

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1879-02
Bill No.: HCS for HB 564
Subject: Economic Development Dept: Licenses - Professional
Type: #Corrected
Date: April 8, 2003
#To correct Fiscal Summary

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	#(Up to \$11,481)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	#(Up to \$11,481)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Athlete Agent Fund	\$0	\$0	\$0
Board of Registration for Healing Arts Fund	\$0	#\$19,839	(\$10,146)
Missouri Real Estate Commission Fund	(\$18,229)	(\$21,875)	(\$21,985)
State Board of Auctioneers Fund	\$0	\$90,922	(\$74,953)
Professional Registration Fees Fund	(\$16,150)	\$16,150	\$0
Total Estimated Net Effect on Other State Funds	(\$34,379)	#\$105,036	(\$107,084)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 22 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown up to \$21,250)	(Unknown up to \$21,250)	(Unknown up to \$21,250)

FISCAL ANALYSIS

ASSUMPTION

Officials from the following agencies indicated this proposal would have no fiscal impact on their agencies: **Department of Elementary and Secondary Education, Department of Public Safety - Missouri State Highway Patrol, Office of the Governor, Department of Revenue, Office of State Public Defender,** and the **Missouri Senate.**

Officials from the **Office of State Courts Administrator** stated this proposal would not have a fiscal impact on the Courts.

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

Officials from the **Office of Prosecution Services** assumed costs to prosecutors resulting from this proposal could be absorbed.

Officials from the **Department of Correction (DOC)** stated that currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors

ASSUMPTION (continued)

and the actual sentences imposed by the court.

DOC officials state that if additional persons are sentenced to the custody of the DOC due to the provisions of this proposal, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Secretary of State's Office (SOS)** assumed the rules, regulations and forms issued by the Department of Economic Development - Division of Professional Registration could require as many as 120 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. 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 actual costs could be more or less the SOS's estimated cost of \$7,380 for FY 2004. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules, filed, amended, rescinded or withdrawn.

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.

Sections 324.1200 through 324.1257 - ATHLETE AGENTS

In response to the introduced version of this section of the proposal, the following agencies, schools and universities indicated this proposal would have no effect on their agencies or institutions: **University of Missouri, Truman State University, Central Missouri State University, Department of Higher Education, and the Office of Secretary of State - Division of Corporations.**

Officials from the **Department of Economic Development - Division of Professional Registration (DPR)** assume that since the certification and regulation of athletic agents is already established within the Secretary of States Office (SOS), the necessary appropriation and

ASSUMPTION (continued)

fund amount will be transferred from the Secretary of State to the Division of Professional Registration. The division assumes that this appropriation amount will include, at a minimum, the necessary expense and equipment to cover expenses. It is assumed that DPR can assume the personal service duties associated with the proposal. The SOS has indicated that there are currently less than 35 agents registered.

Oversight assumes, based on information from the Office of Secretary of State (SOS), that there are currently 18 active athlete agents and 25 inactive athlete agents. The maximum amount of revenue generated would be \$21,500 in any year. The \$500 fee is biennial but **Oversight** cannot estimate how much is collected in any given year. There is currently ½ FTE assigned by SOS to the duties of this program; that position would be eliminated with the transfer to Professional Registration. **Oversight** assumes these duties could be absorbed within existing personnel and expenses of the program would be offset with fees generated from athlete agents.

Sections 334.400 through 334.430 - ANESTHESIOLOGIST ASSISTANTS

Officials from the **State Treasurer's Office (STO)** note licensure fees will be deposited into the Healing Arts Fund which already exists in the Treasury. STO assumes the proposal would have no fiscal impact on their office.

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** noted as of September 2002, the Missouri Society of Anesthesiologists indicates there are 570 anesthesiologist assistants practicing on a national level. Based on this number, DPR estimated there is an average of 11 licensees per state. DPR assumed a fee of \$3,000 will be paid for all categories of licensure with biennial renewal. DPR estimated a 3% growth rate and assumes licensure begins in FY 2005, resulting in revenue to the Board of Registration for Healing Arts Fund of \$33,000 in FY 2005 and \$1,500 in FY 2006.

DPR assumed all fees collected and all expenses would be deposited into and paid out of the Board of Registration for Healing Arts Fund.

DPR estimated a contract employee will be utilized by the Board of Registration for the Healing Arts to handle the licensing program for anesthesiologist assistants. This position will be responsible for processing applications for licensure, assisting with commission meetings, as well as responding to any inquiries relating to the licensure law or rules and regulations. It is estimated that this position will only be needed for the first year. After the initial rules and

regulations are established and the first group of individuals are licensed it is assumed the current ASSUMPTION (continued)

Board of Healing Arts staff will assume the responsibilities associated with this licensing group. In addition, it has been estimated that the commission will pay .50% of the current principal assistant's annual salary (\$62,196). This estimation is based on an existing licensing group within the division will a similar structure and low number of licensees.

DPR assumed the five (5) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. DPR noted the Principal Assistant, Contract Employee and an Attorney General representative will also attend the meeting. DPR assumed there would be four (4) meetings in FY 2005 to promulgate rules and regulations. DPR estimated each board member will receive a \$70 per for each day conducting board business. DPR assumed per diem, mileage, lodging, and meal expenses (for five board members and three staff) to cost approximately \$8,600 the first year. DPR assumed each year thereafter, the Commission will meet once per year for one day and will conduct all other business via conference call. DPR estimated annual per diem and travel expense to be \$525 and \$682, respectively.

DPR assumed one (1) complaint would be received each year. DPR estimated 100% of these complaints (1) will require field investigations, each needing 30 hours of field work and one night's lodging. Travel expenses for the investigation are estimated at \$255 annually. DPR assumed complaints and investigations would not start until FY 2006.

DPR assumed there will be a cost associated with needing the services of the Attorney General's Office (AGO). DPR estimated 100% of investigations (1) would be forwarded to the AGO for further action. Assuming \$5,400 cost per case, DPR estimated \$5,400 annually beginning in FY 2006. DPR also estimated the AGO would provide approximately 60 hours of assistance with rules, opinions and meetings per year. Assuming an hourly rate of \$60.87, these costs are estimated at \$3,762 yearly beginning in FY 2005.

DPR assumed printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. DPR estimated printing and postage costs at \$6.19 per licensee in the first year, for a total cost of 68. Subsequent years' printing and postage costs are expected to continue at this amount.

DPR assumed existing staff would design, program and implement a computer licensure program. However, if costs are higher than anticipated further monies will be required.

Oversight has done the following to calculate the fiscal impact:

LMD:LR:OD (12/02)

(1) Adjusted travel expense related to board meeting meal allowances by \$840 as a result of ASSUMPTION (continued)

Office of Administration travel guidelines which do not allow meals for state employees when they are in their official domicile; and

(2) Used DPR's estimates unless otherwise noted.

Section 339.105 - ESCROW ACCOUNTS

Officials from the **State Treasurer's Office (STO)** assume passage of the proposal would require their agency to accept the deposit of disputed escrow monies. STO assumes they would need one additional FTE (an Accountant I at an annual salary of \$30,204) to accept disputed escrow funds, account for disputed escrow funds while deposited with the Treasurer, and review the resolution of the dispute to determine the proper disposition of funds on deposit. STO estimates the cost, to General Revenue, for an additional FTE including salary, fringe benefits, and expense and equipment to be approximately \$45,000 annually.

Oversight inquired of the Missouri Real Estate Commission (REC) about the number of disputed escrow cases per year and learned the REC does not keep track of these cases currently. REC estimates a maximum of \$100,000 to \$200,000 would be deposited in the State Treasury annually as a result of this proposal. **Oversight** notes the State Treasurer's Office performs a similar function with regard to unclaimed property and assumes they could devise a similar system for disputed escrow cases. **Oversight** assumes STO could absorb the administrative impact resulting from passage of this proposal.

Section 339.120 - REAL ESTATE COMMISSION COMPENSATION

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** assume the increase in per diem reimbursement for the commissioners will cost the Missouri Real Estate Commission Fund approximately \$22,000 annually. DPR based their calculation on the on the number of hours billed by the seven commission members in FY 2002 which was 876 hours for the year. DPR notes license fees will not need to be increased to cover the additional cost.

Oversight notes the DPR did not reflect an increase in per diem costs for FY 2004 because the Commission would need an increased personal service appropriation which is not possible since the budget process for that year is currently in process. **Oversight** notes the effective date of the proposal would be August 28, 2003, and therefore shows 10 months' cost for FY 2004.

ASSUMPTION (continued)

Section 343.350 through 343.410 - AUCTIONEERS

Officials from the **Office of the Attorney General (AGO)** assume representing the Board of Auctioneers would require 0.5 (part-time) Assistant Attorney General I. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$18,437 in FY 2004; \$22,677 in FY 2005; and \$23,244 in FY 2006.

Oversight assumes the AGO will be reimbursed for services from the State Board of Auctioneers Fund.

Officials with the **Department of Economic Development–Division of Professional Registration (DPR)** estimate the proposal will result in the licensing of 425 (350 auctioneers and 75 apprentice auctioneers) auctioneers. DPR assumes a fee of \$525 will be paid for all categories of licensure with biennial renewal. DPR estimates a 3% growth rate and assumes licensure begins in FY 2005, resulting in revenue to the State Board of Auctioneers Fund of \$223,125 in FY 2005 and \$3,347 in FY 2006. DPR notes, in accordance with the proposal, \$50 per year (\$100 biennially), per licensee, will be deposited into the auctioneer fund subaccount.

DPR assumes all fees collected and all expenses would be deposited into and paid out of the State Board of Auctioneers Fund. DPR notes expenses occurring prior to an appropriation (FY 2004) would be borrowed from another fund within Professional Registration and paid back in FY 2005 or FY 2006.

DPR assumes implementation of the proposal will require hiring an additional 1.0 FTE in FY 2005, as follows: 0.5 Principal Assistant (0.5 FTE at \$48,240) to serve as the senior executive officer of the agency and 0.5 Licensure Technician II (0.5 FTE at \$24,492) to provide technical support, process applications for licensure and respond to any inquiries related to the licensure law or rules & regulations. DPR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$1,700.

DPR assumes the five (5) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. DPR notes the Principal Assistant, Licensure Technician and an Attorney General representative will also attend the meeting. DPR assumes there would be four (4) meetings in FY 2004 to promulgate rules and regulations. DPR notes the proposal does not allow for per diem or expense reimbursement, therefore, no costs for board meetings have been estimated.

LMD:LR:OD (12/02)

ASSUMPTION (continued)

DPR assumes eight (8) complaints would be received each year and would require, on average, five hours each to complete. DPR estimates 15% of these complaints (1) will require field investigations, each needing 30 hours of field work and one night's lodging. Travel expenses for the investigation are estimated at \$255 annually. DPR assumes complaints and investigations would not start until FY 2006.

DPR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO). DPR estimates 25% of investigations (1) would be forwarded to the AGO for further action. Assuming \$5,400 cost per case, DPR estimates \$5,400 annually beginning in FY 2006. DPR also estimates the AGO would provide approximately 60 hours of assistance with rules, opinions and meetings per year. Assuming an hourly rate of \$60.87, these costs are estimated at \$3,652 yearly beginning in FY 2004.

DPR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. DPR estimates printing and postage costs at \$6.19 per licensee in the first year, for a total cost of \$2,631. Subsequent years' printing and postage costs are expected to be \$1,500 annually, based on a similarly-sized board.

DPR assumes licensed private investigators will represent 0.50% of DPR's overhead. As such, the board will be required to reimburse the Division and the Department of Economic Development for its share of administrative overhead costs, \$12,498 per annum. DPR assumes these costs will begin in FY 2004.

Oversight has done the following to calculate the fiscal impact:

- (1) Adjusted the licensure fee to \$425 which should cover the operations of the Board;
- (2) Assumed additional rental space would not be required and no additional furniture or equipment should be required since requested FTE are all part-time positions;
- (3) Assumed the additional \$50 fee paid by licensees upon application or renewal will be treated as income to the State Board of Auctioneers Fund – Subaccount;
- (4) Payments to aggrieved parties will be made from the State Board of Auctioneers Fund – Subaccount as opposed to the PR Fees Fund;

(5) Assumed the State Board of Auctioneers Fund – Subaccount will maintain a positive balance
ASSUMPTION (continued)

through the Board’s diligence to collect reimbursement from licensees for all amounts paid to an aggrieved party due to the violation of the licensee; and

(6) Used DPR’s estimates unless otherwise noted.

Oversight assumes counties will lose income normally derived from auction license fees. An annual license is \$50, so the total loss could total \$21,250 a year statewide, based on the potential number of licensees estimated by DPR.

This proposal would increase total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE (Repeal of Section 436.205)			
<u>Savings - Secretary of State</u>			
Reduction in Personal Services (½ FTE)	\$7,026	\$0	\$0
Reduction in Benefits	\$2,843	\$0	\$0
Reduction in Expense	<u>\$150</u>	<u>\$0</u>	<u>\$0</u>
Total Savings - Secretary of State	\$10,019	\$0	\$0
<u>Loss - Registration Fees from Athlete Agents</u>			
	<u>(Up to \$21,500)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Up to \$11,481)</u>	<u>\$0</u>	<u>\$0</u>

	FY 2004 (10 Mo.)	FY 2005	FY 2006
ATHLETE AGENT FUND (Section 324.1224)			
<u>Income</u> - Professional Registration (DPR)			
Registration Fees from Athlete Agents	Unknown - Expected to be less than \$100,000	Unknown - Expected to be less than \$100,000	Unknown - Expected to be less than \$100,000
<u>Cost</u> - DPR			
Administrative Costs	(Unknown - Expected to be less than <u>\$100,000</u>)	(Unknown- Expected to be less than <u>\$100,000</u>)	(Unknown - Expected to be less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON ATHLETE AGENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
BOARD OF REGISTRATION FOR HEALING ARTS FUND (Sections 334.400 through 334.430)			
<u>Income</u> – DPR			
Revenue from Licensure Fees	\$0	\$33,000	\$1,500
<u>Costs</u> – DPR			
Board Member Per Diem	\$0	(\$2,800)	(\$525)
Contract Employee	\$0	(\$975)	\$0

Personal Service (.50% of 1 FTE)	\$0	(\$327)	(\$335)
Fringe Benefits	\$0	(\$132)	(\$136)
Expenses	\$0	(\$5,165)	(\$1,046)
AGO	<u>\$0</u>	<u>(\$3,762)</u>	<u>(\$9,604)</u>
Total Costs – DPR	<u>\$0</u>	<u>(\$13,161)</u>	<u>(\$11,646)</u>

**ESTIMATED NET EFFECT ON
 BOARD OF REGISTRATION FOR
 HEALING ARTS FUND**

<u>\$0</u>	<u>\$19,839</u>	<u>(\$10,146)</u>
FY 2004	FY 2005	FY 2006
(10 Mo.)		

**MISSOURI REAL ESTATE
 COMMISSION FUND (Section
 339.105)**

Costs – REC

Increase in Commission Member Per Diem	<u>(\$18,229)</u>	<u>(\$21,875)</u>	<u>(\$21,875)</u>
---	-------------------	-------------------	-------------------

**ESTIMATED NET EFFECT ON
 MISSOURI REAL ESTATE
 COMMISSION FUND**

<u>(\$18,229)</u>	<u>(\$21,875)</u>	<u>(\$21,875)</u>
-------------------	-------------------	-------------------

**STATE BOARD OF AUCTIONEERS
 FUND (Sections 343.350 through
 343.410)**

Income – DPR

Licensure Fees/Renewals	\$0	\$180,625	\$5,419
-------------------------	-----	-----------	---------

Cost – DPR

Transfers to PR Fees Fund	<u>\$0</u>	<u>(\$89,703)</u>	<u>(\$80,372)</u>
---------------------------	------------	-------------------	-------------------

**ESTIMATED NET EFFECT TO
 STATE BOARD OF AUCTIONEERS
 FUND**

<u>\$0</u>	<u>\$90,922</u>	<u>(\$74,953)</u>
------------	-----------------	-------------------

	FY 2004 (10 Mo.)	FY 2005	FY 2006
PR FEES FUND			
<u>Income - DPR</u>			
Transfer from State Board of Auctioneers Fund (Sections 343.350 through 343.410)	\$0	\$89,703	\$80,372
<u>Costs – DPR</u>			
Personal Service (1.0 FTE)	\$0	(\$38,207)	(\$39,162)
Fringe Benefits	\$0	(\$15,462)	(\$15,849)
Expense and Equipment	\$0	(\$3,249)	(\$2,498)
Division Administration	(\$12,498)	(\$12,873)	(\$13,259)
AGO	<u>(\$3,652)</u>	<u>(\$3,762)</u>	<u>(\$9,604)</u>
Total Costs – DPR	<u>(\$16,150)</u>	<u>(\$73,553)</u>	<u>(\$80,372)</u>
ESTIMATED NET EFFECT TO PR FEES FUND	<u>(\$16,150)</u>	<u>\$16,150</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
COUNTY GENERAL REVENUE (Repeal of Sections 343.080 & 343.090)			

Loss - All Counties

Fee Income from Auction Licenses No Longer Paid to County Clerks	(Unknown Up to \$21,250)	(Unknown Up to \$21,250)	(Unknown Up to \$21,250)
ESTIMATED NET EFFECT ON COUNTY GENERAL REVENUE	<u>(Unknown Up To \$21,250)</u>	<u>(Unknown Up to \$21,250)</u>	<u>(UnknownUp to \$21,250)</u>

FISCAL IMPACT - Small Business

Small business which engage in the business of auctioneering could be fiscally impacted by this proposal due to increased fees, record keeping, paperwork and continuing education requirements. Real Estate Brokers would need to familiarize themselves with the financial aspects of this proposal as it relates to them. Anesthesiologists who have assistants may incur costs to have those assistants licensed and certified.

DESCRIPTION

This proposal contains numerous provisions relating to the Division of Professional Registration. The provisions of the proposal include:

INTERPRETERS

Section 209.323

Expands the authority of the division to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the Missouri Commission for the Deaf.

OCCUPATIONAL THERAPISTS

Section 324.077

Gives the Missouri Board of Occupational Therapy the authority to give licensing exams to qualified applicants upon demand.

INTERIOR DESIGN

Section 324.409

Removes grandfathering provision for registration that expired August 28, 2000.

ATHLETE AGENTS

Sections 324.1200 through 324.1257

Requires all athlete agents operating in this state to be registered and certified by the Department of Economic Development - Division of Professional Registration (DPR). Fees for registration and renewal will be set by DPR and deposited in the Athlete Agent Fund, which is created by the proposal. Registration and certification are valid for a two-year period and may be renewed indefinitely. The DPR director may refuse to issue a certificate or may suspend or revoke a certificate in certain circumstances.

The proposal requires all agent-athlete contracts to be written and to contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about possible loss of eligibility.

DESCRIPTION (continued)

Sections 436.200; 436.205; 436.209; 436.212 (REPEAL)

ARCHITECTS

Section 327.172

This proposal creates an inactive license status for architects. An inactive licensee shall not practice as an architect in this state, but may continue to use the title "architect." In order to reinstate such license to active status, the licensee must meet certain competency requirements established by the board of architects, professional engineers, professional land surveyors and landscape architects. Inactive licensees who fail to maintain a current license in any state for more than five years prior to requesting licensure reinstatement must take a licensing examination deemed appropriate by the board.

LANDSCAPE ARCHITECTS

Section 327.401

Adds the rights to practice as a landscape architect to those of a professional engineer and professional land surveyor as not being transferable.

LMD:LR:OD (12/02)

Section 327.411

This proposal includes landscape architects in statutes concerning the right to practice and use of a personal seal. Currently, only architects, professional engineers and professional land surveyors are included in such sections.

COSMETOLOGISTS AND MANICURISTS

Section 329.050

Requires manicurist apprentices to complete at least 800 hours of supervised training prior to making application for licensure;

Section 329.070

Requires the course of study for all cosmetology apprentices not to exceed 12 hours per day and 72 hours per week.

DESCRIPTION (continued)

DENTISTRY

Section 332.069

Allows for the practice of dentistry across state lines, as long as the person practicing across state lines is licensed to practice dentistry in another state and the practice is limited to the rendering of documented opinions concerning diagnosis and treatment through electronic means. When receiving consultations across state lines, the ultimate authority and responsibility for the diagnosis and treatment of the patient remains with the primary care dentist licensed in this state

Section 332.071

Expands the definition of "practices dentistry" to include the use of lasers.

Section 332.171

Authorizes the State Dental Board to issue specialist licenses to applicants who have been certified in any specialty by an examining board recognized by the American Dental Association or the Council on Dental Accreditation.

Allows for issuance of specialized licenses for dentists who hold specialty licenses in other states, as long as they are licensed in this state and the educational requirements for their specialized licenses are the same or exceed those in this state.

Gives the board the authority to create specialization committees for each specialty recognized by the American Dental Association. The committees will assist the board in establishing criteria and evaluating applicants for specialty licenses.

Provides that all specialty licenses be subject to sanctions and licensees pay fees as set forth by the board.

Section 332.181 & Section 332.261

Requires all dentists and dental hygienists to complete all continuing education requirements prior to license renewal. Failing to do so, without reasonable cause, will result in the license being sanctioned by the board.

Requires all dentists and dental hygienists who have allowed their licenses to lapse for more than four years to make application and take all licensing examinations required by the board.

DESCRIPTION (continued)

Section 332.321

Contains provisions pertaining to the disposition of complaints brought before the Administrative Hearing Commission by the board regarding licensees who present a clear and present danger to the health and safety of the public at large.

Section 332.327

This proposal allows the State Dental Board to disclose records and information to the board's Committee on Well-Being for the purpose of assisting in the rehabilitation of impaired licensees. All information disclosed to the committee is still considered confidential and closed to the public.

Section 332.341 - (REPEAL)

ANESTHESIOLOGIST ASSISTANTS

Sections 334.400 through 334.430

LMD:LR:OD (12/02)

Regulates the licensing and registration of anesthesiologist assistants. New definitions and authorities are provided relating to anesthesiologist assistants.

An anesthesiologist assistant can apply for a license by filling out the appropriate application forms and paying the required application fee as promulgated by the Department of Economic Development. Upon approval of the application, the State Board of Registration for the Healing Arts shall issue a license to be valid for two years. Provisions for temporary and inactive licenses are set forth.

Upon the payment of a fee and documentation of all locations of previous practice and licensure, the Board can issue a license to any licensed out-of-state applicant without examination or additional certification. The Board shall have the authority to negotiate reciprocal compacts with licensing boards of other states for the admission of licensed anesthesiologist assistants from Missouri to practice in other states.

The Board shall promulgate rules and regulations pertaining to application forms, certification, registration, and fees. The Board shall have the authority to issue subpoenas and establish guidelines for anesthesiologist assistants. The Board may refuse to issue, suspend, or renew a certificate of registration or license or may file a complaint for any of the outlined causes in this

DESCRIPTION (continued)

section. Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to ten years, suspend for up to seven years, or revoke a person's certificate of registration or license. Any person violating any of the provisions of Section 334.400 to Section 334.430 is guilty of a Class A misdemeanor.

Renewal provisions are outlined and delinquent fees shall be paid unless waived by the Board. An anesthesiologist assistant must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration.

All fees will be collected by the Division of Professional Registration and deposited in the Treasury to the credit of the Board of Registration for the Healing Arts Fund.

No person shall portray themselves to the public as a "licensed anesthesiologist assistant," unless they are licensed pursuant to 334.400 to 334.430. Any person found guilty of violating this section will be guilty of an infraction with a maximum fine of \$200.

The Advisory Commission for Anesthesiologist Assistants is created and will guide, advise, and

make recommendations to the Board. The Commission, comprised of 5 members, will take effect no later than January 1, 2004. The Commission shall be appointed by the Governor, with the advice and consent of the Senate. The Director of the Division of Professional Registration shall establish the compensation rate for Commission Members not to exceed \$70 per day for Commission business plus actual and necessary expenses. The Board shall provide all staff for the Commission.

PSYCHOLOGISTS

Section 337.030

Allows the State Committee of Psychologists to issue inactive licenses.

Sections 343.010; 343.030; 343.040; 343.050; 343.060; 343.070; 343.080; 343.090; 343.100; 343.250 (REPEAL)

DESCRIPTION (continued)

REAL ESTATE AGENTS AND BROKERS

Sections 339.010 through 339.800

Section 339.010

Adds Internet web sites to the licensing exemption, when in the case of advertising real estate, the advertising is incidental to their normal business operations.

Section 339.040

Allows the commission to issue temporary work permits to individuals who have satisfied all licensing requirements prior to the final review and printing of their licenses.

Grants entities providing continuing education the authority to do so through the means of distance delivery.

LMD:LR:OD (12/02)

Section 339.100

Gives the commission authority, when conducting investigations of complaints involving affiliated licensees, to forward copies of the information regarding the complaint to the affiliated licensee's broker.

Gives the commission authority, when a licensee fails to renew or surrender his or her license and the commission finds the licensee to be in violation of certain provisions, to cause complaints to be filed with the Administrative Hearing Commission;

Section 339.105

Requires real estate brokers holding funds belonging to another party in a real estate transaction to maintain the funds in a separate account designated as an escrow or trust account. Brokers may not commingle their own personal funds or any other moneys in this account with the exception that a broker may deposit an amount not to exceed \$1,000 specifically identified for the purpose of covering service charges related to the account. When brokers decide not to maintain an escrow account, they must notify the commission. If they decide to open an escrow account, they must notify the commission within 10 business days of doing so. In the case of disputes regarding ownership of escrow moneys, the funds must be deposited with the State Treasurer within 365 days of the initial projected closing date. The funds will be held in trust

DESCRIPTION (continued)

until the dispute can be resolved

Section 339.120

Increases the amount of compensation which each member of the commission receives from \$50 to \$75 for each devoted to the affairs of the commission.

Section 339.800

Requires designated brokers who have affiliated licensees to obtain a written agreement for brokerage services or other written agreement addressing compensation.

Sections 339.600; 339.603; 339.605; 339.606; 339.607; 339.608; 339.610; 339.612; 339.614; 339.617 (REPEAL)

Repeals the provisions relating to escrow agents.

AUCTIONEERS

Sections 343.350 through 343.410

Changes the procedures for the licensing of auctioneers. Current law provides for the licensing of auctioneers by counties. This proposal creates a State Board of Auctioneers in the Division of Professional Registration within the Department of Economic Development. The Board shall be composed of five members appointed by the Governor with the advice and consent of the Senate. The Board oversees the examination and licensing of persons engaged in the practice of auctioneering. Rulemaking authority is granted to the Board. Licenses shall expire two years after issuance and provisions for renewal are provided.

The Board may refuse to issue any license and shall advise the applicant of their rights to file a complaint with the Administrative Hearing Commission. Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to two years, suspend for up to five years, or revoke a person's license.

The proposal will not apply to certain types of auctions. The Board shall set the fees for licensure at a level to produce revenue which will not substantially exceed the cost and expense of administering the provisions of the proposal. The State Board of Auctioneers Fund is also created. The Board will annually collect a fee of fifty dollars from each applicant and licensee to

DESCRIPTION (continued)

fund a subaccount of the State Board of Auctioneers Fund. The subaccount will be used to compensate individuals aggrieved by the actions of a licensee.

Sections 343.303; 343.040; 343.050; 343.060; 343.070; 343.080; 343.090; 343.100; 343.250
(REPEAL)

ADMINISTRATIVE HEARING COMMISSION

Section 621.045

Places the Missouri Board of Occupational Therapy under the purview of the Administrative Hearing Commission.

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

SOURCES OF INFORMATION

Department of Economic Development
Division of Professional Registration
Office of Secretary of State
Administrative Rules Division
Office of Administration
Administrative Hearing Commission
Office of State Public Defender
Office of State Courts Administrator
Department of Public Safety
Missouri State Highway Patrol
Office of the Governor

LMD:LR:OD (12/02)

L.R. No. 1879-02
Bill No. HCS for HB 564
Page 22 of 22
April 8, 2003

Senate Administration
Department of Elementary and Secondary Education
Missouri Commission for the Deaf and Hard of Hearing
Department of Corrections
Office of Prosecution Services
Office of State Treasurer

NOT RESPONDING

Boone County
Platte County
Greene County
Johnson County
Warren County
Butler County



MICKEY WILSON, CPA
DIRECTOR
APRIL 8, 2003