
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 178 (S.220). Professions and occupations; Office of Professional Regulation; private investigators and security services; embalmers; nursing; pharmacy; appraisal management companies; pollution abatement facility operators; massage therapists, bodyworkers, and touch professionals; education on State energy goals; Department of Public Safety

An act relating to professional regulation

This act makes miscellaneous amendments to laws regulating professions and occupations. The majority of the amendments relate to professions and occupations regulated by the Secretary of State's Office of Professional Regulation (OPR). In addition to technical corrections and statutory cleanup, this act addresses the following substantive topics:

General OPR regulatory authority. Secs. 2 and 4 relate to OPR's regulatory authority, including the authority of the Director of OPR.

Private investigators and security services; board to advisor model. Secs. 3 and 17 relate to converting the private investigator and security services profession from a board model to an advisor model.

Embalmer licensure. Sec. 6 provides apprenticeship as an alternative pathway to licensure for embalmers.

Nursing regulation. Sec. 7 removes U.S. citizenship as a qualification for membership on the Board of Nursing and sets forth in statute – rather than rule – standards for nursing education programs and clinical facilities. Relatedly, Sec. 8 repeals conflicting Board rules.

Clinical pharmacy prescribing. Sec. 11 allows clinical pharmacy prescribing with specific restrictions on permitted prescriptions and in six defined contexts: 1) by collaborative practice agreement; 2) pursuant to State protocol; 3) for accessory devices; 4) to substitute drugs in the same therapeutic class; 5) of over-the-counter drugs; and 6) for one-time, short-term extensions. Sec. 12 provides deadlines for the Commissioner of Health to approve certain State protocols and for the Board of Pharmacy to adopt rules to administer this new authority.

Sunrise review of proposed changes to scope of practice. Sec. 16 provides a new process for OPR to conduct a preliminary assessment (a.k.a. "sunrise review") of a proposed change to a profession's scope of practice, similar to that of OPR's current sunrise review of a proposal to regulate a profession.

License renewal for appraisal management companies. Sec. 18 requires an appraisal management company to renew its license annually (rather than biennially), in compliance with federal law. Accordingly, in Sec. 3, the biennial renewal fee of \$600 is amended to be an annual renewal fee of \$300.

Pollution abatement facility operator license. Sec. 26 eliminates the requirement that a pollution abatement facility operator have a high school diploma or GED.

Reduction of license renewal fees. The act reduces the biennial license fees for optometrists, osteopaths, and veterinarians in Secs. 9, 10, and 14.

Regulation of massage therapists, bodyworkers, and touch professionals. Sec. 29 requires massage therapists, bodyworkers, and touch professionals to be registered in order to practice, establishes the professional regulation of these professions as an OPR advisor model, allows OPR to inspect establishments where these professions are practiced when a complaint has been filed, and sets forth what constitutes unprofessional conduct for these professions. Sec. 31 creates two new positions within OPR to help administer these new professions: one in licensing and one in enforcement. Sec. 32 requires OPR to report back after three years of regulation with any recommendations for further amendments.

Continuing education on the State's energy goals. Secs. 33–37 require specified professionals under OPR and the Department of Public Safety to obtain a maximum of two hours of profession-specific education on the State's energy goals as a condition of initial licensure and license renewal. This education requirement applies to architects, landscape architects, pollution abatement facility operators, potable water supply and wastewater system designers, professional engineers, property inspectors, real estate appraisers, real estate brokers and salespersons, gas appliance installers, oil burning equipment installers, limited oil burning equipment installers, boiler inspectors, electricians, and plumbers. The education must be in regard to the State's energy goals and how each licensee's specific profession can further those goals and must include education on any State or utility incentives relevant to the profession.

Multiple effective dates, beginning on October 12, 2020