

SECOND REGULAR SESSION

# HOUSE BILL NO. 2506

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DERGES.

4908H.02I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 332.181, 332.261, 334.036, 334.075, 334.150, 334.507, 336.080, and 337.050, RSMo, and to enact in lieu thereof eight new sections relating to health care professionals.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 332.181, 332.261, 334.036, 334.075, 334.150, 334.507, 336.080, and 337.050, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 332.181, 332.261, 334.036, 334.075, 334.150, 334.507, 336.080, and 337.050, to read as follows:

332.181. 1. No person shall engage in the practice of dentistry in Missouri without having first secured a license as provided for in this chapter.

2. Any person desiring a license to practice dentistry in Missouri shall pay the required fee and make application to the board on a form prescribed by the board pursuant to section 332.141. An application for licensure shall be active for one year after the date it is received by the board. The application becomes void if not completed within such one-year period.

3. All persons once licensed to practice dentistry in Missouri shall renew his or her license to practice dentistry in Missouri on or before the license renewal date and shall display his or her license for each current licensing period in the office in which he or she practices or offers to practice dentistry.

4. Effective with the licensing period beginning on December 1, 2002, a license shall be renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of completion of fifty hours of continuing education during the two-year period

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 immediately preceding the renewal period. Each dentist shall maintain documentation of  
16 completion of the required continuing education hours as provided by rule. Failure to obtain  
17 the required continuing education hours, submit satisfactory evidence, or maintain  
18 documentation is a violation of section 332.321. As provided by rule, the board may  
19 waive and/or extend the time requirements for completion of continuing education for reasons  
20 related to health, military service, foreign residency or for other good cause. All requests for  
21 waivers and/or extensions of time shall be made in writing and submitted to the board before  
22 the renewal date.

23 **5. The board shall give eight hours of continuing education credit for each day a**  
24 **dentist works on a volunteer basis within his or her professional scope of practice at a**  
25 **nonprofit entity. The board shall not give credit for a day of volunteering unless the**  
26 **dentist worked on a volunteer basis for at least four hours of that day. The board shall**  
27 **limit the number of continuing education credit hours that may be given for volunteer**  
28 **work under this subsection to sixteen hours per year.**

29 **6.** Any licensed dentist who fails to renew his or her license on or before the renewal  
30 date may apply to the board for renewal of his or her license within four years subsequent to  
31 the date of the license expiration. To renew an expired license, the person shall submit an  
32 application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and submit  
33 satisfactory evidence of completion of at least fifty hours of continuing education for each  
34 renewal period that his or her license was expired as provided by rule. The required hours  
35 must be obtained within four years prior to renewal. The license of any dentist who fails to  
36 renew within four years of the time his or her license has expired shall be void. The dentist  
37 may apply for a new license; provided that, unless application is made under section 332.321,  
38 the dentist shall pay the same fees and be examined in the same manner as an original  
39 applicant for licensure as a dentist.

332.261. 1. No person shall engage in the practice of dental hygiene without having  
2 first secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dental hygiene in Missouri shall pay the  
4 required fee and make application to the board on a form prescribed by the board pursuant to  
5 section 332.241. An application for licensure shall be active for one year after the date it is  
6 received by the board. The application becomes void if not completed within such one-year  
7 period.

8 3. All persons once licensed to practice as a dental hygienist in Missouri shall renew  
9 his or her license to practice on or before the renewal date and shall display his or her license  
10 for each current licensing period in the office in which he or she practices or offers to practice  
11 as a dental hygienist.

12           4. Effective with the licensing period beginning on December 1, 2002, a license shall  
13 be renewed every two years. To renew a license, each dental hygienist shall submit  
14 satisfactory evidence of completion of thirty hours of continuing education during the two-  
15 year period immediately preceding the renewal period. Each dental hygienist shall maintain  
16 documentation of completion of the required continuing education hours as provided by rule.  
17 Failure to obtain the required continuing education hours, submit satisfactory evidence, or  
18 maintain documentation is a violation of section 332.321 and may subject the licensee to  
19 discipline. As provided by rule, the board may waive and/or extend the time requirements for  
20 completion of the continuing education for reasons related to health, military service, foreign  
21 residency or for other good cause. All requests for waivers and/or extensions of time shall be  
22 made in writing and submitted to the board before the renewal date.

23           5. **The board shall give eight hours of continuing education credit for each day a**  
24 **dental hygienist works on a volunteer basis within his or her professional scope of**  
25 **practice at a nonprofit entity. The board shall not give credit for a day of volunteering**  
26 **unless the dental hygienist worked on a volunteer basis for at least four hours of that**  
27 **day. The board shall limit the number of continuing education credit hours that may be**  
28 **given for volunteer work under this subsection to sixteen hours per year.**

29           6. Any licensed dental hygienist who fails to renew his or her license on or before the  
30 renewal date may apply to the board for renewal of his or her license within four years  
31 subsequent to the date of the license expiration. To renew an expired license, the person shall  
32 submit an application for renewal, pay the renewal fee and renewal penalty fee as set by rule,  
33 and submit satisfactory evidence of completion of at least thirty hours of continuing education  
34 for each renewal period that his or her license was expired as provided by rule. The required  
35 hours must be obtained within four years prior to renewal. The license of any dental hygienist  
36 who fails to renew within four years of the time his or her license has expired shall be void.  
37 The dental hygienist may reapply for a license; provided that, unless application is made  
38 under section 332.281, the dental hygienist shall pay the same fees and be examined in the  
39 same manner as an original applicant for licensure as a dental hygienist.

334.036. 1. For purposes of this section, the following terms shall mean:

2           (1) "Assistant physician", any medical school graduate who:

3           (a) Is a resident and citizen of the United States or is a legal resident alien;

4           (b) Has successfully completed Step 2 of the United States Medical Licensing  
5 Examination or the equivalent of such step of any other board-approved medical licensing  
6 examination within the three-year period immediately preceding application for licensure as  
7 an assistant physician, or within three years after graduation from a medical college or  
8 osteopathic medical college, whichever is later;

9 (c) Has not completed an approved postgraduate residency and has successfully  
10 completed Step 2 of the United States Medical Licensing Examination or the equivalent of  
11 such step of any other board-approved medical licensing examination within the immediately  
12 preceding three-year period unless when such three-year anniversary occurred he or she was  
13 serving as a resident physician in an accredited residency in the United States and continued  
14 to do so within thirty days prior to application for licensure as an assistant physician; and

15 (d) Has proficiency in the English language.

16

17 Any medical school graduate who could have applied for licensure and complied with the  
18 provisions of this subdivision at any time between August 28, 2014, and August 28, 2017,  
19 may apply for licensure and shall be deemed in compliance with the provisions of this  
20 subdivision;

21 (2) "Assistant physician collaborative practice arrangement", an agreement between a  
22 physician and an assistant physician that meets the requirements of this section and section  
23 334.037;

24 (3) "Medical school graduate", any person who has graduated from a medical college  
25 or osteopathic medical college described in section 334.031.

26 2. (1) An assistant physician collaborative practice arrangement shall limit the  
27 assistant physician to providing only primary care services and only in medically underserved  
28 rural or urban areas of this state or in any pilot project areas established in which assistant  
29 physicians may practice.

30 (2) For a physician-assistant physician team working in a rural health clinic under the  
31 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

32 (a) An assistant physician shall be considered a physician assistant for purposes of  
33 regulations of the Centers for Medicare and Medicaid Services (CMS); and

34 (b) No supervision requirements in addition to the minimum federal law shall be  
35 required.

36 3. (1) For purposes of this section, the licensure of assistant physicians shall take  
37 place within processes established by rules of the state board of registration for the healing  
38 arts. The board of healing arts is authorized to establish rules under chapter 536 establishing  
39 licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and  
40 addressing such other matters as are necessary to protect the public and discipline the  
41 profession. No licensure fee for an assistant physician shall exceed the amount of any  
42 licensure fee for a physician assistant. An application for licensure may be denied or the  
43 licensure of an assistant physician may be suspended or revoked by the board in the same  
44 manner and for violation of the standards as set forth by section 334.100, or such other  
45 standards of conduct set by the board by rule. No rule or regulation shall require an assistant

46 physician to complete more hours of continuing medical education than that of a licensed  
47 physician. **The board shall give eight hours of continuing education credit for each day**  
48 **an assistant physician works on a volunteer basis within his or her professional scope of**  
49 **practice at a nonprofit entity. The board shall not give credit for a day of volunteering**  
50 **unless the assistant physician worked on a volunteer basis for at least four hours of that**  
51 **day. The board shall limit the number of continuing education credit hours that may be**  
52 **given for volunteer work under this subdivision to sixteen hours per year.**

53 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is  
54 created under the authority delegated in this section shall become effective only if it complies  
55 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
56 This section and chapter 536 are nonseverable and if any of the powers vested with the  
57 general assembly under chapter 536 to review, to delay the effective date, or to disapprove  
58 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
59 authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

60 (3) Any rules or regulations regarding assistant physicians in effect as of the effective  
61 date of this section that conflict with the provisions of this section and section 334.037 shall  
62 be null and void as of the effective date of this section.

63 4. An assistant physician shall clearly identify himself or herself as an assistant  
64 physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant  
65 physician shall practice or attempt to practice without an assistant physician collaborative  
66 practice arrangement, except as otherwise provided in this section and in an emergency  
67 situation.

68 5. The collaborating physician is responsible at all times for the oversight of the  
69 activities of and accepts responsibility for primary care services rendered by the assistant  
70 physician.

71 6. The provisions of section 334.037 shall apply to all assistant physician  
72 collaborative practice arrangements. Any renewal of licensure under this section shall  
73 include verification of actual practice under a collaborative practice arrangement in  
74 accordance with this subsection during the immediately preceding licensure period.

75 7. Each health carrier or health benefit plan that offers or issues health benefit plans  
76 that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an  
77 assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on  
78 the same basis that the health carrier or health benefit plan covers the service when it is  
79 delivered by another comparable mid-level health care provider including, but not limited to,  
80 a physician assistant.

334.075. 1. The board shall not renew any certificate of registration unless the  
2 licensee shall provide satisfactory evidence that he **or she** has complied with the board's

3 minimum requirements for continuing education. At the discretion of the board, compliance  
4 with the provisions of this section may be waived for licensed physicians who have  
5 discontinued their practice of medicine because of retirement.

6 **2. The board shall give eight hours of continuing education credit for each day a**  
7 **licensee works on a volunteer basis within his or her professional scope of practice at a**  
8 **nonprofit entity. The board shall not give credit for a day of volunteering unless the**  
9 **licensee worked on a volunteer basis for at least four hours of that day. The board shall**  
10 **limit the number of continuing education credit hours that may be given for volunteer**  
11 **work under this subsection to sixteen hours per year.**

334.150. It is not intended by sections 334.010 to 334.140 to prohibit isolated or  
2 occasional gratuitous service to and treatment of the afflicted, and sections 334.010 to  
3 334.140 shall not apply to physicians and surgeons commissioned as officers of the Armed  
4 Forces of the United States or of the public health services of the United States while in the  
5 performance of their official duties, nor to any licensed practitioner of medicine and surgery  
6 in ~~[a border]~~ **another** state attending the sick in this state, **including attending to the sick at**  
7 **an organization located in this state that is exempt from taxation under Section 501(c)(3)**  
8 **of the Internal Revenue Code**, if he **or she** does not maintain an office or appointed place to  
9 meet patients or receive calls within the limits of this state, and if he **or she** complies with the  
10 statutes of Missouri and the rules and regulations of the department of social services relating  
11 to the reports of births, deaths and contagious diseases; and sections 334.010 to 334.140 shall  
12 not apply to Christian Science practitioners who endeavor to cure or prevent disease or  
13 suffering exclusively by spiritual means or prayer, so long as quarantine regulations relating  
14 to contagious diseases are not infringed upon; but no provision of this section shall be  
15 construed or held in any way to interfere with the enforcement of the rules and regulations  
16 adopted and approved by the department of health and senior services or any municipality  
17 under the laws of this state for the control of communicable or contagious diseases.

334.507. Each person licensed pursuant to sections 334.500 to 334.685 shall  
2 accumulate thirty hours of continuing education every two years to be eligible for relicensure,  
3 as follows:

4 (1) Continuing education shall be obtained through courses approved by the Missouri  
5 advisory commission for physical therapists and physical therapist assistants;

6 (2) Ten hours of continuing education shall be equivalent to one continuing education  
7 unit;

8 (3) Adherence to the continuing education requirement shall be reviewed for  
9 licensure renewal in each even-numbered year and shall include all approved continuing  
10 education courses taken during the previous two years; **and**

11           **(4) The board shall give eight hours of continuing education credit for each day a**  
12 **licensee works on a volunteer basis within his or her professional scope of practice at a**  
13 **nonprofit entity. The board shall not give credit for a day of volunteering unless the**  
14 **licensee worked on a volunteer basis for at least four hours of that day. The board shall**  
15 **limit the number of continuing education credit hours that may be given for volunteer**  
16 **work under this subdivision to sixteen hours per year.**

          336.080. 1. Every licensed optometrist who continues in active practice or service  
2 shall, on or before the renewal date, renew his or her license and pay the required renewal fee  
3 and present satisfactory evidence to the board of his or her attendance for a minimum of  
4 thirty-two hours of board-approved continuing education, or their equivalent during the  
5 preceding two-year continuing education reporting period as established by rule and  
6 regulation. As part of the thirty-two hours of continuing education, a licensed optometrist  
7 shall be required to obtain two hours in the area of Missouri jurisprudence, as approved by the  
8 board. **The board shall give eight hours of continuing education credit for each day an**  
9 **optometrist works on a volunteer basis within his or her professional scope of practice at**  
10 **a nonprofit entity. The board shall not give credit for a day of volunteering unless the**  
11 **optometrist worked on a volunteer basis for at least four hours of that day. The board**  
12 **shall limit the number of continuing education credit hours that may be given for**  
13 **volunteer work under this subsection to sixteen hours per year.** The continuing education  
14 requirement may be waived by the board upon presentation to it of satisfactory evidence of  
15 the illness of the optometrist or for other good cause as defined by rule and regulation. The  
16 board shall not reject any such application if approved programs are not available within the  
17 state of Missouri. Every license which has not been renewed on or before the renewal date  
18 shall expire.

19           2. Any licensed optometrist who permits his or her license to expire may renew it  
20 within five years of expiration upon payment of the required reactivation fee and presentation  
21 of satisfactory evidence to the board of his or her attendance for a minimum of forty-eight  
22 hours of board-approved continuing education, or their equivalent, during the five years.

          337.050. 1. There is hereby created and established a "State Committee of  
2 Psychologists", which shall consist of seven licensed psychologists and one public member.  
3 The state committee of psychologists existing on August 28, 1989, is abolished. Nothing in  
4 this section shall be construed to prevent the appointment of any current member of the state  
5 committee of psychologists to the new state committee of psychologists created on August  
6 28, 1989.

7           2. Appointments to the committee shall be made by the governor upon the  
8 recommendations of the director of the division, upon the advice and consent of the senate.  
9 The division, prior to submitting nominations, shall solicit nominees from professional

10 psychological associations and licensed psychologists in the state. The term of office for  
11 committee members shall be five years, and committee members shall not serve more than  
12 ten years. No person who has previously served on the committee for ten years shall be  
13 eligible for appointment. In making initial appointments to the committee, the governor shall  
14 stagger the terms of the appointees so that two members serve initial terms of two years, two  
15 members serve initial terms of three years, and two members serve initial terms of four years.

16         3. Each committee member shall be a resident of the state of Missouri for one year,  
17 shall be a United States citizen, and shall, other than the public member, have been licensed as  
18 a psychologist in this state for at least three years. Committee members shall reflect a  
19 diversity of practice specialties. To ensure adequate representation of the diverse fields of  
20 psychology, the committee shall consist of at least two psychologists who are engaged full  
21 time in the doctoral teaching and training of psychologists, and at least two psychologists who  
22 are engaged full time in the professional practice of psychology. In addition, the first  
23 appointment to the committee shall include at least one psychologist who shall be licensed on  
24 the basis of a master's degree who shall serve a full term of five years. Nothing in sections  
25 337.010 to 337.090 shall be construed to prohibit full membership rights on the committee for  
26 psychologists licensed on the basis of a master's degree. If a member of the committee shall,  
27 during the member's term as a committee member, remove the member's domicile from the  
28 state of Missouri, then the committee shall immediately notify the director of the division, and  
29 the seat of that committee member shall be declared vacant. All such vacancies shall be filled  
30 by appointment of the governor with the advice and consent of the senate, and the member so  
31 appointed shall serve for the unexpired term of the member whose seat has been declared  
32 vacant.

33         4. The public member shall be at the time of the public member's appointment a  
34 citizen of the United States; a resident of this state for a period of one year and a registered  
35 voter; a person who is not and never was a member of any profession licensed or regulated  
36 pursuant to sections 337.010 to 337.093 or the spouse of such person; and a person who does  
37 not have and never has had a material, financial interest in either the providing of the  
38 professional services regulated by sections 337.010 to 337.093, or an activity or organization  
39 directly related to any profession licensed or regulated pursuant to sections 337.010 to  
40 337.093. The duties of the public member shall not include the determination of the technical  
41 requirements to be met for licensure or whether any person meets such technical requirements  
42 or of the technical competence or technical judgment of a licensee or a candidate for  
43 licensure.

44         5. The committee shall hold a regular annual meeting at which it shall select from  
45 among its members a chairperson and a secretary. A quorum of the committee shall consist of



46 a majority of its members. In the absence of the chairperson, the secretary shall conduct the  
47 office of the chairperson.

48         6. Each member of the committee shall receive, as compensation, an amount set by  
49 the division not to exceed fifty dollars for each day devoted to the affairs of the committee  
50 and shall be entitled to reimbursement for necessary and actual expenses incurred in the  
51 performance of the member's official duties.

52         7. Staff for the committee shall be provided by the director of the division of  
53 professional registration.

54         8. The governor may remove any member of the committee for misconduct,  
55 inefficiency, incompetency, or neglect of office.

56         9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the  
57 division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to  
58 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may  
59 promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which  
60 rules shall be based upon the ethical principles promulgated and published by the American  
61 Psychological Association.

62         10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
63 promulgated to administer and enforce sections 337.010 to 337.090, shall become effective  
64 only if the agency has fully complied with all of the requirements of chapter 536 including but  
65 not limited to section 536.028 if applicable, after August 28, 1998. All rulemaking authority  
66 delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28,  
67 1998, however nothing in this act shall be interpreted to repeal or affect the validity of any  
68 rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028  
69 apply, the provisions of this section are nonseverable and if any of the powers vested with the  
70 general assembly pursuant to section 536.028 to review, to delay the effective date, or to  
71 disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the  
72 purported grant of rulemaking authority and any rule so proposed and contained in the order  
73 of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity  
74 of any rule adopted and promulgated prior to August 28, 1998.

75         11. The committee may sue and be sued in its official name, and shall have a seal  
76 which shall be affixed to all certified copies or records and papers on file, and to such other  
77 instruments as the committee may direct. All courts shall take judicial notice of such seal.  
78 Copies of records and proceedings of the committee, and of all papers on file with the  
79 division on behalf of the committee certified under the seal shall be received as evidence in all  
80 courts of record.

81         12. When applying for a renewal of a license pursuant to section 337.030, each  
82 licensed psychologist shall submit proof of the completion of at least forty hours of

83 continuing education credit within the two-year period immediately preceding the date of the  
84 application for renewal of the license, with a minimum of three of the forty hours of  
85 continuing education dedicated to professional ethics. The type of continuing education to be  
86 considered shall include, but not be limited to:

87 (1) Attending recognized educational seminars, the content of which are primarily  
88 psychological, as defined by rule;

89 (2) Attending a graduate level course at a recognized educational institution where  
90 the contents of which are primarily psychological, as defined by rule;

91 (3) Presenting a recognized educational seminar, the contents of which are primarily  
92 psychological, as defined by rule;

93 (4) Presenting a graduate level course at a recognized educational institution where  
94 the contents of which are primarily psychological, as defined by rule; and

95 (5) Independent course of studies, the contents of which are primarily psychological,  
96 which have been approved by the committee and defined by rule.

97

98 The committee shall determine by administrative rule the amount of training, instruction, self-  
99 instruction or teaching that shall be counted as an hour of continuing education credit. **The**  
100 **committee shall give eight hours of continuing education credit for each day a**  
101 **psychologist works on a volunteer basis within his or her professional scope of practice**  
102 **at a nonprofit entity. The board shall not give credit for a day of volunteering unless the**  
103 **psychologist worked on a volunteer basis for at least four hours of that day. The board**  
104 **shall limit the number of continuing education credit hours that may be given for**  
105 **volunteer work under this subsection to sixteen hours per year.**

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