

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—WEDNESDAY, MARCH 4, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He judged the cause of the poor and needy; then it was well. Is not this to know me, says the Lord.” (Jeremiah 22:16)

O Lord, during this season we know we are to look at our lives and culture and see if we truly follow the way You desire for us to live. By Your grace, help us lead upright lives, be attentive to the needs of the poor and oppressed, and express love to those around us. As You reach out to us may we reach out to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 547, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Louis Smithey, Mexico, which was adopted.

Senator Richard offered Senate Resolution No. 548, regarding Helen Katherine Hunter, which was adopted.

Senator Kehoe offered Senate Resolution No. 549, regarding Raine Ryerson, Versailles, which was adopted.

Senator Cunningham offered Senate Resolution No. 550, regarding Taylor Brooks, Dora, which was adopted.

Senator Richard offered Senate Resolution No. 551, regarding Robert E. Williams, Carthage, which was adopted.

Senator Schupp offered Senate Resolution No. 552, regarding the death of Kennard Lee “Ken” Curtis, which was adopted.

Senator Kraus offered Senate Resolution No. 553, regarding Connor Brown, Class 2 State Champion, Oak Grove High School Panther wrestling team, which was adopted.

Senator Kraus offered Senate Resolution No. 554, regarding Shawn Kavadas, Class 2 State Champion, Oak Grove High School Panther wrestling team, which was adopted.

Senator Kraus offered Senate Resolution No. 555, regarding Landon Cairer, Class 2 State Champion, Oak Grove High School Panther wrestling team, which was adopted.

Senator Kraus offered Senate Resolution No. 556, regarding Dalton Brinegar, Class 2 State Champion, Oak Grove High School Panther wrestling team, which was adopted.

Senator Kraus offered Senate Resolution No. 557, regarding 2014-2015 Class 2 State Champion, Oak Grove High School Panthers wrestling program, which was adopted.

Senator Kraus offered Senate Resolution No. 558, regarding Mavrick Alexander, Class 3 State Champion, Grain Valley High School Eagles wrestling squad, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 32**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 32

WHEREAS, the rightful authority to develop energy policy for Missouri is vested in the Missouri General Assembly under Article III, Section 1 of the Constitution of Missouri; and

WHEREAS, in June 2014, the United States Environmental Protection Agency proposed the “Clean Power Plan” to cut emissions from existing coal-fired power plants; and

WHEREAS, the United States Environmental Protection Agency is seeking to subvert this authority by commanding our state to comply with federal mandates with little or no regard for the impact on our residents and communities; and

WHEREAS, the Environmental Protection Agency is seeking to make fundamental changes to the state's existing energy policy; and

WHEREAS, specifically, the EPA is requiring that Missouri reduce all electricity usage by almost ten percent, increase natural gas combined cycle capacity factors by over forty percent, and increase renewable energy generation by three hundred percent; and

WHEREAS, these requirements could severely damage the economic well-being of our state and our communities by increasing utility bills, increasing unemployment, and potentially reducing the reliability of our electric grid; and

WHEREAS, more than eighty percent of the electricity generated in Missouri is derived from coal-fired plants; and

WHEREAS, the driving forces behind the institution of the EPA's rule has been by states that do not generate electricity from coal and thus would not be impacted in an equal and fair manner; and

WHEREAS, additional concerns have been expressed and discussed at length in the document entitled "Comments of the General Assembly of the State of Missouri" dated December 1, 2014, filed by the House Majority Floor Leader with the Environmental Protection Agency (Docket ID No. EPA-HQ-OAR-2013-0602):

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby adopt the House Majority Floor Leader's filing with the EPA as the state's official position and strongly urge the Environmental Protection Agency to withdraw its Clean Power Plan proposed rule and return the state's energy policy regulation to the rightful authority of the people and elected officials of the state of Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Economic Development, Division of Energy to be considered in the development of the comprehensive energy plan described in the Governor's Executive Order 14-06, as well as Gina McCarthy, administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 149**, entitled:

An Act to repeal section 311.091, RSMo, and to enact in lieu thereof one new section relating to the sale of intoxicating liquor on boats.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 88**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of organ donor recognition day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 361**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of engineer awareness week in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 391**, entitled:

An Act to repeal sections 379.118 and 379.120, RSMo, and to enact in lieu thereof two new sections relating to automobile insurance notice requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 400**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of epilepsy awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 402**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Missouri Safe Boating Week.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 404**, entitled:

An Act to repeal section 9.120, and to enact in lieu thereof one new section relating to Missouri's Peace Officers Memorial Week.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 562**, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of autocycles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 245**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 245**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 245

An Act to repeal section 65.620, RSMo, and to enact in lieu thereof one new section relating to tax collection in counties that have abolished the township form of government, with an emergency clause.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 245** be adopted, which motion prevailed on a standing division vote.

Senator Schmitt assumed the Chair.

On motion of Senator Hegeman, **SCS** for **SB 245** was declared perfected and ordered printed.

At the request of Senator Kehoe, **SB 283** was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 59** was placed on the Informal Calendar.

Senator Sater moved that **SB 107**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 107

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to opinions issued by boards or commissions under the division of professional registration.

Was taken up.

Senator Sater moved that **SCS** for **SB 107** be adopted.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 107, Page 1, In the Title, Lines 2-3, by striking “opinions issued by boards or commissions” and inserting in lieu thereof the following: “professions regulated”; and

Further amend said bill and page, section 324.023, line 17, by inserting immediately after said line the following:

“345.015. As used in sections 345.010 to 345.080, the following terms mean:

(1) “Audiologist”, a person who is licensed as an audiologist pursuant to sections 345.010 to 345.080 to practice audiology;

(2) “Audiology aide”, a person who is registered as an audiology aide by the board, who does not act independently but works under the direction and supervision of a licensed audiologist. Such person assists the audiologist with activities which require an understanding of audiology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee, be of good moral and ethical character; and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person’s educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision are provided on a regular and systematic basis by a licensed audiologist.

However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than [speech-language pathology aide or clinical] audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising [speech-language pathologist/audiologist] **audiologist**, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

(3) “Board”, the state board of registration for the healing arts;

(4) [“Clinical fellowship”, the supervised professional employment period following completion of the academic and practicum requirements of an accredited training program as defined in sections 345.010 to 345.080;

(5) “Commission”, the advisory commission for speech-language pathologists and audiologists;

[(6)] (5) “Hearing instrument” or “hearing aid”, any wearable device or instrument designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers and repairs;

[(7)] (6) “Person”, any individual, organization, or corporate body, except that only individuals may be licensed pursuant to sections 345.010 to 345.080;

[(8)] (7) “Practice of audiology”:

(a) The application of accepted audiologic principles, methods and procedures for the measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory system, balance system

or related structures and systems;

(b) Provides consultation[,] **or** counseling to the patient, client, student, their family or interested parties;

(c) Provides academic, social and medical referrals when appropriate;

(d) Provides for establishing goals, implementing strategies, methods and techniques, for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance system or related structures and systems;

(e) Provides for involvement in related research, teaching or public education;

(f) Provides for rendering of services or participates in the planning, directing or conducting of programs which are designed to modify audition, communicative, balance or cognitive disorder, which may involve speech and language or education issues;

(g) Provides and interprets behavioral and neurophysiologic measurements of auditory balance, cognitive processing and related functions, including intraoperative monitoring;

(h) Provides involvement in any tasks, procedures, acts or practices that are necessary for evaluation of audition, hearing, training in the use of amplification or assistive listening devices;

(i) Provides selection, assessment, fitting, programming, and dispensing of hearing instruments, assistive listening devices, and other amplification systems;

(j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim molds and industrial noise protectors;

(k) Provides assessment of external ear and cerumen management;

(l) Provides advising, fitting, mapping assessment of implantable devices such as cochlear or auditory brain stem devices;

(m) Provides information in noise control and hearing conservation including education, equipment selection, equipment calibration, site evaluation and employee evaluation;

(n) Provides performing basic speech-language screening test;

(o) Provides involvement in social aspects of communication, including challenging behavior and ineffective social skills, lack of communication opportunities;

(p) Provides support and training of family members and other communication partners for the individual with auditory balance, cognitive and communication disorders;

(q) Provides aural rehabilitation and related services to individuals with hearing loss and their families;

(r) Evaluates, collaborates and manages audition problems in the assessment of the central auditory processing disorders and providing intervention for individuals with central auditory processing disorders;

(s) Develops and manages academic and clinical problems in communication sciences and disorders;

(t) Conducts, disseminates and applies research in communication sciences and disorders;

[(9)] **(8)** “Practice of speech-language pathology”:

(a) Provides screening, identification, assessment, diagnosis, treatment, intervention, including but not limited to prevention, restoration, amelioration and compensation, and follow-up services for disorders of:

a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;

b. Language, involving the parameters of phonology, morphology, syntax, semantics and pragmatic; and including disorders of receptive and expressive communication in oral, written, graphic and manual modalities;

c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia, including disorders of swallowing and oral functions for feeding; orofacial myofunctional disorders;

d. Cognitive aspects of communication, including communication disability and other functional disabilities associated with cognitive impairment;

e. Social aspects of communication, including challenging behavior, ineffective social skills, lack of communication opportunities;

(b) Provides consultation and counseling and makes referrals when appropriate;

(c) Trains and supports family members and other communication partners of individuals with speech, voice, language, communication and swallowing disabilities;

(d) Develops and establishes effective augmentative and alternative communication techniques and strategies, including selecting, prescribing and dispensing of augmentative aids and devices; and the training of individuals, their families and other communication partners in their use;

(e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking valves;

(f) Uses instrumental technology to diagnose and treat disorders of communication and swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

(g) Provides aural rehabilitative and related counseling services to individuals with hearing loss and to their families;

(h) Collaborates in the assessment of central auditory processing disorders in cases in which there is evidence of speech, language or other cognitive communication disorders; provides intervention for individuals with central auditory processing disorders;

(i) Conducts pure-tone air conduction hearing screening and screening tympanometry for the purpose of the initial identification or referral;

(j) Enhances speech and language proficiency and communication effectiveness, including but not limited to accent reduction, collaboration with teachers of English as a second language and improvement of voice, performance and singing;

(k) Trains and supervises support personnel;

(l) Develops and manages academic and clinical programs in communication sciences and disorders;

(m) Conducts, disseminates and applies research in communication sciences and disorders;

(n) Measures outcomes of treatment and conducts continuous evaluation of the effectiveness of practices

and programs to improve and maintain quality of services;

[(10)] **(9)** “Speech-language pathologist”, a person who is licensed as a speech-language pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-language pathology as defined in sections 345.010 to 345.080;

[(11)] **(10)** “Speech-language pathology aide”, a person who is registered as a speech-language aide by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist. Such person assists the speech-language pathologist with activities which require an understanding of speech-language pathology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee, be of good moral and ethical character; and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision is provided on a regular and systematic basis by a licensed speech-language pathologist. However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide [or clinical audiology aide], develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language [pathologist/audiologist] **pathologist**, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

[(12)] **(11)** “Speech-language pathology assistant”, a person who is registered as a speech-language pathology assistant by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist **practicing for at least one year or speech-language pathologist practicing under subdivisions (1) or (6) of subsection 1 of section 345.025 for at least one year** and whose activities require both academic and practical training in the field of speech-language pathology although less training than those established by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration by the board, each applicant shall submit the registration fee, **supervising speech-language pathologist information if employment is confirmed, if not such information shall be provided after registration**, be of good moral character and furnish evidence of the person's educational qualifications which meet the following:

(a) Hold a bachelor's level degree [in the field of speech-language pathology] from an institution accredited or approved by a regional accrediting body recognized by the United States Department of Education or its equivalent; and

(b) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of bachelor's level course work and [clinical practicum] requirements [equivalent to that required or approved by a regional accrediting body recognized by the United States Department of

Education or its equivalent] **in the field of speech-language pathology as established by the board through rules and regulations;**

(c) Submit proof of completion of the number and type of clinical hours as established by the board through rules and regulations.

345.020. 1. Licensure or registration shall be granted in either speech-language pathology or audiology independently. A person may be licensed or registered in both areas if the person is qualified. Each licensed or registered person shall display the license or certificate prominently in the person's place of practice.

2. No person shall practice or hold himself or herself out as being able to practice speech-language pathology or audiology in this state unless the person is licensed in accordance with the provisions of sections 345.010 to 345.080. Nothing in sections 345.010 to 345.080, however, shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which the person is licensed, and a licensed physician or surgeon may practice speech-language pathology or audiology without being licensed in accordance with the provisions of sections 345.010 to 345.080.

3. No person shall hold himself or herself out as being a speech-language pathologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself or herself as a speech-language pathologist or who uses in connection with such person's name the words or letters: "speech-language pathologist", "speech pathologist", "speech therapy", "speech therapist", "speech clinic", "speech clinician", "S.L.P.", "language specialist", "logopedist" or any other letters, words, abbreviations or insignia, indicating or implying that the person is a speech-language pathologist without a valid existing license is guilty of a class B misdemeanor.

4. No person shall hold himself or herself out as being an audiologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself or herself as an audiologist or who uses in connection with such person's name the words: "audiology", "audiologist", "audiological", "hearing clinic", "hearing clinician", "hearing therapist" or any other letters, words, abbreviations or insignia, indicating or implying that the person is an audiologist without a valid existing license is guilty of a class B misdemeanor.

5. No person shall hold himself or herself out as being a speech-language pathology assistant or aide or audiology aide in this state unless the person is registered as provided in sections 345.010 to 345.080.

6. Nothing in sections 345.010 to 345.080 shall prohibit a corporation, partnership, trust, association, or other like organization from engaging in the business of speech-language pathology or audiology without licensure if it employs licensed natural persons in the direct practice of speech-language pathology or audiology. [Any such corporation, partnership, trust, association, or other like organization shall also file with the board a statement, on a form approved by the board, that it submits itself to the rules and regulations of the board and the provisions of sections 345.010 to 345.080 which the board shall deem applicable to it.]

345.025. 1. The provisions of sections 345.010 to 345.080 do not apply to:

(1) The activities, services, and the use of an official title on the part of a person in the employ of a federal agency insofar as such services are part of the duties of the person's office or position with such agency;

(2) The activities and services of certified teachers of the deaf;

(3) The activities and services of a student in speech-language pathology or audiology pursuing a course of study at a university or college that has been approved by its regional accrediting association, or working in a recognized training center, if these activities and services constitute a part of the person's course of study supervised by a licensed speech-language pathologist or audiologist as provided in section 345.050;

(4) The activities and services of physicians and surgeons licensed pursuant to chapter 334;

(5) Audiometric technicians who are certified by the council for accreditation of occupational hearing conservationists when conducting pure tone air conduction audiometric tests for purposes of industrial hearing conservation and comply with requirements of the federal Occupational Safety and Health Administration;

(6) A person who holds a current valid certificate as a speech-language pathologist issued **before January 1, 2016**, by the Missouri department of elementary and secondary education and who is an employee of a public school while providing speech-language pathology services in such school system;

(7) Any person completing the required number and type of clinical hours required by paragraph (c) of subdivision (11) of section 345.015 as long as such person is under the direct supervision of a licensed speech-language pathologist and has not completed more than the number of clinical hours required by rule.

2. No one shall be exempt pursuant to subdivision (1) or (6) of subsection 1 of this section if the person does any work as a speech-language pathologist or audiologist outside of the exempted areas outlined in this section for which a fee or compensation may be paid by the recipient of the service. When college or university clinics charge a fee, supervisors of student clinicians shall be licensed.

345.040. The board shall adopt a seal by which it shall authenticate its proceedings. Copies of its proceedings, records, and acts, when signed by the [secretary] **executive director** and authenticated by the seal, shall be prima facie evidence in all courts of this state.

345.050. 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's good moral and ethical character, current competence and shall:

(1) Hold a master's or a doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; **and**

(3) [Present written evidence of completion of clinical fellowship as defined in subdivision (4) of section 345.015 from supervisors. The experience required by this subdivision shall follow the completion of the requirements of subdivisions (1) and (2) of this subsection. This period of employment shall be under the direct supervision of a person who is licensed by the state of Missouri in the profession in which the applicant seeks to be licensed. Persons applying with an audiology clinical doctoral degree are exempt from

this provision;

(4)] Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another jurisdiction and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

345.051.1. Every person licensed or registered pursuant to the provisions of sections 345.010 to 345.080 shall renew the license **or registration** on or before the renewal date. Such renewal date shall be determined by the board. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the date and number of the applicant's license **or registration**, all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory[,] **or** federal agency or country and information concerning the applicant's current physical and mental fitness to practice [as a speech-language pathologist or audiologist].

2. A blank form for application for license **or registration** renewal shall be mailed to each person licensed **or registered** in this state at the person's last known office or residence address. The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license **or registration** and pay the fee required by sections 345.010 to 345.080 for failure to renew the license **or registration**.

3. An applicant for renewal of a license [pursuant to] **or registration under** this section shall:

(1) Submit an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license **or registration** renewal, including the demonstration of continued competence to practice the profession for which the license **or registration** is issued. A requirement of continued competence may include, but is not limited to, continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

4. If a license **or registration** is suspended pursuant to section 345.065, the license **or registration** expires on the expiration date as established by the board for all licenses **and registrations** issued pursuant to sections 345.010 to 345.080. Such license **or registration** may be renewed but does not entitle the licensee to engage in the licensed **or registered** activity or in any other conduct or activity which violates the order of judgment by which the license **or registration** was suspended until such license **or registration** has been reinstated.

5. If a license **or registration** is revoked on disciplinary grounds pursuant to section 345.065, the license

or registration expires on the expiration date as established by the board for all licenses **and registrations** issued pursuant to sections 345.010 to 345.080. Such license **or registration** may not be renewed. If a license **or registration** is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board.

345.065. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to sections 345.010 to 345.080 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license **or registration** which is subject to probation, restriction or limitation to an applicant for licensure **or registration** for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license **or registration** to an applicant for licensure **or registration**, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license **or registration** seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 345.010 to 345.080;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 345.010 to 345.080 or in obtaining permission to take any examination given or required pursuant to sections 345.010 to 345.080;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 345.010 to

345.080;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 345.010 to 345.080, or of any lawful rule or regulation adopted pursuant to sections 345.010 to 345.080;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 345.010 to 345.080 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 345.010 to 345.080 who is not registered and currently eligible to practice pursuant to sections 345.010 to 345.080;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;

(13) Violation of any professional trust or confidence;

(14) Fraudulently or deceptively using a license, provisional license or registration;

(15) Altering a license, provisional license or registration;

(16) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology;

(17) Using or promoting or causing the use of any misleading, deceiving, improbable or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation;

(18) Falsely representing the use or availability of services or advice of a physician;

(19) Misrepresenting the applicant, licensee or holder by using the word doctor or any similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained from a regionally accredited institution;

(20) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;

(21) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances or products.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in

combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend, for a period not to exceed three years, **or restrict or limit the person's ability to practice for an indefinite period of time**, or revoke the license or registration.

4. The board may apply for relief by injunction, without bond, to restrain any person, partnership or corporation from engaging in any act or practice which constitutes an offense pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there is no adequate remedy at law to obtain an injunction. The members of the board and the advisory commission shall not be individually liable for applying for such relief.

345.080. 1. There is hereby established an "Advisory Commission for Speech-Language Pathologists and Audiologists" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 345.050, and shall assist the board in carrying out the provisions of sections 345.010 to 345.075.

2. After August 28, 1997, the commission shall consist of seven members, one of whom shall be a voting public member, appointed by the board of registration for the healing arts. Each member shall be a citizen of the United States and a resident of this state. Three members of the commission shall be licensed speech-language pathologists and three members of the commission shall be licensed audiologists. The public member shall be at the time of appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 345.010 to 345.080 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 345.010 to 345.080, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 345.010 to 345.080. Members shall be appointed to serve three-year terms, except as provided in this subsection. Each member of the advisory commission for [speech] **speech-language** pathologists and [clinical] audiologists on August 28, 1995, shall become a member of the advisory commission for speech-language pathologists and [clinical] audiologists and shall continue to serve until the term for which the member was appointed expires. Each member of the advisory commission for speech-language pathologists and [clinical] audiologists on August 28, 1997, shall become a member of the advisory commission for speech-language pathologists and audiologists and shall continue to serve until the term for which the member was appointed expires. The first public member appointed pursuant to this subsection shall be appointed for a two-year term and the one additional member appointed pursuant to this subsection shall be appointed for a full three-year term. No person [shall be eligible for reappointment] who has served as a member of the advisory commission for [speech] **speech-language** pathologists and audiologists [or as a member of the commission as established on August 28, 1995, for a total of six years] **for two consecutive terms may be reappointed to the advisory commission until a lapse of at least two years has occurred following the completion of his or her two consecutive terms.** The membership of the commission shall reflect the differences in levels of education, work experience and geographic residence. For a licensed speech-language pathologist member, the president of the Missouri Speech-Language-Hearing Association in office at the time, and for a licensed audiologist member, the president of the Missouri Academy of Audiologists in office at the time, in consultation with the president of the Missouri Speech-Language-Hearing Association, shall, at least ninety days prior to the expiration of a term of a commission member, other than the public member, or as soon as feasible after a vacancy on the commission otherwise occurs, submit to the **executive** director of the [division of professional

registration] **board** a list of five persons qualified and willing to fill the vacancy in question, with the request and recommendation that the board of registration for the healing arts appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Speech-Language-Hearing Association or the president of the Missouri Academy of Audiologists in office at the time shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the board of registration for the healing arts.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. The board of registration for the healing arts may remove a commission member for misconduct, incompetency or neglect of the member's official duties after giving the member written notice of the charges against such member and an opportunity to be heard thereon.

[345.022. 1. Any person in the person's clinical fellowship as defined in sections 345.010 to 345.080 shall hold a provisional license to practice speech-language pathology or audiology. The board may issue a provisional license to an applicant who:

(1) Has met the requirements for practicum and academic requirements from an accredited training program as defined in sections 345.010 to 345.080;

(2) Submits an application to the board on a form prescribed by the board. Such form shall include a plan for the content and supervision of the clinical fellowship, as well as evidence of good moral and ethical character; and

(3) Submits to the board an application fee, as set by the board, for the provisional license.

2. A provisional license is effective for one year and may be extended for an additional twelve months only for purposes of completing the postgraduate clinical experience portion of the clinical fellowship; provided that, the applicant has passed the national examination and shall hold a master's degree from an approved training program in his or her area of application.

3. Within twelve months of issuance of the provisional license, the applicant shall pass an examination promulgated or approved by the board.

4. Within twelve months of issuance of a provisional license, the applicant shall complete the master's or doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought.]; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Sater moved that **SCS** for **SB 107**, as amended, be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **SB 107**, as amended, was declared perfected and ordered printed.

Senator Kehoe moved that **SB 283** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Kehoe, **SB 283** was declared perfected and ordered printed.

Senator Cunningham moved that **SB 67**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 67**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 67

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 67** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SB 67**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 67

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs.

Senator Cunningham moved that **SS** for **SCS** for **SB 67** be adopted.

Senator Emery offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 67, Page 1, Section 488.2257, Lines 7-12, by striking all of said lines and inserting in lieu thereof the following: “**the state in all civil and criminal**”.

Senator Emery moved that the above amendment be adopted, which motion failed.

Senator Cunningham moved that **SS** for **SCS** for **SB 67** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 67** was declared perfected and ordered printed.

Senator Emery moved that **SB 227** be taken up for perfection, which motion prevailed.

Senator Emery offered **SS** for **SB 227**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 227

An Act to repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to evidence for the cost of medical treatment.

Senator Emery moved that **SS** for **SB 227** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Emery, **SB 227**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 283** and **SCS** for **SB 245**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

COMMUNICATIONS

March 2, 2015

The Honorable Tom Dempsey
State Capitol - Room 326
Jefferson City, MO 65101

Dear Sen. Dempsey:

Thank you for the recent appointment to the Joint Committee on Administrative Rules. However, at this time I would also like to respectfully be removed as a member of the Progress and Development Committee.

Thank you,

Sincerely,



Ryan Silvey
State Senator

INTRODUCTIONS OF GUESTS

Senator Holsman introduced to the Senate, his cousin, Ryan Myers; and Brandon Kuhl, and his father, Paul, Home Schoolers from Raymore; and Ryan and Brandon were made honorary pages.

Senator Schupp introduced to the Senate, former State Representative, Judge Rachel Bringer, Palmyra.

Senator Hegeman introduced to the Senate, former State Representative Casey Guernsey.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY—THURSDAY, MARCH 5, 2015

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 461-Wieland	SB 490-LeVota
SB 462-Schaefer	SB 491-Schatz
SB 463-Dixon	SB 492-Schatz
SB 464-Dixon	SB 493-Brown
SB 465-Schmitt	SB 494-LeVota
SB 466-Schmitt	SB 495-Hegeman
SB 467-Sifton	SB 496-Hegeman
SB 468-Sifton	SB 497-Hegeman
SB 469-Munzlinger	SB 498-Wasson
SB 470-Parson	SB 499-Wasson
SB 471-Schaaf	SB 500-Riddle
SB 472-Schaaf	SB 501-Riddle
SB 473-Schaaf	SB 502-Schmitt
SB 474-Wallingford	SB 503-Wieland
SB 475-Dempsey	SB 504-Wieland
SB 476-Kehoe	SB 505-Wieland
SB 477-Wallingford	SB 506-Riddle
SB 478-Onder	SB 507-Silvey
SB 479-Onder	SB 508-Holsman and Riddle
SB 480-Onder	SB 509-Holsman
SB 481-Onder	SB 510-Holsman
SB 482-Schupp	SB 511-Schaaf
SB 483-Silvey	SB 512-Schaaf
SB 484-Wieland	SB 513-Parson
SB 485-Wieland	SB 514-Parson
SB 486-Sifton	SB 515-Sater
SB 487-Richard	SB 516-Sifton
SB 488-Cunningham	SB 517-Wasson
SB 489-Cunningham	SB 518-Wallingford

SB 519-Richard, et al	SB 547-Riddle
SB 520-Kehoe	SB 548-Sifton
SB 521-Kehoe	SB 549-Onder
SB 522-Kehoe	SB 550-Dixon
SB 523-Kraus	SB 551-Hegeman
SB 524-Cunningham	SB 552-Munzlinger
SB 525-Brown	SB 553-Munzlinger
SB 526-Riddle	SB 554-Munzlinger
SB 527-Keaveny	SB 555-Emery
SB 528-Sater	SB 556-Pearce
SB 529-Onder	SB 557-LeVota
SB 530-Onder	SB 558-Brown
SB 531-Emery	SB 559-Chappelle-Nadal, et al
SB 532-Riddle	SB 560-Chappelle-Nadal
SB 533-Riddle	SB 561-Wasson
SB 534-Schaaf	SB 562-Wieland
SB 535-Schaaf	SB 563-Wieland
SB 536-Schaaf	SB 564-Kehoe
SB 537-Schaaf	SB 565-Wallingford
SB 538-Schaaf	SB 566-Silvey
SB 539-Brown	SB 567-Chappelle-Nadal, et al
SB 540-Libla	SB 568-Munzlinger
SB 541-Pearce	SJR 13-Schaaf
SB 542-Sater	SJR 14-Dixon
SB 543-Schupp	SJR 15-Cunningham
SB 544-Schaefer	
SB 545-Schaefer	
SB 546-Schaefer	

HOUSE BILLS ON SECOND READING

HB 30-Dugger	HCS for HB 141
HB 92-Miller	HB 29-Dugger
HB 125-Black	HB 100-Gosen
HB 185-Love	HB 233-Franklin
HB 190-Swan	HCS for HB 16
HCS for HB 42	HB 41-Wood
HCS for HB 130	HB 179-Chipman
HCS for HB 50	HB 533-Dugger
HB 32-Hoskins	HCS for HB 388

HB 149-Fitzpatrick
HB 88-Walton Gray
HB 361-Spencer
HB 391-Gosen
HB 400-Peters
HB 402-Phillips

HB 404-Phillips
HB 562-Davis

THIRD READING OF SENATE BILLS

SCS for SB 19-Kraus (In Fiscal Oversight)
SCS for SB 131-Parson
SS for SCS for SB 122-Walsh (In
Fiscal Oversight)

SCS for SBs 1, 22, 49 & 70-Pearce (In
Fiscal Oversight)
SB 283-Kehoe
SCS for SB 245-Hegeman

SENATE BILLS FOR PERFECTION

SB 37-Romine, with SCS
SB 233-Kehoe, with SCS
SB 10-Schaaf, with SCS

SB 119-Brown and Chappelle-Nadal, with SCS
SB 152-Wallingford, with SCS
SB 58-Dixon

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 59-Dixon
SB 142-Romine, with SCS & SS for SCS
(pending)

SB 227-Emery, with SS (pending)
SB 330-Parson
SB 424-Pearce, with SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/23

SB 276-Walsh

SB 277-Walsh

Reported 2/26

SB 13-Munzlinger
SB 221-Schatz
SB 214-Pearce
SB 211-Walsh and Dixon

RESOLUTIONS

To be Referred

HCS for HCR 32

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