

Notes on H.104 (OPR Bill)

General Summary

The OPR Bill is an annual bill addressing the professions and occupations regulated by the Secretary of State's Office of Professional Regulation. The bill recommends amendments to Title 3, which governs the Office, as well as amendments to Title 26, which governs the individual professions regulated by the Office. The professions and occupations that would be impacted by this bill are set forth in the Subject portion of the bill as introduced.

Section-by-Section Summary

Sec. 1 amends definitions relating to the Office, specifically amending "License" to include commissions (used by notaries public) and other official authorizations to undertake a regulated activity.

Sec. 2 adds notaries to the list of professions the Office regulates pursuant to [2018, Act 160](#). It also names radiologic technologists and real estate appraisers – rather than their board – since this bill would convert those two professions from a board to advisor model.

Sec. 3 increases permitted penalties for unauthorized practice.

Sec. 4 adds a new unprofessional conduct standard that applies to all OPR professions, and increases the permitted administrative penalties for unprofessional conduct.

Sec. 5 permits the Director of OPR to allow a lapsed licensee to renew his/her license under requirements less burdensome than completing all education that would have been required during active licensure. (Statute currently only allows less burdensome requirements set forth in rule.

Sec. 6 addresses **Accountants**. It makes a standard, technical cross-reference amendment to the statute addressing unauthorized practice; eliminates foreign firm registration for temporary

practice; and requires accountants and firms to have a plan in place for handling client records in case of unexpected incapacity or firm dissolution.

Sec. 7 addresses **Dental Hygienists**. It allows the Board of Dental Examiners to set guidelines for “public-health hygienists,” who are hygienists that practice in out-of-office settings.

Sec. 8 addresses **Nursing**. It requires the Board of Nursing to adopt rules re: mediation nursing assistants, and eliminates reference to the Board adopting rules re: standard LNAs, since there was a transfer of LNA education back to DAIL.

- § 1613 eliminates reference to APRN practice guidelines as a technical correction, since the requirement to have practice guidelines was eliminated in the [2018 OPR Bill](#) (pg. 45).

Sec. 9 addresses **Optometrists**. It adds glaucoma treatment as part of standard scope of practice, and would allow optometrists to perform minor surgical procedures if they obtain a special advanced procedure endorsement; *see* § 1729.

- § 1708 requires the Board to adopt rules re: standards for continuing education.
- §§ 1715 and 1716a requires licensees to have CPR certification.

Sec. 10 addresses **Pharmacy**.

- § 2031 adds a pharm tech to the Board.
- § 2032 allows the Board to inspect regulated entities or commercial locations where drugs are manufactured or kept. It also eliminates the requirement for the Board to develop criteria for Rx pads (since this is under DEA control).
- § 2042b loosens pharm tech restrictions, since pharmacists have to perform actual pharmacy tasks.

Sec. 11 creates a new Licensing Administrator position in OPR, funded by OPR’s Regulatory Fee Fund.

Sec. 12 addresses **Real Estate Brokers and Salespersons**. It eliminates a post-licensure continuing education requirement.

- § 2296 deletes unprofessional conduct provisions already covered under Title 3.

Sec. 13 addresses **Opticians**. It would add a new apprenticeship pathway to licensure via a national program.

Sec. 14 addresses **Radiology**. It would convert this profession from a board model to an advisor model, and eliminate language that duplicates what is in Title 3.

- Sec. 15 provides that the Board's rules become the Director's rules.

Sec. 16 addresses **Alcohol and Drug Abuse Counselors**. It adds "process disorders" to their scope of practice.

Sec. 17 addresses **Real Estate Appraisers**. It would convert this profession from a board model to an advisor model, and eliminate language that duplicates what is in Title 3.

- Sec. 18 provides that the Board's rules become the Director's rules.

Sec. 19 addresses **Acupuncture**. It amends the definition of the practice; specifies the scope of practice; amends the licensure qualification requirements; and permits the unlicensed practice of auriculotherapy if certain conditions are met.

Sec. 20 addresses **Naturopaths**. It eliminates the ability of naturopaths to practice naturopathic childbirth.

- § 4131 eliminates unnecessary language re: supervision.

Sec. 21 addresses **Athletic Trainers**. It eliminates the restrictions on where they may practice.

Sec. 22 addresses **Applied Behavior Analysts**. It provides technical cleanup.