and delivering licenses or
2 certificates, and obtaining material and information for the board or commission in connection with
3 the renewal thereof. It does not include any discretionary authority with regard to the original
4 review of an applicant's qualifications for licensure or certification, or the subsequent review of
5 licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the
6 licensee or certificate holder. The division may develop and implement microfilming systems and
7 automated or manual management information systems.

8 5. The director of the division shall maintain a system of accounting and budgeting, in
9 cooperation with the director of the department, the office of administration, and the state auditor's
10 office, to ensure proper charges are made to the various boards for services rendered to them. The
11 general assembly shall appropriate to the division and other state agencies from each board's funds
12 moneys sufficient to reimburse the division and other state agencies for all services rendered and all
13 facilities and supplies furnished to that board.

14 6. For accounting purposes, the appropriation to the division and to the office of
15 administration for the payment of rent for quarters provided for the division shall be made from the
16 "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the
17 purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it
18 from each board's fund. Each board shall contribute a prorated amount necessary to fund the
19 division for services rendered and rent based upon the system of accounting and budgeting
20 established by the director of the division as provided in subsection 5 of this section. Transfers of
21 funds to the professional registration fees fund shall be made by each board on July first of each
22 year; provided, however, that the director of the division may establish an alternative date or dates
23 of transfers at the request of any board. Such transfers shall be made until they equal the prorated
24 amount for services rendered and rent by the division. The provisions of section 33.080 to the
25 contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of
26 general revenue.

27 7. The director of the division shall be responsible for collecting and accounting for all
28 moneys received by the division or its component agencies. Any money received by a board or
29 commission shall be promptly given, identified by type and source, to the director. The director
30 shall keep a record by board and state accounting system classification of the amount of revenue the
31 director receives. The director shall promptly transmit all receipts to the department of revenue for
32 deposit in the state treasury to the credit of the appropriate fund. The director shall provide each
33 board with all relevant financial information in a timely fashion. Each board shall cooperate with
34 the director by providing necessary information.

35 8. All educational transcripts, test scores, complaints, investigatory reports, and information
36 pertaining to any person who is an applicant or licensee of any agency assigned to the division of
37 professional registration by statute or by the department are confidential and may not be disclosed to
38 the public or any member of the public, except with the written consent of the person whose records
39 are involved. The agency which possesses the records or information shall disclose the records or
40 information if the person whose records or information is involved has consented to the disclosure.
41 Each agency is entitled to the attorney-client privilege and work-product privilege to the same
42 extent as any other person. Provided, however, that any board may disclose confidential
43 information without the consent of the person involved in the course of voluntary interstate
44 exchange of information, or in the course of any litigation concerning that person, or pursuant to a
45 lawful request, or to other administrative or law enforcement agencies acting within the scope of
46 their statutory authority. Information regarding identity, including names and addresses,
47 registration, and currency of the license of the persons possessing licenses to engage in a
48 professional occupation and the names and addresses of applicants for such licenses is not

1 confidential information.

2 9. Any deliberations conducted and votes taken in rendering a final decision after a hearing
3 before an agency assigned to the division shall be closed to the parties and the public. Once a final
4 decision is rendered, that decision shall be made available to the parties and the public.

5 10. A compelling governmental interest shall be deemed to exist for the purposes of section
6 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any
7 agency assigned to the division of professional registration is reasonably expected to exceed an
8 amount that would require transfer from that fund to general revenue.

9 11. (1) The following boards and commissions are assigned by specific type transfers to the
10 division of professional registration: Missouri state board of accountancy, chapter 326; board of
11 cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,
12 professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri
13 state board of chiropractic examiners, chapter 331; state board of registration for the healing arts,
14 chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors,
15 chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335;
16 board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate
17 appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The
18 governor shall appoint members of these boards by and with the advice and consent of the senate.

19 (2) The boards and commissions assigned to the division shall exercise all their respective
20 statutory duties and powers, except those clerical and other staff services involving collecting and
21 accounting for moneys and financial management relating to the issuance and renewal of licenses,
22 which services shall be provided by the division, within the appropriation therefor. Nothing herein
23 shall prohibit employment of professional examining or testing services from professional
24 associations or others as required by the boards or commissions on contract. Nothing herein shall
25 be construed to affect the power of a board or commission to expend its funds as appropriated.
26 However, the division shall review the expense vouchers of each board. The results of such review
27 shall be submitted to the board reviewed and to the house and senate appropriations committees
28 annually.

29 (3) Notwithstanding any other provisions of law, the director of the division shall exercise
30 only those management functions of the boards and commissions specifically provided in the
31 Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel
32 other than board personnel, and equipment.

33 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331,
34 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and
35 responsibilities are in areas not related to the clerical duties involving the issuance and renewal of
36 licenses, to the collecting and accounting for moneys, or to financial management relating to
37 issuance and renewal of licenses; specifically included are executive secretaries (or comparable
38 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these
39 positions; and such other positions as are established and authorized by statute for a particular board
40 or commission. Boards and commissions may employ legal counsel, if authorized by law, and
41 temporary personnel if the board is unable to meet its responsibilities with the employees authorized
42 above. Any board or commission which hires temporary employees shall annually provide the
43 division director and the appropriation committees of the general assembly with a complete list of
44 all persons employed in the previous year, the length of their employment, the amount of their
45 remuneration, and a description of their responsibilities.

46 (5) Board personnel for each board or commission shall be employed by and serve at the
47 pleasure of the board or commission, shall be supervised as the board or commission designates, and
48 shall have their duties and compensation prescribed by the board or commission, within

1 appropriations for that purpose, except that compensation for board personnel shall not exceed that
2 established for comparable positions as determined by the board or commission pursuant to the job
3 and pay plan of the department of insurance, financial institutions and professional registration.
4 Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by
5 board action.

6 12. All the powers, duties, and functions of the division of athletics, chapter 317, and
7 others, are assigned by type I transfer to the division of professional registration.

8 13. Wherever the laws, rules, or regulations of this state make reference to the "division of
9 professional registration of the department of economic development", such references shall be
10 deemed to refer to the division of professional registration.

11 14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state
12 committee of psychologists, state board of chiropractic examiners, state board of optometry,
13 Missouri board of occupational therapy, or state board of registration for the healing arts may
14 individually or collectively enter into a contractual agreement with the department of health and
15 senior services, a public institution of higher education, or a nonprofit entity for the purpose of
16 collecting and analyzing workforce data from its licensees, registrants, or permit holders for future
17 workforce planning and to assess the accessibility and availability of qualified health care services
18 and practitioners in Missouri. The boards shall work collaboratively with other state governmental
19 entities to ensure coordination and avoid duplication of efforts.

20 (2) The boards may expend appropriated funds necessary for operational expenses of the
21 program formed under this subsection. Each board is authorized to accept grants to fund the
22 collection or analysis authorized in this subsection. Any such funds shall be deposited in the
23 respective board's fund.

24 (3) Data collection shall be controlled and approved by the applicable state board
25 conducting or requesting the collection. Notwithstanding the provisions of section 334.001, the
26 boards may release identifying data to the contractor to facilitate data analysis of the health care
27 workforce including, but not limited to, geographic, demographic, and practice or professional
28 characteristics of licensees. The state board shall not request or be authorized to collect income or
29 other financial earnings data.

30 (4) Data collected under this subsection shall be deemed the property of the state board
31 requesting the data. Data shall be maintained by the state board in accordance with chapter 610,
32 provided that any information deemed closed or confidential under subsection 8 of this section or
33 any other provision of state law shall not be disclosed without consent of the applicable licensee or
34 entity or as otherwise authorized by law. Data shall only be released in an aggregate form by
35 geography, profession or professional specialization, or population characteristic in a manner that
36 cannot be used to identify a specific individual or entity. Data suppression standards shall be
37 addressed and established in the contractual agreement.

38 (5) Contractors shall maintain the security and confidentiality of data received or collected
39 under this subsection and shall not use, disclose, or release any data without approval of the
40 applicable state board. The contractual agreement between the applicable state board and contractor
41 shall establish a data release and research review policy to include legal and institutional review
42 board, or agency equivalent, approval.

43 (6) Each board may promulgate rules subject to the provisions of this subsection and
44 chapter 536 to effectuate and implement the workforce data collection and analysis authorized by
45 this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is
46 created under the authority delegated in this section shall become effective only if it complies with
47 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
48 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly

1 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
3 adopted after August 28, 2016, shall be invalid and void."; and

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5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.