

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 670

AN ACT

To repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, 334.725, 337.020, 337.029, and 337.050, RSMo, and to enact in lieu thereof sixteen new sections relating to licensing requirements for certain professionals, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 334.702, 334.704, 334.706, 334.708,  
2           334.710, 334.712, 334.715, 334.717, 334.719, 334.721, 334.725,  
3           337.020, 337.029, and 337.050, RSMo, are repealed and sixteen new  
4           sections enacted in lieu thereof, to be known as sections  
5           324.035, 334.702, 334.703, 334.704, 334.706, 334.708, 334.710,  
6           334.712, 334.715, 334.717, 334.721, 334.725, 334.726, 337.020,  
7           337.029, and 337.050, to read as follows:

8           324.035. 1. No board, commission, or committee within the  
9           division of professional registration shall utilize occupational  
10           fees, or any other fees associated with licensing requirements,  
11           or contract or partner with any outside vendor or agency for the  
12           purpose of offering continuing education classes.

13           2. Nothing in this section shall be construed to preclude a  
14           board, commission, or committee within the division of

1 professional registration from utilizing occupational licensure  
2 fees for the purpose of participating in conferences, seminars,  
3 or other outreach for the purpose of communicating information to  
4 licensees with respect to changes in policy, law, or regulations.

5 334.702. As used in sections 334.700 to 334.725, unless the  
6 context clearly requires otherwise, the following terms mean:

7 (1) "Athlete", [a person who participates in a sanctioned  
8 amateur or professional sport or recreational sport activity] any  
9 person who engages in exercise, recreation, sport, or other  
10 activity requiring physical strength, agility, flexibility, range  
11 of motion, speed, or stamina;

12 (2) "Athletic trainer", a [person] health care professional  
13 who meets the qualifications of section 334.708 and who, upon the  
14 direction of [the team physician and/or] a consulting physician[,  
15 practices prevention] licensed under this chapter, promotes  
16 health and wellness, provides injury and illness prevention,  
17 clinical evaluation and assessment, emergency care, first aid,  
18 treatment, or physical rehabilitation of injuries incurred by  
19 athletes, and oversees return to performance activity for  
20 athletes in the manner, means, and methods deemed necessary to  
21 effect care [or], rehabilitation, [or both] or function, and that  
22 are congruent with the athletic trainer's education, training,  
23 and competence. When billing a third party payer, an athletic  
24 trainer shall only bill such third party payer for services  
25 within the scope of practice of a licensed athletic trainer;

26 (3) "Athletic training student", a person enrolled in a  
27 professional athletic training degree program accredited by the  
28 Commission on Accreditation of Athletic Training Education, or

1 its successor agency;

2 [(3)] (4) "Board", the Missouri board for the healing arts;

3 [(4)] (5) "Committee", the Missouri athletic [trainers]  
4 trainer advisory committee;

5 [(5)] (6) "Division", the division of professional  
6 registration within the department of commerce and insurance;

7 [(6) "Student athletic trainer", a person who assists in  
8 the duties usually performed by a licensed athletic trainer and  
9 who works under the direct supervision of a licensed athletic  
10 trainer.]

11 (7) "Physically active individual", any person who engages  
12 in exercise, recreation, sport, or other activity requiring  
13 physical strength, agility, flexibility, range of motion, speed,  
14 or stamina.

15 334.703. 1. An athletic trainer shall refer any individual  
16 whose medical condition is beyond the scope of the athletic  
17 trainer's education, training, and competence to a physician as  
18 defined in chapter 334.400.

19 2. If there is no improvement in an individual who has  
20 sustained an athletic injury within twenty-one days of initiation  
21 of treatment, or ten visits, the athletic trainer shall refer the  
22 individual to a physician as defined in section 334.400.

23 3. The practice of athletic training shall not include the  
24 reconditioning or rehabilitation of systemic neurologic or  
25 cardiovascular injuries, conditions, or diseases, except for an  
26 athlete participating in a sanctioned amateur or professional  
27 sport or recreational sport activity under the supervision of the  
28 treating physician.

1           4. Nothing in this section shall be construed as to limit  
2 the ability of athletic trainers to provide health care services  
3 in accordance with the provisions of this chapter.

4           334.704. No person shall hold himself or herself out as an  
5 athletic trainer [in this state], or to be practicing athletic  
6 training, by title or description, including the words athletic  
7 trainer (AT), licensed athletic trainer (LAT), athletic  
8 therapist, or certified athletic trainer (ATC), unless such  
9 person has been licensed as such under the provisions of sections  
10 334.700 to 334.725.

11           334.706. 1. The board shall license applicants who meet  
12 the qualifications for athletic trainers, who file for licensure,  
13 and who pay all fees required for this licensure.

14           (1) The board may issue a temporary license to any person  
15 who is licensed as an athletic trainer in any other state or  
16 territory of the United States, who has attested that no  
17 professional license issued to him or her has ever been  
18 disciplined and who meets any other requirements established by  
19 the board.

20           (2) A temporary license shall be valid for six months from  
21 the date of issuance or until a permanent license is issued or  
22 denied and shall not be renewed.

23           (3) A temporary license may be denied pursuant to the  
24 causes and procedures set forth in section 334.715.

25           2. The board shall:

26           (1) Prescribe application forms to be furnished to all  
27 persons seeking licensure pursuant to sections 334.700 to  
28 334.725;

1 (2) Prescribe the form and design of the licensure to be  
2 issued pursuant to sections 334.700 to 334.725;

3 (3) Set the fee for licensure and renewal thereof;

4 (4) Keep a record of all of its proceedings regarding the  
5 Missouri athletic trainers act and of all athletic trainers  
6 licensed in this state;

7 (5) ~~Annually prepare~~ Make available a roster of the names  
8 and business addresses of all athletic trainers licensed in this  
9 state[, copies of which shall be made available upon request to  
10 any person paying the fee therefor]; and

11 (6) ~~Set the fee for the roster at an amount sufficient to~~  
12 ~~cover the actual cost of publishing and distributing the roster;~~

13 (7)] ~~Appoint members of the Missouri athletic trainer~~  
14 ~~advisory committee[;~~

15 (8) ~~Adopt an official seal].~~

16 3. The board may:

17 (1) Issue subpoenas to compel witnesses to testify or  
18 produce evidence in proceedings to deny[, suspend, or revoke] a  
19 license or licensure, or to discipline a license;

20 (2) Promulgate rules pursuant to chapter 536 in order to  
21 carry out the provisions of sections 334.700 to 334.725;

22 (3) Establish guidelines for athletic trainers in sections  
23 334.700 to 334.725.

24 4. No rule or portion of a rule promulgated under the  
25 authority of sections 334.700 to 334.725 shall become effective  
26 unless it has been promulgated pursuant to the provisions of  
27 section 536.024.

28 334.708. [1.] Any person seeking licensure pursuant to

1 sections 334.700 to 334.725 after August 28, 2006, [must be a  
2 resident or in the process of establishing residency in this  
3 state and] shall have passed the [National Athletic Trainers  
4 Association] Board of Certification, Inc., or its successor  
5 agency, examination.

6 [2. The board shall grant, without examination, licensure  
7 to any qualified nonresident athletic trainer holding a license  
8 or licensure in another state if such other state recognizes  
9 licenses or licensure of the state of Missouri in the same  
10 manner.]

11 334.710. 1. All applications for initial licensure  
12 pursuant to sections 334.700 to 334.725 shall be submitted on  
13 forms prescribed by the board and shall be accompanied by an  
14 initial licensure fee. All applications for renewal of licensure  
15 issued pursuant to sections 334.700 to 334.725 shall be submitted  
16 on forms prescribed by the board and shall be accompanied by a  
17 renewal fee.

18 2. All fees of any kind and character authorized to be  
19 charged by the board shall be [paid to the director of revenue  
20 and shall be deposited by the state treasurer into the board for  
21 the healing arts fund, to be disbursed only in payment for  
22 expenses of maintaining the athletic trainer licensure program  
23 and for the enforcement of the provisions of sections 334.700 to  
24 334.725] collected and deposited pursuant to section 334.050.

25 334.712. 1. Any person who meets the qualifications listed  
26 in section 334.708, submits his or her application and fees in  
27 accordance with section 334.710, and has not committed any act  
28 listed in section 334.715 shall be issued a license pursuant to

1 sections 334.700 to 334.725.

2 2. Each license issued pursuant to sections 334.700 to  
3 334.725 shall contain the name of the person to whom it was  
4 issued, the date on which it was issued and such other  
5 information as the board deems advisable. All licenses issued  
6 pursuant to sections 334.700 to 334.725 shall expire on [January  
7 thirtieth of each year] a schedule established by rule.

8 334.715. 1. The board may refuse to issue or renew any  
9 license required under sections 334.700 to 334.725 for one or any  
10 combination of causes listed in subsection 2 of this section or  
11 any cause listed in section 334.100. The board shall notify the  
12 applicant in writing of the reasons for the refusal and shall  
13 advise the applicant of the applicant's right to file a complaint  
14 with the administrative hearing commission as provided in chapter  
15 621. As an alternative to a refusal to issue or renew any  
16 certificate, registration, or authority, the board may, in its  
17 discretion, issue a license which is subject to reprimand,  
18 probation, restriction, or limitation to an applicant for  
19 licensure for any one or any combination of causes listed in  
20 subsection 2 of this section or section 334.100. The board's  
21 order of reprimand, probation, limitation, or restriction shall  
22 contain a statement of the discipline imposed, the basis  
23 therefor, the date such action shall become effective, and a  
24 statement that the applicant has thirty days to request in  
25 writing a hearing before the administrative hearing commission.  
26 If the board issues a probationary, limited, or restricted  
27 license to an applicant for licensure, either party may file a  
28 written petition with the administrative hearing commission

1 within thirty days of the effective date of the probationary,  
2 limited, or restricted license seeking review of the board's  
3 determination. If no written request for a hearing is received  
4 by the administrative hearing commission within the thirty-day  
5 period, the right to seek review of the board's decision shall be  
6 considered waived.

7 2. The board may cause a complaint to be filed with the  
8 administrative hearing commission as provided in chapter 621  
9 against any holder of a certificate of registration or authority,  
10 permit, or license required by sections 334.700 to 334.725 or any  
11 person who has failed to renew or has surrendered the person's  
12 certification of registration or license for any one or any  
13 combination of the following causes:

14 (1) Violated or conspired to violate any provision of  
15 sections 334.700 to 334.725 or any provision of any rule  
16 promulgated pursuant to sections 334.700 to 334.725; or

17 (2) Has been found guilty of unethical conduct as defined  
18 in the ethical standards of the National Athletic [Trainers]  
19 Trainers' Association or the [National Athletic Trainers  
20 Association] Board of Certification, Inc., or its successor  
21 agency, as adopted and published by the committee and the board  
22 and filed with the secretary of state; or

23 (3) Has practiced in the state of Missouri while no longer  
24 certified as an athletic trainer by the Board of Certification,  
25 Inc., or its successor agency; or

26 (4) Any cause listed in section 334.100.

27 3. After the filing of such complaint before the  
28 administrative hearing commission, the proceedings shall be

1 conducted in accordance with the provisions of chapter 621. Upon  
2 a finding by the administrative hearing commission that the  
3 grounds provided in subsection 2 of this section for disciplinary  
4 action are met, the board may, singly or in combination:

5 (1) Warn, censure, or place the person named in the  
6 complaint on probation on such terms and conditions as the board  
7 deems appropriate for a period not to exceed ten years; or

8 (2) Suspend the person's license, certificate, or permit  
9 for a period not to exceed three years; or

10 (3) Administer a public or private reprimand; or

11 (4) Deny the person's application for a license; or

12 (5) Permanently withhold issuance of a license or require  
13 the person to submit to the care, counseling, or treatment of  
14 physicians designated by the board at the expense of the  
15 individual to be examined; or

16 (6) Require the person to attend such continuing education  
17 courses and pass such examinations as the board may direct; or

18 (7) Restrict or limit the person's license for an  
19 indefinite period of time; or

20 (8) Revoke the person's license.

21 4. In any order of revocation, the board may provide that  
22 the person shall not apply for reinstatement of the person's  
23 license for a period of time ranging from two to seven years  
24 following the date of the order of revocation. All stay orders  
25 shall toll such time period.

26 5. Before restoring to good standing a license,  
27 certificate, or permit issued under this chapter which has been  
28 in a revoked, suspended, or inactive state for any cause for more

1 than two years, the board may require the applicant to attend  
2 such continuing education courses and pass such examinations as  
3 the board may direct.

4 334.717. 1. There is hereby created the "Missouri Athletic  
5 Trainer Advisory Committee", to be composed of [~~five~~] six members  
6 to be appointed by the board.

7 2. The athletic trainer advisory committee shall:

8 (1) Assist the board in conducting [~~examinations~~]  
9 evaluations for applicants of athletic trainer licensure;

10 (2) Advise the board on all matters pertaining to the  
11 licensure of athletic trainers;

12 (3) Review all complaints and/or investigations wherein  
13 there is a possible violation of sections 334.100, 334.700 to  
14 334.725, or regulations promulgated pursuant thereto and make  
15 recommendations to the board for action;

16 (4) Follow the provisions of the board's administrative  
17 practice procedures in conducting all official duties.

18 3. [~~Each~~] The athletic trainer advisory committee [~~member~~]  
19 shall be comprised as such:

20 (1) Each member shall be a citizen of the United States and  
21 a resident of the state of Missouri for five years [~~next~~]  
22 immediately preceding appointment and remain a resident of the  
23 state of Missouri throughout the term; and

24 (2) [~~Be comprised of~~] Three members shall be licensed  
25 athletic trainers [~~except for initial appointees~~]; and

26 (3) One member shall be a physician duly licensed by the  
27 Missouri state board for the healing arts; and

28 (4) One member shall be a general public member; and

1           (5) One member shall be a member of the board.

2           4. [Except for the initial appointees,] Members shall hold  
3 office for terms of six years. [The board shall designate one  
4 member for a term expiring in 1984, one member for a term  
5 expiring in 1985, one member for a term expiring in 1986, one  
6 member for a term expiring in 1987, and one member for a term  
7 expiring in 1988.] In the event of death, resignation, or  
8 removal of any member, the vacancy of the unexpired term shall be  
9 filled by the board in the same manner as the other appointments.

10           334.721. 1. Nothing in sections 334.700 to 334.725 shall  
11 be construed to authorize the practice of medicine by any person  
12 not licensed by the state board of registration for the healing  
13 arts.

14           2. The provisions of sections 334.700 to 334.725 shall not  
15 apply to the following persons:

16           (1) Physicians and surgeons licensed by the state board of  
17 registration for the healing arts pursuant to this chapter;

18           (2) [Dentists licensed by the Missouri dental board who  
19 confine their practice strictly to dentistry;

20           (3) Optometrists licensed by the state board of optometry  
21 who confine their practice strictly to optometry, as defined in  
22 section 336.010;

23           (4)] Nurses licensed by the state board of nursing who  
24 confine their practice strictly to nursing as defined in section  
25 335.016;

26           [(5)] (3) Chiropractors licensed by the state board of  
27 chiropractic examiners who confine themselves strictly to the  
28 practice of chiropractic, as defined in section 331.010;

1            [(6)] (4) Podiatrists licensed by the [state board of  
2            chiropody or podiatry] state board of podiatric medicine who  
3            confine their practice strictly to that of a podiatrist, as  
4            defined in section 330.010;

5            [(7)] (5) Professional physical therapists licensed by the  
6            state board of registration for the healing arts who confine  
7            their practice strictly to professional physical therapy, as  
8            defined in section 334.500;

9            [(8) Coaches and physical education instructors in the  
10           performance of their duties;

11           [(9)] (6) Athletic training students who confine themselves  
12           strictly to their duties as defined in sections 334.700 to  
13           334.725;

14           [(10)] (7) Athletic trainers, holding a valid credential  
15           from other nations, states, or territories performing their  
16           duties for their respective teams or organizations if they  
17           restrict their duties only to their teams or organizations and  
18           only during the course of their teams' or organizations' [stay]  
19           visit, not to exceed thirty days in one calendar year, in this  
20           state.

21           334.725. Any person who violates any provision of sections  
22           334.700 to 334.725 is guilty of a misdemeanor and, upon  
23           conviction thereof, shall be punished as for a class [C] B  
24           misdemeanor.

25           334.726. Any new amendments to sections 334.701 to 334.726,  
26           shall become effective thirty days after the effective date of  
27           such act.

28           337.020. 1. Each person desiring to obtain a license,

1 whether temporary, provisional or permanent, as a psychologist  
2 shall make application to the committee upon such forms and in  
3 such manner as may be prescribed by the committee and shall pay  
4 the required application fee. The form shall include a statement  
5 that the applicant has completed two hours of suicide assessment,  
6 referral, treatment, and management training that meets the  
7 guidelines developed by the committee. [The committee shall not  
8 charge an application fee until such time that the application  
9 has been approved. In the event that an application is denied or  
10 rejected, no application fee shall be charged.] The application  
11 fee shall not be refundable. Each application shall contain a  
12 statement that it is made under oath or affirmation and that its  
13 representations are true and correct to the best knowledge and  
14 belief of the person signing the application, subject to the  
15 penalties of making a false affidavit or declaration.

16 2. Each applicant, whether for temporary, provisional or  
17 permanent licensure, shall submit evidence satisfactory to the  
18 committee that the applicant is at least twenty-one years of age,  
19 is of good moral character, and meets the appropriate educational  
20 requirements as set forth in either section 337.021 or 337.025,  
21 or is qualified for licensure without examination pursuant to  
22 section 337.029. In determining the acceptability of the  
23 applicant's qualifications, the committee may require evidence  
24 that it deems reasonable and proper, in accordance with law, and  
25 the applicant shall furnish the evidence in the manner required  
26 by the committee.

27 3. The committee with assistance from the division shall  
28 issue a permanent license to and register as a psychologist any

1 applicant who, in addition to having fulfilled the other  
2 requirements of sections 337.010 to 337.090, passes the  
3 examination for professional practice in psychology and such  
4 other examinations in psychology which may be adopted by the  
5 committee, except that an applicant fulfilling the requirement of  
6 section 337.029 shall upon successful completion of the  
7 jurisprudence examination and completion of the oral examination  
8 be permanently licensed without having to retake the examination  
9 for professional practice in psychology.

10 4. The committee, with assistance from the division, shall  
11 issue a provisional license to, and register as being a  
12 provisionally licensed psychologist, any applicant who is a  
13 graduate of a recognized educational institution with a doctoral  
14 degree in psychology as defined in section 337.025, and who  
15 otherwise meets all requirements to become a licensed  
16 psychologist, except for passage of the national and state  
17 licensing exams, oral examination and completion of the required  
18 period of postdegree supervised experience as specified in  
19 subsection 2 of section 337.025.

20 5. A provisional license issued pursuant to subsection 4 of  
21 this section shall only authorize and permit the applicant to  
22 render those psychological services which are under the  
23 supervision and the full professional responsibility and control  
24 of such person's postdoctoral degree licensed supervisor. A  
25 provisional license shall automatically terminate upon issuance  
26 of a permanent license, upon a finding of cause to discipline  
27 after notice and hearing pursuant to section 337.035, upon the  
28 expiration of one year from the date of issuance whichever event

1 first occurs, or upon termination of supervision by the licensed  
2 supervisor. The provisional license may be renewed after one  
3 year with a maximum issuance of two years total per provisional  
4 licensee. The committee by rule shall provide procedures for  
5 exceptions and variances from the requirement of a maximum  
6 issuance of two years due to vacations, illness, pregnancy and  
7 other good causes.

8 6. The committee, with assistance from the division, shall  
9 immediately issue a temporary license to any applicant for  
10 licensure either by reciprocity pursuant to section 337.029, or  
11 by endorsement of the score from the examination for professional  
12 practice in psychology upon receipt of an application for such  
13 licensure and upon proof that the applicant is either licensed as  
14 a psychologist in another jurisdiction, is a diplomate of the  
15 American Board of Professional Psychology, or is a member of the  
16 National Register of Health Services Providers in Psychology.

17 7. A temporary license issued pursuant to subsection 6 of  
18 this section shall authorize the applicant to practice psychology  
19 in this state, the same as if a permanent license had been  
20 issued. Such temporary license shall be issued without payment  
21 of an additional fee and shall remain in full force and effect  
22 until the earlier of the following events:

23 (1) A permanent license has been issued to the applicant  
24 following successful completion of the jurisprudence examination  
25 and the oral interview examination;

26 (2) In cases where the committee has found the applicant  
27 ineligible for licensure and no appeal has been taken to the  
28 administrative hearing commission, then at the expiration of such

1 appeal time; or

2 (3) In cases where the committee has found the applicant  
3 ineligible for licensure and the applicant has taken an appeal to  
4 the administrative hearing commission and the administrative  
5 hearing commission has also found the applicant ineligible, then  
6 upon the rendition by the administrative hearing commission of  
7 its findings of fact and conclusions of law to such effect.

8 8. Written and oral examinations pursuant to sections  
9 337.010 to 337.090 shall be administered by the committee at  
10 least twice each year to any applicant who meets the educational  
11 requirements set forth in either section 337.021 or 337.025 or to  
12 any applicant who is seeking licensure either by reciprocity  
13 pursuant to section 337.029, or by endorsement of the score from  
14 the examination of professional practice in psychology. The  
15 committee shall examine in the areas of professional knowledge,  
16 techniques and applications, research and its interpretation,  
17 professional affairs, ethics, and Missouri law and regulations  
18 governing the practice of psychology. The committee may use, in  
19 whole or in part, the examination for professional practice in  
20 psychology national examination in psychology or such other  
21 national examination in psychology which may be available.

22 9. If an applicant fails any examination, the applicant  
23 shall be permitted to take a subsequent examination, upon the  
24 payment of an additional reexamination fee. This reexamination  
25 fee shall not be refundable.

26 337.029. 1. A psychologist licensed in another  
27 jurisdiction who has had no violations and no suspensions and no  
28 revocation of a license to practice psychology in any

1 jurisdiction may receive a license in Missouri, provided the  
2 psychologist passes a written examination on Missouri laws and  
3 regulations governing the practice of psychology and meets one of  
4 the following criteria:

5 (1) Is a diplomate of the American Board of Professional  
6 Psychology;

7 (2) Is a member of the National Register of Health Service  
8 Providers in Psychology;

9 (3) [Is currently licensed or certified as a psychologist  
10 in another jurisdiction who is then a signatory to the  
11 Association of State and Provincial Psychology Board's  
12 reciprocity agreement;

13 (4)] Is currently licensed or certified as a psychologist  
14 in another state, territory of the United States, or the District  
15 of Columbia and:

16 (a) Has a doctoral degree in psychology from a program  
17 accredited, or provisionally accredited, either by the American  
18 Psychological Association or the Psychological Clinical Science  
19 Accreditation System, or that meets the requirements as set forth  
20 in subdivision (3) of subsection 3 of section 337.025;

21 (b) Has been licensed for the preceding five years; and

22 (c) Has had no disciplinary action taken against the  
23 license for the preceding five years; or

24 [(5)] (4) Holds a current certificate of professional  
25 qualification (CPQ) issued by the Association of State and  
26 Provincial Psychology Boards (ASPPB).

27 2. Notwithstanding the provisions of subsection 1 of this  
28 section, applicants may be required to pass an oral examination

1 as adopted by the committee.

2 3. A psychologist who receives a license for the practice  
3 of psychology in the state of Missouri on the basis of  
4 reciprocity as listed in subsection 1 of this section or by  
5 endorsement of the score from the examination of professional  
6 practice in psychology score will also be eligible for and shall  
7 receive certification from the committee as a health service  
8 provider if the psychologist meets one or more of the following  
9 criteria:

10 (1) Is a diplomate of the American Board of Professional  
11 Psychology in one or more of the specialties recognized by the  
12 American Board of Professional Psychology as pertaining to health  
13 service delivery;

14 (2) Is a member of the National Register of Health Service  
15 Providers in Psychology; or

16 (3) Has completed or obtained through education, training,  
17 or experience the requisite knowledge comparable to that which is  
18 required pursuant to section 337.033.

19 337.050. 1. There is hereby created and established a  
20 "State Committee of Psychologists", which shall consist of seven  
21 licensed psychologists and one public member. The state  
22 committee of psychologists existing on August 28, 1989, is  
23 abolished. Nothing in this section shall be construed to prevent  
24 the appointment of any current member of the state committee of  
25 psychologists to the new state committee of psychologists created  
26 on August 28, 1989.

27 2. Appointments to the committee shall be made by the  
28 governor upon the recommendations of the director of the

1 division, upon the advice and consent of the senate. The  
2 division, prior to submitting nominations, shall solicit nominees  
3 from professional psychological associations and licensed  
4 psychologists in the state. The term of office for committee  
5 members shall be five years, and committee members shall not  
6 serve more than ten years. No person who has previously served  
7 on the committee for ten years shall be eligible for appointment.  
8 In making initial appointments to the committee, the governor  
9 shall stagger the terms of the appointees so that two members  
10 serve initial terms of two years, two members serve initial terms  
11 of three years, and two members serve initial terms of four  
12 years.

13 3. Each committee member shall be a resident of the state  
14 of Missouri for one year, shall be a United States citizen, and  
15 shall, other than the public member, have been licensed as a  
16 psychologist in this state for at least three years. Committee  
17 members shall reflect a diversity of practice specialties. To  
18 ensure adequate representation of the diverse fields of  
19 psychology, the committee shall consist of at least two  
20 psychologists who are engaged full time in the doctoral teaching  
21 and training of psychologists, and at least two psychologists who  
22 are engaged full time in the professional practice of psychology.  
23 In addition, the first appointment to the committee shall include  
24 at least one psychologist who shall be licensed on the basis of a  
25 master's degree who shall serve a full term of five years.  
26 Nothing in sections 337.010 to 337.090 shall be construed to  
27 prohibit full membership rights on the committee for  
28 psychologists licensed on the basis of a master's degree. If a

1 member of the committee shall, during the member's term as a  
2 committee member, remove the member's domicile from the state of  
3 Missouri, then the committee shall immediately notify the  
4 director of the division, and the seat of that committee member  
5 shall be declared vacant. All such vacancies shall be filled by  
6 appointment of the governor with the advice and consent of the  
7 senate, and the member so appointed shall serve for the unexpired  
8 term of the member whose seat has been declared vacant.

9 4. The public member shall be at the time of the public  
10 member's appointment a citizen of the United States; a resident  
11 of this state for a period of one year and a registered voter; a  
12 person who is not and never was a member of any profession  
13 licensed or regulated pursuant to sections 337.010 to 337.093 or  
14 the spouse of such person; and a person who does not have and  
15 never has had a material, financial interest in either the  
16 providing of the professional services regulated by sections  
17 337.010 to 337.093, or an activity or organization directly  
18 related to any profession licensed or regulated pursuant to  
19 sections 337.010 to 337.093. The duties of the public member  
20 shall not include the determination of the technical requirements  
21 to be met for licensure or whether any person meets such  
22 technical requirements or of the technical competence or  
23 technical judgment of a licensee or a candidate for licensure.

24 5. The committee shall hold a regular annual meeting at  
25 which it shall select from among its members a chairperson and a  
26 secretary. A quorum of the committee shall consist of a majority  
27 of its members. In the absence of the chairperson, the secretary  
28 shall conduct the office of the chairperson.

1           6. Each member of the committee shall receive, as  
2 compensation, an amount set by the division not to exceed fifty  
3 dollars for each day devoted to the affairs of the committee and  
4 shall be entitled to reimbursement for necessary and actual  
5 expenses incurred in the performance of the member's official  
6 duties.

7           7. Staff for the committee shall be provided by the  
8 director of the division of professional registration.

9           8. The governor may remove any member of the committee for  
10 misconduct, inefficiency, incompetency, or neglect of office.

11           9. In addition to the powers set forth elsewhere in  
12 sections 337.010 to 337.090, the division may adopt rules and  
13 regulations, not otherwise inconsistent with sections 337.010 to  
14 337.090, to carry out the provisions of sections 337.010 to  
15 337.090. The committee may promulgate, by rule, "Ethical Rules  
16 of Conduct" governing the practices of psychology which rules  
17 shall be based upon the ethical principles promulgated and  
18 published by the American Psychological Association.

19           10. Any rule or portion of a rule, as that term is defined  
20 in section 536.010, that is promulgated to administer and enforce  
21 sections 337.010 to 337.090, shall become effective only if the  
22 agency has fully complied with all of the requirements of chapter  
23 536 including but not limited to section 536.028 if applicable,  
24 after August 28, 1998. All rulemaking authority delegated prior  
25 to August 28, 1998, is of no force and effect and repealed as of  
26 August 28, 1998, however nothing in this act shall be interpreted  
27 to repeal or affect the validity of any rule adopted and  
28 promulgated prior to August 28, 1998. If the provisions of

1 section 536.028 apply, the provisions of this section are  
2 nonseverable and if any of the powers vested with the general  
3 assembly pursuant to section 536.028 to review, to delay the  
4 effective date, or to disapprove and annul a rule or portion of a  
5 rule are held unconstitutional or invalid, the purported grant of  
6 rulemaking authority and any rule so proposed and contained in  
7 the order of rulemaking shall be invalid and void, except that  
8 nothing in this act shall affect the validity of any rule adopted  
9 and promulgated prior to August 28, 1998.

10 11. The committee may sue and be sued in its official name,  
11 and shall have a seal which shall be affixed to all certified  
12 copies or records and papers on file, and to such other  
13 instruments as the committee may direct. All courts shall take  
14 judicial notice of such seal. Copies of records and proceedings  
15 of the committee, and of all papers on file with the division on  
16 behalf of the committee certified under the seal shall be  
17 received as evidence in all courts of record.

18 12. When applying for a renewal of a license pursuant to  
19 section 337.030, each licensed psychologist shall submit proof of  
20 the completion of at least forty hours of continuing education  
21 credit within the two-year period immediately preceding the date  
22 of the application for renewal of the license, with a minimum of  
23 three of the forty hours of continuing education dedicated to  
24 professional ethics. The type of continuing education to be  
25 considered shall include, but not be limited to:

26 (1) Attending recognized educational seminars, the content  
27 of which are primarily psychological, as defined by rule;

28 (2) Attending a graduate level course at a recognized

1 educational institution where the contents of which are primarily  
2 psychological, as defined by rule;

3 (3) Presenting a recognized educational seminar, the  
4 contents of which are primarily psychological, as defined by  
5 rule;

6 (4) Presenting a graduate level course at a recognized  
7 educational institution where the contents of which are primarily  
8 psychological, as defined by rule; and

9 (5) Independent course of studies, the contents of which  
10 are primarily psychological, which have been approved by the  
11 committee and defined by rule.

12

13 The committee shall determine by administrative rule the amount  
14 of training, instruction, self-instruction or teaching that shall  
15 be counted as an hour of continuing education credit.

16 [334.719. Any person who is a resident of this  
17 state and who was actively engaged as an athletic  
18 trainer on September 28, 1983, shall be entitled to  
19 continue to practice as such but, within six months of  
20 that date, comply with the provisions of section  
21 334.708 to 334.715. For the purposes of this section a  
22 person is actively engaged as an athletic trainer if he  
23 is employed on a salary basis by an educational  
24 institution, a professional athletic organization, or  
25 any other bona fide athletic organization for the  
26 duration of the institutional year or the athletic  
27 organization's season, and one of his job  
28 responsibilities requires him to perform the duties of  
29 an athletic trainer.]