

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3816-07
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SCS for SB 756
Subject: Boards, Commissions, Committees, Councils; Licenses - Professional; Fees
Type: Original
Date: May 24, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposal will have no fiscal impact on their organization.

Officials from the **Office of Administration - Administrative Hearing Commission** state this legislation will not significantly alter its caseload. However, if other similar bills also pass, there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Department of Health and Senior Services (DOH)** state the proposal would not be expected to fiscally impact the operations of the DOH. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Economic Development - Division of Professional Registration** state having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), they are of the opinion the proposal, in its present form, has no fiscal impact on their organization.

Officials from the **Office of Secretary of State (SOS)** state the bill changes the controlled substance law and licensing rules for massage therapists, dentists, nurses, professional counselors, and clinical social workers. The Department of Health and Senior Services and the

ASSUMPTION (continued)

Division of Professional Registration may promulgate rules to carry out this bill. These rules would be published in both the Missouri Register and Code of State Regulations. These rules may require as many as 84 pages in the Code of State Regulations and 126 pages in the Missouri Register because of cost statements and fiscal notes, etc. that are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23. The estimated cost of a page in the Code of State Regulations is \$27. The SOS estimates a total cost of \$5,166 [(126 pgs. X \$23) + (84 pgs. X \$27)]. These costs are estimates and depend on the number of rules printed, rescinded, and amended.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of Attorney General (AGO)** assume that, if the legislation is signed by the Governor, and the boards under Section 324.270 opt to retain private legal counsel, then no professional board fees will be remitted the General Revenue (GR) by the boards. While the AGO does not know how much these boards remitted to GR in FY 05, the AGO assumes that this amount would be less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Loss - Office of Attorney General</u>			
Reduction in fees received from the			
Department of Economic			
Development - Division of			
Professional Registration boards	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The legislation will have an administrative impact on dentists and physicians. The legislation may also have an impact on massage therapists, athletic trainers, professional counselors, and clinical social workers.

DESCRIPTION

PHARMACIES - Under the act, compounds containing pseudoephedrine that must be dispensed in a pharmacy pursuant to a prescription shall be excluded from the statutory drug schedules.

MESSAGE THERAPISTS - Under the act, the Board of Therapeutic Massage may promulgate rules for granting licenses to applicants who have completed approved programs in other states consisting of less than 500 hours. Massage businesses are barred from employing individuals to provide massage therapy unless the individuals are licensed massage therapists. A complaint may be filed with the administrative hearing commission against individuals who practice at unlicensed businesses.

The board may, upon request, waive or extend time requirements for completing continuing education hours for reasons related to military service, health, foreign residency or good cause.

Nonresident therapists licensed in other states may practice without a Missouri license if they are called into the state to teach courses related to the profession or to act as part of an emergency response team working with disaster relief officials, or are providing services at special events.

DENTISTS - The act requires dentists to retain patient records in a form reviewable by the board for at least 7 years from the date of last service or from the age of majority. Laboratory work orders must be retained for 7 years. Changes to patient records made after 48 hours from the final entry shall be documented as an addendum.

AUTOMATIC REVOCATION OF LICENSES - The act expands the grounds for automatic revocation currently reserved only for physicians to cover all licensees covered under Chapter 334, RSMo (physicians, physical therapists, athletic trainers, physician assistants, anesthesiologist assistants).

DESCRIPTION (continued)

COLLABORATIVE PRACTICE AGREEMENTS/PHYSICIAN ASSISTANT AGREEMENTS

- This act also provides that within thirty days of any change and on each renewal, the state board of registration of healing arts shall require physicians to identify whether a physician is engaged in any collaborative practice agreement or physician assistance agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make the information available to the public. The board shall track and randomly review the agreements for compliance.

ATHLETIC TRAINERS - Under current law, the Missouri Board for the Healing Arts must prepare and conduct examinations for applicants for licensure as athletic trainers. This act relieves the board of this duty and requires prospective trainers to pass the National Athletic Trainers Association Board of Certification examination. This act also repeals a provision that requires the applicant to meet certain academic and experience requirements as a prerequisite to licensure.

PROFESSIONAL COUNSELORS - The act amends the licensing requirements for professional counselors. Under the act, the applicant must show he or she is at least 18, of good moral character, a US citizen or legally present in the states, has completed a level of course work and counseling experience acceptable by the board. The applicant must pass a written, open-book exam on Missouri laws and regulations governing the practice of professional counseling.

The act specifies the requirements for reciprocal licenses: the approval of the applicant's credentials by the American Association of State Counseling Boards, the verification of good standing with and current certification by the National Board for Certified Counselors, or the determination by the board that the certifying state's requirements are substantially similar to those in Missouri.

CLINICAL SOCIAL WORKERS - Currently, out of state licensed clinical social workers who have had no violations, suspensions or revocations may be licensed in Missouri if they have passed a written exam and either are licensed in another state, received a masters or doctoral degree from a program accredited by the council of social work education, have been licensed for five years, have not been the subject of disciplinary action, or are currently licensed in a state that has similar reciprocity laws. This act changes those requirements to allow out of state license holders who have not been the subject of disciplinary action for five years to be licensed if the applicant received a masters or doctoral degree from a program accredited by the council of social work education and has been licensed for five years, or is currently licensed in a state with substantially similar requirements.

DESCRIPTION (continued)

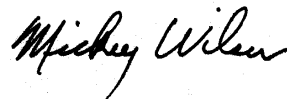
VETERINARIANS - Currently, applicants for licensure as veterinarians are required to submit examination fees at least 60 days prior to the examination. This act repeals this provision and allows the Missouri Veterinary Medical Board to establish such a requirement by rule.

ADMINISTRATIVE HEARING COMMISSION - The act allows notice of service of a complaint to be published if service cannot be accomplished in person or by certified mail. A copy of the findings, conclusions, and recommendations of the commission may be mailed to the licensee and any attorney who represented the licensee.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration -
 Administrative Hearing Commission
Office of State Courts Administrator
Department of Economic Development -
 Division of Professional Registration
Department of Health and Senior Services
Office of Secretary of State



Mickey Wilson, CPA
Director
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