

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 272

94TH GENERAL ASSEMBLY

2007

0666L.06T

AN ACT

To repeal sections 41.950, 214.275, 214.340, 327.621, 331.030, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof twenty-four new sections relating to professional licensing of certain occupations, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 41.950, 214.275, 214.340, 327.621, 331.030, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 41.950, 214.275, 214.340, 327.621, 327.622, 331.030, 333.011, 333.121, 334.610, 334.625, 337.503, 337.510, 337.528, 337.649, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, 339.533, and 660.315, to read as follows:

41.950. 1. Any resident of this state who is a member of the national guard or of any reserve component of the armed forces of the United States or who is a member of the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard or an officer of the United States Public Health Service detailed by proper authority for duty with any branch of the United States armed forces described in this section and who is engaged in the performance of active duty in the military service of the United States in a military conflict in which reserve components have been called to active duty under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order by the President

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 or Congress for any period of thirty days or more shall be relieved from certain
12 provisions of state law, as follows:

13 (1) No person performing such military service who owns a motor vehicle
14 shall be required to maintain financial responsibility on such motor vehicle as
15 required under section 303.025, RSMo, until such time as that person completes
16 such military service, unless any person shall be operating such motor vehicle
17 while the vehicle owner is performing such military service;

18 (2) No person failing to renew his driver's license while performing such
19 military service shall be required to take a complete examination as required
20 under section 302.173, RSMo, when renewing his license within sixty days after
21 completing such military service;

22 (3) Any motor vehicle registration required under chapter 301, RSMo, that
23 expires for any person performing such military service may be renewed by such
24 person within sixty days of completing such military service without being
25 required to pay a delinquent registration fee; however, such motor vehicle shall
26 not be operated while the person is performing such military service unless the
27 motor vehicle registration is renewed;

28 (4) Any person enrolled by the supreme court of Missouri or licensed,
29 registered or certified under chapter 168, 256, 289, 317, **324**, 325, 326, 327, 328,
30 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345,
31 346, 375, 640 or 644, RSMo, **and interpreters licensed under sections**
32 **209.319 to 209.339, RSMo**, whose license, registration or certification expires
33 while performing such military service, may renew such license, registration or
34 certification within sixty days of completing such military service without
35 penalty;

36 (5) In the case of annual reports, franchise tax reports or other reports
37 required to be filed with the office of secretary of state, where the filing of such
38 report would be delayed because of a person performing such military service,
39 such reports shall be filed without penalty within one hundred twenty days of the
40 completion of such military service;

41 (6) No person performing such military service who is subject to a
42 criminal summons for a traffic violation shall be subject to nonappearance
43 sanctions for such violation until after one hundred eighty days after the
44 completion of such military service;

45 (7) No person performing such military service who is required under
46 state law to file financial disclosure reports shall be required to file such reports
47 while performing such military service; however, such reports covering that
48 period of time that such military service is performed shall be filed within one

49 hundred eighty days after the completion of such military service;

50 (8) Any person with an indebtedness, liability or obligation for state
51 income tax or property tax on personal or real property who is performing such
52 military service or a spouse of such person filing a combined return or owning
53 property jointly shall be granted an extension to file any papers or to pay any
54 obligation until one hundred eighty days after the completion of such military
55 service or continuous hospitalization as a result of such military service
56 notwithstanding the provisions of section 143.991, RSMo, to the contrary and
57 shall be allowed to pay such tax without penalty or interest if paid within the
58 one-hundred-eighty-day period;

59 (9) Notwithstanding other provisions of the law to the contrary, for the
60 purposes of this section, interest shall be allowed and paid on any overpayment
61 of tax imposed by sections 143.011 to 143.998, RSMo, at the rate of six percent
62 per annum from the original due date of the return or the date the tax was paid,
63 whichever is later;

64 (10) No state agency, board, commission or administrative tribunal shall
65 take any administrative action against any person performing such military
66 service for that person's failure to take any required action or meet any required
67 obligation not already provided for in subdivisions (1) to (8) of this subsection
68 until one hundred eighty days after the completion of such military service,
69 except that any agency, board, commission or administrative tribunal affected by
70 this subdivision may, in its discretion, extend the time required to take such
71 action or meet such obligation beyond the one-hundred-eighty-day period;

72 (11) Any disciplinary or administrative action or proceeding before any
73 state agency, board, commission or administrative tribunal where the person
74 performing such military service is a necessary party, which occurs during such
75 period of military service, shall be stayed by the administrative entity before
76 which it is pending until sixty days after the end of such military service.

77 2. Upon completing such military service, the person shall provide the
78 appropriate agency, board, commission or administrative tribunal an official order
79 from the appropriate military authority as evidence of such military service.

80 3. The provisions of this section shall apply to any individual defined in
81 subsection 1 of this section who performs such military service on or after August
82 2, 1990.

214.275. 1. No endowed care or nonendowed care cemetery shall be
2 operated in this state unless the owner or operator thereof has a license issued
3 by the division and complies with all applicable state, county or municipal
4 ordinances and regulations.

5 2. It shall not be unlawful for a person who does not have a license to care
6 for or maintain the cemetery premises, or to fulfill prior contractual obligations
7 for the interment of human remains in burial spaces.

8 3. Applications for a license shall be in writing, submitted to the division
9 on forms prescribed by the division. The application shall contain such
10 information as the division deems necessary and be accompanied by the required
11 fee.

12 4. Each license issued pursuant to sections 214.270 to 214.516 shall be
13 renewed prior to the license renewal date established by the division. The
14 division shall issue a new license upon receipt of a proper renewal application,
15 **trust fund report as required by section 214.340**, and the required renewal
16 fee. The required renewal fee shall be fifty dollars, plus an assessment for each
17 interment, inurnment or other disposition of human remains at a cemetery for
18 which a charge is made, as the division shall by rule determine, not to exceed ten
19 dollars per such disposition in the case of an endowed care cemetery, and six
20 dollars for such disposition in the case of a nonendowed care cemetery. The
21 division shall mail a renewal notice to the last known address of the holder of the
22 license prior to the renewal date. The holder of a license shall keep the division
23 advised of the holder's current address. The license issued to the owner or
24 operator of a cemetery which is not renewed within three months after the license
25 renewal date shall be suspended automatically, subject to the right of the holder
26 to have the suspended license reinstated within nine months of the date of
27 suspension if the person pays the required reinstatement fee. Any license
28 suspended and not reinstated within nine months of the suspension shall expire
29 and be void and the holder of such license shall have no rights or privileges
30 provided to holders of valid licenses. Any person whose license has expired may,
31 upon demonstration of current qualifications and payment of required fees, be
32 reregistered or reauthorized under the person's original license number.

33 5. The division shall grant or deny each application for a license pursuant
34 to this section within ninety days after it is filed, and no prosecution of any
35 person who has filed an application for such license shall be initiated unless it
36 is shown that such application was denied by the division and the owner was
37 notified thereof.

38 6. Upon the filing of a completed application, as defined by rule, the
39 applicant may operate the business until the application is acted upon by the
40 division.

41 7. Within thirty days after the sale or transfer of ownership or control of
42 a cemetery, the transferor shall return his or her license to the division. A

43 prospective purchaser or transferee of a cemetery shall file an application for a
44 license at least thirty days prior to the sale or transfer of ownership or control of
45 a cemetery and shall be in compliance with sections 214.270 to 214.516.

214.340. 1. Each operator of an endowed care cemetery shall maintain at
2 an office in the cemetery or, if the cemetery has no office in the cemetery, at an
3 office within a reasonable distance of the cemetery, the reports of the endowed
4 care fund's operation for the preceding seven years. Each report shall contain,
5 at least, the following information:

6 (1) Name and address of the trustee of the endowed care fund and the
7 depository, if different from the trustee;

8 (2) Balance per previous year's report;

9 (3) Principal contributions received since previous report;

10 (4) Total earnings since previous report;

11 (5) Total distribution to the cemetery operator since the previous report;

12 (6) Current balance;

13 (7) A statement of all assets listing cash, real or personal property, stocks,
14 bonds, and other assets, showing cost, acquisition date and current market value
15 of each asset;

16 (8) Total expenses, excluding distributions to cemetery operator, since
17 previous report; and

18 (9) A statement of the cemetery's total acreage and of its developed
19 acreage.

20 2. Subdivisions (1) through (7) of the report described in subsection 1
21 above shall be certified to under oath as complete and correct by a corporate
22 officer of the trustee. Subdivision (8) of such report shall be certified under oath
23 as complete and correct by an officer of the cemetery operator. Both the trustee
24 and cemetery operator or officer shall be subject to the penalty of making a false
25 affidavit or declaration.

26 3. The report shall be placed in the cemetery's office within ninety days
27 of the close of the trust's fiscal year. A copy of this report shall be filed by the
28 cemetery operator with the division of professional registration [within ninety
29 days of the close of the trust fund's fiscal year] **as condition of license**
30 **renewal as required by subsection 4 of section 214.275**. The report shall
31 not be sent to the state board of embalmers and funeral directors.

32 4. Each cemetery operator who establishes a segregated account pursuant
33 to subsection 1 of section 214.385 shall file with the report required under
34 subsection 1 of this section a segregated account report that shall provide the
35 following information:

36 (1) The number of monuments, markers and memorials that have been
37 deferred for delivery by purchase designation;

38 (2) The aggregate wholesale cost of all such monuments, markers and
39 memorials; and

40 (3) The amount on deposit in the segregated account established pursuant
41 to section 214.385, and the account number.

327.621. 1. The **professional** license issued to every landscape architect
2 in Missouri, **and certificates of authority issued to corporations under**
3 **section 327.401**, shall be renewed on or before the license renewal date,
4 provided that the required fee is paid. **The board may establish, by rule,**
5 **continuing education requirements as a condition to renewing the**
6 **license of a landscape architect, provided that the board shall not**
7 **require more than thirty such hours.** The license of a landscape architect
8 **or the certificate of authority issued to any corporation** which is not
9 renewed within three months of the renewal date shall be suspended
10 automatically, subject to the right of the holder thereof to have such suspended
11 license reinstated within nine months of the date of suspension, if the
12 reinstatement fee is paid. Any license **or certificate of authority** suspended
13 and not reinstated within nine months of the suspension date shall expire and be
14 void and the holder thereof shall have no rights or privileges thereunder;
15 provided, however, any person **or corporation** whose license has expired **under**
16 **this section** may within the discretion of the board, upon payment of the fee
17 [provided pursuant to section 327.625], be relicensed or reauthorized under [his
18 or its] **such person's or such corporation's** original license number.

19 2. Each application for the renewal of a [licensure] **license** shall be on
20 a form furnished to the applicant and shall be accompanied by the required fee,
21 **but no renewal fee need be paid by any landscape architect over the**
22 **age of seventy-five.**

327.622. 1. A landscape architect licensed in this state may apply
2 to the board for inactive license status on a form furnished by the
3 board. Upon receipt of the completed inactive status application form
4 and the board's determination that the licensee meets the requirements
5 established by rule, the board shall declare the licensee inactive and
6 shall place the licensee on an inactive status list. A person whose
7 license is inactive shall not offer or practice landscape architecture
8 within this state, but may continue to use the title "landscape
9 architect".

10 2. If a licensee is granted inactive status, the licensee may return

11 to active status by notifying the board in advance of such intention by
12 paying appropriate fees as determined by the board, and by meeting all
13 established requirements of the board including the demonstration of
14 current knowledge, competency, and skill in the practice of landscape
15 architecture as a condition of reinstatement.

16 3. In the event an inactive licensee does not maintain a current
17 license in any state for a five-year period immediately prior to
18 requesting reinstatement, that person may be required to take an
19 examination as the board deems necessary to determine such person's
20 qualifications. Such examination shall cover areas designed to
21 demonstrate proficiency in the knowledge of current methods of
22 landscape architecture.

331.030. 1. No person shall engage in the practice of chiropractic without
2 having first secured a chiropractic license as provided in this chapter.

3 2. Any person desiring to procure a license authorizing the person to
4 practice chiropractic in this state shall be at least twenty-one years of age and
5 shall make application on the form prescribed by the board. The application shall
6 contain a statement that it is made under oath or affirmation and that
7 representations contained thereon are true and correct to the best knowledge and
8 belief of the person signing the application, subject to the penalties of making a
9 false affidavit or declaration, and shall give the applicant's name, address, age,
10 sex, name of chiropractic schools or colleges which the person attended or of
11 which the person is a graduate, and such other reasonable information as the
12 board may require. The applicant shall give evidence satisfactory to the board
13 of the successful completion of the educational requirements of this chapter, that
14 the applicant is of good moral character, and that the chiropractic school or
15 college of which the applicant is a graduate is teaching chiropractic in accordance
16 with the requirements of this chapter. The board may make a final
17 determination as to whether or not the school from which the applicant graduated
18 is so teaching.

19 3. Before [a person] **an applicant** shall be eligible [to sit for a practical
20 examination] **for licensure**, the applicant shall furnish evidence satisfactory to
21 the board that the applicant has received[, prior to entering chiropractic college,
22 a minimum of sixty credit hours, leading to a baccalaureate degree, from a
23 preprofessional college, which credit] **the minimum number of semester**
24 **credit hours, as required by the Council on Chiropractic Education, or**
25 **its successor, prior to beginning the doctoral course of study in**
26 **chiropractic. The minimum number of semester credit hours applicable**

27 **at the time of enrollment in a doctoral course of study** must be in those
28 subjects, hours and course content as may be provided for by the Council on
29 Chiropractic Education or, in the absence of the Council on Chiropractic
30 Education or its provision for such subjects, **such** hours and course content[,] as
31 adopted by rule of the board; **however in no event shall fewer than ninety**
32 **semester credit hours be accepted as the minimum number of hours**
33 **required prior to beginning the doctoral course of study in**
34 **chiropractic.** The examination applicant shall also provide evidence
35 satisfactory to the board of having graduated from a chiropractic college having
36 status with the Commission on Accreditation of the Council on Chiropractic
37 Education or its successor. Any senior student in a chiropractic college having
38 status with the Commission on Accreditation on the Council on Chiropractic
39 Education or its successor may take a practical examination administered or
40 approved by the board under such requirements and conditions as are adopted by
41 the board by rule, but no license shall be issued until all of the requirements for
42 licensure have been met.

43 4. Each applicant shall pay upon application an application or
44 examination fee. All moneys collected pursuant to the provisions of this chapter
45 shall be nonrefundable and shall be collected by the director of the division of
46 professional registration who shall transmit it to the department of revenue for
47 deposit in the state treasury to the credit of the chiropractic board fund. Any
48 person failing to pass a practical examination administered or approved by the
49 board may be reexamined upon fulfilling such requirements, including the
50 payment of a reexamination fee, as the board may by rule prescribe.

51 5. Every applicant for licensure by examination shall have taken and
52 successfully passed all required and optional parts of the written examination
53 given by the National Board of Chiropractic Examiners, including the written
54 clinical competency examination, under such conditions as established by rule of
55 the board, and all applicants for licensure by examination shall successfully pass
56 a practical examination administered or approved by the board and a written
57 examination testing the applicant's knowledge and understanding of the laws and
58 regulations regarding the practice of chiropractic in this state. The board shall
59 issue to each applicant who meets the standards and successful completion of the
60 examinations, as established by rule of the board, a license to practice
61 chiropractic. The board shall not recognize any correspondence work in any
62 chiropractic school or college as credit for meeting the requirements of this
63 chapter.

64 6. The board shall issue a license without examination to persons who

65 have been regularly licensed to practice chiropractic in any other state, territory,
66 or the District of Columbia, or in any foreign country, provided that the
67 regulations for securing a license in the other jurisdiction are equivalent to those
68 required for licensure in the state of Missouri, when the applicant furnishes
69 satisfactory evidence that the applicant has continuously practiced chiropractic
70 for at least one year immediately preceding the applicant's application to the
71 board and that the applicant is of good moral character, and upon the payment
72 of the reciprocity license fee as established by rule of the board. The board may
73 require an applicant to successfully complete the special purposes examination
74 for chiropractic (SPEC) administered by the National Board of Chiropractic
75 Examiners if the requirements for securing a license in the other jurisdiction are
76 not equivalent to those required for licensure in the state of Missouri at the time
77 application is made for licensure under this subsection.

78 7. Any applicant who has failed any portion of the practical examination
79 administered or approved by the board three times shall be required to return to
80 an accredited chiropractic college for a semester of additional study in the
81 subjects failed, as provided by rule of the board.

82 8. A chiropractic physician currently licensed in Missouri shall apply to
83 the board for certification prior to engaging in the practice of meridian
84 therapy/acupressure/acupuncture. Each such application shall be accompanied
85 by the required fee. The board shall establish by rule the minimum requirements
86 for the specialty certification under this subsection. "Meridian
87 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the
88 treatment of a patient by stimulating specific points on or within the body by
89 various methods including but not limited to manipulation, heat, cold, pressure,
90 vibration, ultrasound, light, electrocurrent, and short-needle insertion for the
91 purpose of obtaining a biopositive reflex response by nerve stimulation.

92 9. The board may through its rulemaking process authorize chiropractic
93 physicians holding a current Missouri license to apply for certification in a
94 specialty as the board may deem appropriate and charge a fee for application for
95 certification, provided that:

96 (1) The board establishes minimum initial and continuing educational
97 requirements sufficient to ensure the competence of applicants seeking
98 certification in the particular specialty; and

99 (2) The board shall not establish any provision for certification of licensees
100 in a particular specialty which is not encompassed within the practice of
101 chiropractic as defined in section 331.010.

333.011. As used in this chapter, unless the context requires otherwise,

2 the following terms have the meanings indicated:

3 (1) "Board", the state board of embalmers and funeral directors created
4 by this chapter;

5 (2) "Embalmer", any individual licensed to engage in the practice of
6 embalming;

7 (3) "Funeral director", any individual licensed to engage in the practice
8 of funeral directing;

9 (4) "Funeral establishment", a building, place, **crematory**, or premises
10 devoted to or used in the care and preparation for burial or transportation of the
11 human dead and includes every building, place or premises maintained for that
12 purpose or held out to the public by advertising or otherwise to be used for that
13 purpose;

14 (5) "Person" includes a corporation, partnership or other type of business
15 organization;

16 (6) "Practice of embalming", the work of preserving, disinfecting and
17 preparing by arterial embalming, or otherwise, of dead human bodies for funeral
18 services, transportation, burial or cremation, or the holding of oneself out as
19 being engaged in such work;

20 (7) "Practice of funeral directing", engaging by an individual in the
21 business of preparing, otherwise than by embalming, for the burial, disposal or
22 transportation out of this state of, and the directing and supervising of the burial
23 or disposal of, dead human bodies or engaging in the general control, supervision
24 or management of the operations of a funeral establishment.

333.121. 1. The board may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to this chapter for one or any
3 combination of causes stated in subsection 2 of this section. The board shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of his right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo.

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

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

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

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 certificate of registration or authority, permit or license issued pursuant to this
25 chapter or in obtaining permission to take any examination given or required
26 pursuant to this chapter;

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

29 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
30 or dishonesty in the performance of the functions or duties of any profession
31 licensed or regulated by this chapter;

32 (6) Violation of, or assisting or enabling any person to violate, any
33 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
34 this chapter;

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

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

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

44 (10) Assisting or enabling any person to practice or offer to practice any
45 profession licensed or regulated by this chapter who is not registered and
46 currently eligible to practice under this chapter;

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

49 (12) Failure to display a valid certificate or license if so required by this
50 chapter or any rule promulgated hereunder;

51 (13) Violation of any professional trust or confidence;

52 (14) Use of any advertisement or solicitation which is false, misleading or
53 deceptive to the general public or persons to whom the advertisement or

54 solicitation is primarily directed;

55 (15) Violation of any of the provisions of chapter 193, RSMo, chapter 194,
56 RSMo, or chapter 436, RSMo;

57 (16) Presigning a death certificate or signing a death certificate on a body
58 not embalmed by, or under the personal supervision of, the licensee;

59 (17) Obtaining possession of or embalming a dead human body without
60 express authority to do so from the person entitled to the custody or control of the
61 body;

62 (18) Failure to execute and sign the [reverse side of a] death certificate
63 on a body embalmed by, or under the personal supervision of, a licensee;

64 (19) Failure or refusal to properly guard against contagious, infectious or
65 communicable diseases or the spread thereof;

66 (20) Willfully and through undue influence selling a funeral;

67 (21) Refusing to surrender a dead human body upon request by the next
68 of kin, legal representative or other person entitled to the custody and control of
69 the body.

70 3. After the filing of such complaint, the proceedings shall be conducted
71 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the
72 administrative hearing commission that the grounds, provided in subsection 2,
73 for disciplinary action are met, the board may, singly or in combination, censure
74 or place the person named in the complaint on probation on such terms and
75 conditions as the board deems appropriate for a period not to exceed five years,
76 or may suspend, for a period not to exceed three years, or revoke the license,
77 certificate, or permit.

334.610. Any person who holds himself or herself out to be a physical
2 therapist or a licensed physical therapist within this state or any person who
3 advertises as a physical therapist or claims that the person can render physical
4 therapy services and who, in fact, does not hold a valid physical therapist license
5 is guilty of a class B misdemeanor and, upon conviction, shall be punished as
6 provided by law. Any person who, in any manner, represents himself or herself
7 as a physical therapist, or who uses in connection with such person's name the
8 words or letters "physical therapist", "physiotherapist", "registered physical
9 therapist", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", or any other letters, words,
10 abbreviations or insignia, indicating or implying that the person is a physical
11 therapist without a valid existing license as a physical therapist issued to such
12 person pursuant to the provisions of sections 334.500 to 334.620, is guilty of a
13 class B misdemeanor. Nothing in sections 334.500 to 334.620 shall prohibit any
14 person licensed in this state under chapter 331, RSMo, from carrying out the

15 practice for which the person is duly licensed, or from advertising the use of
16 physiologic and rehabilitative modalities; nor shall it prohibit any person licensed
17 or registered in this state under section 334.735 or any other law from carrying
18 out the practice for which the person is duly licensed or registered; nor shall it
19 prevent professional and semiprofessional teams, schools, YMCA clubs, athletic
20 clubs and similar organizations from furnishing treatment to their players and
21 members. This section, also, shall not be construed so as to prohibit masseurs
22 and masseuses from engaging in their practice not otherwise prohibited by law
23 and provided they do not represent themselves as physical therapists. This
24 section shall not apply to physicians and surgeons licensed under this chapter **or**
25 **to a person in an entry level of a professional education program**
26 **approved by the commission for accreditation of physical therapists**
27 **and physical therapist assistant education (CAPTE) who is satisfying**
28 **supervised clinical education requirements related to the person's**
29 **physical therapist or physical therapist assistant education while under**
30 **onsite supervision of a physical therapist; or to a physical therapist**
31 **who is practicing in the United States Armed Services, United States**
32 **Public Health Service, or Veterans Administration under federal**
33 **regulations for state licensure for healthcare providers.**

334.625. 1. There is hereby established an "Advisory Commission for
2 Physical Therapists" which shall guide, advise and make recommendations to the
3 board. The commission shall approve the examination required by section
4 334.530 and shall assist the board in carrying out the provisions of sections
5 334.500 to 334.620.

6 2. The commission shall be appointed no later than October 1, 1989, and
7 shall consist of five members appointed by the governor with the advice and
8 consent of the senate. Each member shall be a citizen of the United States and
9 a resident of this state[, and shall be licensed as a physical therapist by this
10 state] **and four shall be licensed as physical therapists by this state, and**
11 **one shall be licensed as a physical therapist assistant by this**
12 **state.** Members shall be appointed to serve three-year terms, except that the
13 first commission appointed shall consist of one member whose term shall be for
14 one year; two members whose terms shall be for three years; and two members
15 whose terms shall be for two years. The president of the Missouri Physical
16 Therapy Association in office at the time shall, at least ninety days prior to the
17 expiration of the term of a commission member or as soon as feasible after a
18 vacancy on the commission otherwise occurs, submit to the director of the division
19 of professional registration a list of five physical therapists [qualified and willing

20 to fill the vacancy in question, with the request and recommendation that the
21 governor appoint one of the five persons so listed, and with the list so submitted,
22 the president of the Missouri Physical Therapy Association shall include in his
23 or her letter of transmittal a description of the method by which the names were
24 chosen by that association] **if the commission member whose term is**
25 **expiring is a physical therapist, or five physical therapist assistants if**
26 **the commission member whose term is expiring is a physical therapist**
27 **assistant, with the exception that the first commissioner to expire or**
28 **vacancy created on the commission after August 28, 2007, shall be filled**
29 **by the appointment of a physical therapist assistant. Each physical**
30 **therapist and physical therapist assistant on the list submitted to the**
31 **division of professional registration shall be qualified and willing to fill**
32 **the vacancy in question, with the request and recommendation that the**
33 **governor appoint one of the five persons so listed, and with the list so**
34 **submitted, the president of the Missouri Physical Therapy Association**
35 **shall include in his or her letter of transmittal a description of the**
36 **method by which the names were chosen by that association.**

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

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

337.503. No official, employee, board, commission, county,
2 **municipality, school district, agency of the state, or any other political**
3 **subdivision thereof shall discriminate between persons licensed under**
4 **sections 337.500 to 337.540 when promulgating regulations or when**
5 **requiring or recommending services that legally may be performed by**
6 **persons licensed under sections 337.500 to 337.540.**

337.510. 1. Each applicant for licensure as a professional counselor shall
2 furnish evidence to the committee that the applicant is at least eighteen years of

3 age, is of good moral character, is a United States citizen or is legally present in
4 the United States; and

5 (1) The applicant has completed a course of study as defined by the board
6 rule leading to a master's, specialist's, or doctoral degree with a major in
7 counseling; and

8 (2) The applicant has completed acceptable supervised counseling as
9 defined by board rule. If the applicant has a master's degree with a major in
10 counseling as defined by board rule, the applicant shall complete at least two
11 years of acceptable supervised counseling experience subsequent to the receipt of
12 the master's degree. The composition and number of hours comprising the
13 acceptable supervised counseling experience shall be defined by board rule. An
14 applicant may substitute thirty semester hours of post master's graduate study
15 for one of the two required years of acceptable supervised counseling experience
16 if such hours are clearly related to counseling;

17 (3) After August 28, 2007, each applicant shall have completed a
18 minimum of three hours of graduate level coursework in diagnostic systems either
19 in the curriculum leading to a degree or as post master's graduate level course
20 work;

21 (4) Upon examination, the applicant is possessed of requisite knowledge
22 of the profession, including techniques and applications, research and its
23 interpretation, and professional affairs and ethics.

24 2. Any person who previously held a valid unrevoked, unsuspended license
25 as a professional counselor in this state and who held a valid license as a
26 professional counselor in another state at the time of application to the committee
27 shall be granted a license to engage in professional counseling in this state upon
28 application to the committee accompanied by the appropriate fee as established
29 by the committee pursuant to section 337.507.

30 3. Any person holding a current license, certificate of registration, or
31 permit from another state or territory of the United States to practice as a
32 professional counselor **who is at least eighteen years of age, is of good**
33 **moral character, and is a United States citizen or is legally present in**
34 **the United States** may be granted a license without examination to engage in
35 the practice of professional counseling in this state upon the application to the
36 board, payment of the required fee as established by the board, and satisfying one
37 of the following requirements:

38 (1) Approval by the American Association of State Counseling Boards
39 (AASCB) or its successor organization according to the eligibility criteria
40 established by AASCB. The successor organization shall be defined by board

41 rule; or

42 (2) In good standing and currently certified by the National Board for
43 Certified Counselors or its successor organization and has completed acceptable
44 supervised counseling experience as defined by board rule. The successor
45 organization shall be defined by board rule; or

46 (3) Determination by the board that the requirements of the other state
47 or territory are substantially the same as Missouri and certified by the
48 applicant's current licensing entity that the applicant has a current license. The
49 applicant shall also consent to examination of any disciplinary history.

50 4. The committee shall issue a license to each person who files an
51 application and fee and who furnishes evidence satisfactory to the committee that
52 the applicant has complied with the provisions of this act and has taken and
53 passed a written, open-book examination on Missouri laws and regulations
54 governing the practice of professional counseling as defined in section
55 337.500. The division shall issue a provisional professional counselor license to
56 any applicant who meets all requirements of this section, but who has not
57 completed the required acceptable supervised counseling experience and such
58 applicant may reapply for licensure as a professional counselor upon completion
59 of such acceptable supervised counseling experience.

60 5. All persons licensed to practice professional counseling in this state
61 shall pay on or before the license renewal date a renewal license fee and shall
62 furnish to the committee satisfactory evidence of the completion of the requisite
63 number of hours of continuing education as required by rule, which shall be no
64 more than forty hours biennially. The continuing education requirements may
65 be waived by the committee upon presentation to the committee of satisfactory
66 evidence of the illness of the licensee or for other good cause.

**337.528. 1. If the committee finds merit to a complaint by an
2 individual incarcerated or under the care and control of the
3 department of corrections and takes further investigative action, no
4 documentation may appear on file or disciplinary action may be taken
5 in regards to the licensee's license unless the provisions of subsection
6 2 of section 337.525 have been violated. Any case file documentation
7 that does not result in the committee filing an action under subsection
8 2 of section 337.525 shall be destroyed within three months after the
9 final case disposition by the board. No notification to any other
10 licensing board in another state or any national registry regarding any
11 investigative action shall be made unless the provisions of subsection
12 2 of section 337.525 have been violated.**

13 **2. Upon written request of the licensed professional counselor**
14 **subject to a complaint, prior to August 28, 2007, by an individual**
15 **incarcerated or under the care and control of the department of**
16 **corrections that did not result in the committee filing an action under**
17 **subsection 2 of section 337.525, the committee and the division of**
18 **professional registration shall in a timely fashion:**

19 **(1) Destroy all documentation regarding the complaint;**

20 **(2) Notify any other licensing board in another state or any**
21 **national registry regarding the committee's actions if they have been**
22 **previously notified of the complaint; and**

23 **(3) Send a letter to the licensee that clearly states that the**
24 **committee found the complaint to be unsubstantiated, that the**
25 **committee has taken the requested action, and notify the licensee of the**
26 **provisions of subsection 3 of this section.**

27 **3. Any person who has been the subject of an unsubstantiated**
28 **complaint as provided in subsection 1 or 2 of this section shall not be**
29 **required to disclose the existence of such complaint in subsequent**
30 **applications or representations relating to their counseling professions.**

337.649. 1. If the board finds merit to a complaint by an
2 **individual incarcerated or under the care and control of the**
3 **department of corrections and takes further investigative action, no**
4 **documentation may appear on file or disciplinary action may be taken**
5 **in regards to the licensee's license unless the provisions of subsection**
6 **2 of section 337.630 or subsection 2 of section 337.680 have been**
7 **violated. Any case file documentation that does not result in the board**
8 **filing an action under subsection 2 of section 337.630 or subsection 2 of**
9 **section 337.680 shall be destroyed within three months after the final**
10 **case disposition by the board. No notification to any other licensing**
11 **board in another state or any national registry regarding any**
12 **investigative action shall be made unless the provisions of subsection**
13 **2 of section 337.630 or subsection 2 of section 337.680 have been**
14 **violated.**

15 **2. Upon written request of the social worker subject to a**
16 **complaint, prior to August 28, 2007, by an individual incarcerated or**
17 **under the care and control of the department of corrections that did**
18 **not result in the board filing an action under subsection 2 of section**
19 **337.630 or subsection 2 of section 337.680, the board and the division of**
20 **professional registration, shall in a timely fashion:**

- 21 **(1) Destroy all documentation regarding the complaint;**
22 **(2) Notify any other licensing board in another state or any**
23 **national registry regarding the board's actions if they have been**
24 **previously notified of the complaint; and**
25 **(3) Send a letter to the licensee that clearly states that the board**
26 **found the complaint to be unsubstantiated, that the board has taken the**
27 **requested action, and notify the licensee of the provisions of subsection**
28 **3 of this section.**
- 29 **3. Any person who has been the subject of an unsubstantiated**
30 **complaint as provided in subsection 1 or 2 of this section shall not be**
31 **required to disclose the existence of such complaint in subsequent**
32 **applications or representations relating to their social work**
33 **professions.**

337.715. 1. Each applicant for licensure as a marital and family therapist
2 shall furnish evidence to the division that:

- 3 (1) The applicant has a master's degree or a doctoral degree in marital
4 and family therapy, or its equivalent, from an acceptable educational institution
5 accredited by a regional accrediting body or accredited by an accrediting body
6 which has been approved by the United States Department of Education;
7 (2) The applicant has twenty-four months of postgraduate supervised
8 clinical experience acceptable to the division, as the division determines by rule;
9 (3) Upon examination, the applicant is possessed of requisite knowledge
10 of the profession, including techniques and applications research and its
11 interpretation and professional affairs and ethics;
12 (4) The applicant is at least eighteen years of age, is of good moral
13 character, is a United States citizen or has status as a legal resident alien, and
14 has not been convicted of a felony during the ten years immediately prior to
15 application for licensure.

16 2. [A licensed marriage and family therapist who has had no violations
17 and no suspensions and no revocation of a license to practice marriage and family
18 therapy in any jurisdiction may receive a license in Missouri provided said
19 marriage and family therapist passes a written examination on Missouri laws and
20 regulations governing the practice of professional counseling as defined in section
21 337.700, and meets one of the following criteria:

- 22 (1) Is a member in good standing and holds a certification from the
23 Academy of Marriage and Family Therapists;
24 (2) Is currently licensed or certified as a licensed marriage and family
25 therapist in another state, territory of the United States, or the District of

26 Columbia; and

27 (a) Meets the educational standards set forth in subdivision (1) of
28 subsection 1 of this section;

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

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

32 (3) Is currently licensed or certified as a marriage and family therapist
33 in another state, territory of the United States, or the District of Columbia that
34 extends like privileges for reciprocal licensing or certification to persons licensed
35 by this state with similar qualifications] **Any person otherwise qualified for
36 licensure holding a current license, certificate of registration, or
37 permit from another state or territory of the United States or the
38 District of Columbia to practice marriage and family therapy may be
39 granted a license without examination to engage in the practice of
40 marital and family therapy in this state upon application to the state
41 committee, payment of the required fee as established by the state
42 committee, and satisfaction of the following:**

43 (1) **Determination by the state committee that the requirements
44 of the other state or territory are substantially the same as Missouri;**

45 (2) **Verification by the applicant's licensing entity that the
46 applicant has a current license; and**

47 (3) **Consent by the applicant to examination of any disciplinary
48 history in any state.**

49 3. The [division] **state committee** shall issue a license to each person
50 who files an application and fee as required by the provisions of sections 337.700
51 to 337.739[, and who furnishes evidence satisfactory to the division that the
52 applicant has complied with the provisions of subdivisions (1) to (4) of subsection
53 1 of this section or with the provisions of subsection 2 of this section].

338.035. 1. Every person who desires to be licensed as an intern
2 pharmacist shall file with the board of pharmacy an application, on a form to be
3 provided by the board of pharmacy.

4 2. If an applicant for an intern pharmacist license has complied with the
5 requirements of this section and with the rules and regulations of the board of
6 pharmacy and is not denied a license on any of the grounds listed in section
7 338.055, the board of pharmacy may issue to him a license to practice as an
8 intern pharmacist [for a period not to exceed one year].

9 3. Any intern pharmacist who wishes to renew his license shall within
10 thirty days before the license expiration date file an application for a renewal.

11 4. A licensed intern pharmacist may practice pharmacy only under the
12 direct supervision of a pharmacist licensed by the board.

13 5. The board of pharmacy shall promulgate rules and regulations which
14 shall further regulate the duties [and restrictions] of intern pharmacists and
15 shall set the amount of the fees which shall accompany the license and renewal
16 applications for intern pharmacists.

17 6. No rule or portion of a rule promulgated under the authority of this
18 chapter shall become effective unless it has been promulgated pursuant to the
19 provisions of section 536.024, RSMo.

 338.220. 1. It shall be unlawful for any person, copartnership,
2 association, corporation or any other business entity to open, establish, operate,
3 or maintain any pharmacy as defined by statute without first obtaining a permit
4 or license to do so from the Missouri board of pharmacy. The following classes
5 of pharmacy permits or licenses are hereby established:

- 6 (1) Class A: Community/ambulatory;
7 (2) Class B: Hospital outpatient pharmacy;
8 (3) Class C: Long-term care;
9 (4) Class D: Nonsterile compounding;
10 (5) Class E: Radio pharmaceutical;
11 (6) Class F: Renal dialysis;
12 (7) Class G: Medical gas;
13 (8) Class H: Sterile product compounding;
14 (9) Class I: Consultant services;
15 (10) Class J: Shared service;
16 (11) Class K: Internet;
17 **(12) Class L: Veterinary.**

18 2. Application for such permit or license shall be made upon a form
19 furnished to the applicant; shall contain a statement that it is made under oath
20 or affirmation and that its representations are true and correct to the best
21 knowledge and belief of the person signing same, subject to the penalties of
22 making a false affidavit or declaration; and shall be accompanied by a permit or
23 license fee. The permit or license issued shall be renewable upon payment of a
24 renewal fee. Separate applications shall be made and separate permits or
25 licenses required for each pharmacy opened, established, operated, or maintained
26 by the same owner.

27 3. All permits, licenses or renewal fees collected pursuant to the
28 provisions of sections 338.210 to 338.370 shall be deposited in the state treasury
29 to the credit of the Missouri board of pharmacy fund, to be used by the Missouri

30 board of pharmacy in the enforcement of the provisions of sections 338.210 to
31 338.370, when appropriated for that purpose by the general assembly.

32 **4. Class L: Veterinary permit shall not be construed to prohibit**
33 **or interfere with any legally registered practitioner of veterinary**
34 **medicine in the compounding or dispensing of their own prescriptions.**

339.507. 1. There is hereby created within the division of professional
2 registration of the department of economic development the "Missouri Real Estate
3 Appraisers Commission", which shall consist of seven members appointed by the
4 governor with the advice and consent of the senate, six of whom shall be
5 appraiser members, and one shall be a public member. Each member shall be a
6 resident of this state and a registered voter for a period of one year prior to the
7 person's appointment. The president of the Missouri Appraiser Advisory Council
8 in office at the time shall, at least ninety days prior to the expiration of the term
9 of the commission member, other than the public member, or as soon as feasible
10 after the vacancy on the commission otherwise occurs, submit to the director of
11 the division of professional registration a list of five appraisers qualified and
12 willing to fill the vacancy in question, with the request and recommendation that
13 the governor appoint one of the five persons so listed, and with the list so
14 submitted, the president of the Missouri Appraiser Advisory Council shall include
15 in his or her letter of transmittal a description of the method by which the names
16 were chosen by that association. The public member shall have never been
17 engaged in the businesses of real estate appraisal, real estate sales or making
18 loans secured by real estate. [The governor shall designate one of the appraiser
19 appointees to be chairperson.]

20 2. The real estate appraiser members appointed by the governor shall be
21 Missouri residents who have real estate appraisal experience in the state of
22 Missouri for not less than five years immediately preceding their
23 appointment. [The real estate appraiser members appointed to the commission
24 shall be designated members in good standing of nationally recognized real estate
25 appraisal organizations that required, as of June 1, 1988, in order to become a
26 designated member, appraisal experience, education and testing, and
27 recertification that is at least equal to that required for certification or licensure
28 pursuant to sections 339.500 to 339.549, provided that not more than one member
29 of the commission shall be a designated member of the same nationally
30 recognized real estate appraisal organization. Successor] Appraiser members of
31 the commission shall be appointed from the registry of state-certified real estate
32 appraisers and state-licensed real estate appraisers [and not more than one
33 successor appraiser member of the commission shall be a designated member in

34 good standing of the same nationally recognized real estate appraisal
35 organization as provided in this subsection. The governor shall not exclude a
36 state-certified real estate appraiser or a state-licensed real estate appraiser from
37 appointment as a successor appraiser member of the commission by virtue of
38 membership or lack of membership of the state-certified real estate appraiser or
39 state-licensed real estate appraiser in any particular real estate appraisal
40 organization].

41 3. [Of the initial members appointed, two members shall be appointed for
42 one-year terms, two members for two-year terms, and three members for
43 three-year terms, provided that the initial public member shall be appointed for
44 a three-year term. All successor] All members shall be appointed for three-year
45 terms. All members shall serve until their successors have been appointed and
46 qualified. Vacancies occurring in the membership of the commission for any
47 reason shall be filled by appointment by the governor for the unexpired
48 term. Upon expiration of their terms, members of the commission shall continue
49 to hold office until the appointment and qualification of their successors. No
50 more than four members of the commission shall be members of the same political
51 party. No person shall be appointed for more than two consecutive terms. The
52 governor may remove a member for cause. [The executive director of the
53 commission shall be employed by the division of professional registration, subject
54 to approval and confirmation by the commission.]

55 4. The commission shall meet at least once each calendar quarter to
56 conduct its business. [The location in Missouri of future meetings shall be
57 decided by a vote of the members present at the current meeting. The executive
58 director shall give written notice by certified mail to each member of the time and
59 place of each meeting of the commission at least ten days before the scheduled
60 date of the meeting, and notice of any special meeting shall state the specific
61 matters to be considered in the special meeting which is not a regular quarterly
62 meeting.] A quorum of the commission shall consist of four members.

63 5. Each member of the commission shall be entitled to a per diem
64 allowance of fifty dollars for each meeting of the commission at which the member
65 is present and shall be entitled to reimbursement of the member's expenses
66 necessarily incurred in the discharge of the member's official duties. Each
67 member of the commission shall be entitled to reimbursement of travel expenses
68 necessarily incurred in attending meetings of the commission.

339.513. 1. Applications for examination, original certification and
2 licensure, and renewal certification and licensure shall be made in writing to the
3 commission on forms provided by the commission. The application shall specify

4 the classification of certification, or licensure, for which application is being
5 made.

6 2. Appropriate fees shall accompany all applications for examination,
7 original certification or licensure, and renewal certification or licensure; provided
8 that such fees shall be in amounts set by the commission in order to offset the
9 cost and expense of administering sections 339.500 to 339.549, and in amounts
10 to be determined by the commission with reference to the requirements of Section
11 1109 of the United States Public Law 101-73, as later codified and as may be
12 amended. All fees collected pursuant to this subsection shall be collected by the
13 commission and deposited with the state treasurer into a fund to be known as the
14 "Missouri Real Estate Appraisers Fund". The provisions of section 33.080, RSMo,
15 relating to the transfer of unexpended balances to the general revenue fund shall
16 not apply to the Missouri real estate appraisers fund. **In any proceeding in
17 which a remedy provided by subsection 1 or 2 of section 339.532 is
18 imposed, the commission may also require the respondent licensee to
19 pay the costs of the proceeding if the commission is a prevailing party
20 or in settlement. The moneys shall be placed in the state treasury to
21 the credit of the "Missouri Real Estate Appraisers Fund".**

22 3. At the time of filing an application for certification or licensure, each
23 applicant shall sign a pledge to comply with the standards set forth in sections
24 339.500 to 339.549 and state that he or she understands the types of misconduct
25 for which disciplinary proceedings may be initiated against a state-certified real
26 estate appraiser or a state-licensed real estate appraiser.

339.519. 1. The term of an original certificate or license issued pursuant
2 to sections 339.500 to 339.549 shall be for a period set by the commission. All
3 certificates and licenses shall be subject to renewal on the same date. The
4 expiration date of the certificate or license shall appear on the certificate or
5 license and no other notice of its expiration need be given to its holder.

6 2. The commission shall require every state-certified or state-licensed real
7 estate appraiser to provide satisfactory evidence of the completion of the required
8 continuing education hours as promulgated by the appraiser qualifications
9 board. [The commission may waive the requirements of continuing education for
10 retired or disabled licensed or certified appraisers or for other good cause.]

339.521. [If, in the determination by the commission, another state is
2 deemed to have substantially equivalent certification or licensure requirements,]
3 An applicant who is certified or licensed under the laws of [such other] **another**
4 state may obtain certification as a state certified real estate appraiser or
5 licensure as a state licensed real estate appraiser in this state upon such terms

6 and conditions as may be determined by the board, provided that such terms and
7 conditions shall comply with the minimum criteria for certification or licensure
8 issued by the appraiser qualifications board of the appraisal foundation.

339.525. 1. To obtain a renewal certificate or license, a state certified real
2 estate appraiser or state licensed real estate appraiser shall make application
3 and pay the prescribed fee to the commission not earlier than one hundred twenty
4 days nor later than thirty days prior to the expiration date of the certificate or
5 license then held. With the application for renewal, the state certified real estate
6 appraiser or state licensed real estate appraiser shall present evidence in the
7 form prescribed by the commission of having completed the continuing education
8 requirements for renewal specified in section 339.530.

9 2. If the commission determines that a state certified real estate appraiser
10 or state licensed real estate appraiser has failed to meet the requirements for
11 renewal of certification or licensure through mistake, misunderstanding, or
12 circumstances beyond the appraiser's control, the commission may extend the
13 term of the certificate or license for good cause shown for a period not to exceed
14 six months, upon payment of a prescribed fee for the extension.

15 3. [If a state certified real estate appraiser or state licensed real estate
16 appraiser satisfies the requirements for renewal during the extended term of
17 certification or licensure, the beginning date of the new renewal certificate or
18 license shall be the day following the expiration of the certificate or license
19 previously held by the state certified real estate appraiser or state licensed real
20 estate appraiser.

21 4.] If a person is otherwise eligible to renew the person's certification or
22 license, the person may renew an expired certification or license within [one year]
23 **two years** from the date of expiration. To renew such expired certification or
24 license, the person shall submit an application for renewal, pay the renewal fee
25 [and], pay a delinquent renewal fee as established by the commission, **and**
26 **present evidence in the form prescribed by the commission of having**
27 **completed the continuing education requirements for renewal specified**
28 **in section 339.530.** Upon a finding of extenuating circumstances, the
29 commission may waive the payment of the delinquent fee.

30 [5.] 4. If a person has failed to renew the person's license within [one
31 year] **two years** of its expiration[, the person may renew such expired
32 certification or license by completing either the number of hours of continuing
33 education equal to fifty percent of the hours required for initial certification or
34 licensure or pass the state examination for such classification, submit an
35 application for renewal, pay the renewal fee and pay a delinquent renewal fee not

36 to exceed an amount as established by the commission. Upon a finding of
37 extenuating circumstances, the commission may waive the payment of the
38 delinquent fee] **the license shall be void.**

39 **5. The commission is authorized to issue an inactive certificate**
40 **or license to any licensee who makes written application for such on a**
41 **form provided by the commission and remits the fee for an inactive**
42 **certificate or license established by the commission. An inactive**
43 **certificate or license may be issued only to a person who has previously**
44 **been issued a certificate or license to practice as a real estate appraiser**
45 **in this state, who is no longer regularly engaged in such practice, and**
46 **who does not hold himself or herself out to the public as being**
47 **professionally engaged in such practice in this state. Each inactive**
48 **certificate or license shall be subject to all provisions of this chapter,**
49 **except as otherwise specifically provided. Each inactive certificate or**
50 **license may be renewed by the commission subject to all provisions of**
51 **this section and all other provisions of this chapter. An inactive**
52 **licensee may apply for a certificate or license to regularly engage in**
53 **the practice of real estate appraising upon filing a written application**
54 **on a form provided by the commission, submitting the reactivation fee**
55 **established by the commission and submitting satisfactory proof of**
56 **current competency as established by the commission.**

57 **[6. If a state certified real estate appraiser or state licensed real estate**
58 **appraiser renews an expired certification or license pursuant to subsection 5 of**
59 **this section, the beginning date of the new term of certification or licensure shall**
60 **be the day following the expiration of the certification or license term previously**
61 **held by the state certified real estate appraiser or state licensed real estate**
62 **appraiser.]**

339.533. 1. The chairperson of the commission may administer
2 **oaths, issue subpoenas, and issue subpoenas duces tecum requiring the**
3 **production of documents and records. Subpoenas and subpoenas duces**
4 **tecum shall be served by a person authorized to serve subpoenas of**
5 **courts of record. In lieu of requiring attendance of a person to produce**
6 **original documents in response to a subpoena duces tecum, the**
7 **commission may require sworn copies of such documents to be filed**
8 **with it or delivered to its designated representative.**

9 **2. The commission may enforce its subpoenas and subpoenas**
10 **duces tecum by applying to the circuit court of Cole County; the county**
11 **of the investigation, hearing, or proceeding; or any county where the**

12 **person subpoenaed resides or may be found, for an order to show cause**
13 **why such subpoena should not be enforced, such order and a copy of**
14 **the application therefore to be served upon the person in the same**
15 **manner as a summons in a civil action, and if the circuit court shall,**
16 **after a hearing, determine that the subpoena should be sustained and**
17 **enforced, such court shall proceed to enforce the subpoena in the same**
18 **manner as though the subpoena had been issued in a civil case in the**
19 **circuit court.**

660.315. 1. After an investigation and a determination has been made to
2 place a person's name on the employee disqualification list, that person shall be
3 notified in writing mailed to his or her last known address that:

4 (1) An allegation has been made against the person, the substance of the
5 allegation and that an investigation has been conducted which tends to
6 substantiate the allegation;

7 (2) The person's name will be included in the employee disqualification
8 list of the department;

9 (3) The consequences of being so listed including the length of time to be
10 listed; and

11 (4) The person's rights and the procedure to challenge the allegation.

12 2. If no reply has been received within thirty days of mailing the notice,
13 the department may include the name of such person on its list. The length of
14 time the person's name shall appear on the employee disqualification list shall
15 be determined by the director or the director's designee, based upon the criteria
16 contained in subsection 9 of this section.

17 3. If the person so notified wishes to challenge the allegation, such person
18 may file an application for a hearing with the department. The department shall
19 grant the application within thirty days after receipt by the department and set
20 the matter for hearing, or the department shall notify the applicant that, after
21 review, the allegation has been held to be unfounded and the applicant's name
22 will not be listed.

23 4. If a person's name is included on the employee disqualification list
24 without **the department providing** notice [by the department] **as required**
25 **under subsection 1 of this section**, such person may file a request with the
26 department for removal of the name or for a hearing. Within thirty days after
27 receipt of the request, the department shall either remove the name from the list
28 or grant a hearing and set a date therefor.

29 5. Any hearing shall be conducted in the county of the person's residence
30 by the director of the department or the director's designee. The provisions of

31 chapter 536, RSMo, for a contested case except those provisions or amendments
32 which are in conflict with this section, shall apply to and govern the proceedings
33 contained in this section and the rights and duties of the parties involved. The
34 person appealing such an action shall be entitled to present evidence, pursuant
35 to the provisions of chapter 536, RSMo, relevant to the allegations.

36 6. Upon the record made at the hearing, the director of the department
37 or the director's designee shall determine all questions presented and shall
38 determine whether the person shall be listed on the employee disqualification
39 list. The director of the department or the director's designee shall clearly state
40 the reasons for his or her decision and shall include a statement of findings of
41 fact and conclusions of law pertinent to the questions in issue.

42 7. A person aggrieved by the decision following the hearing shall be
43 informed of his or her right to seek judicial review as provided under chapter 536,
44 RSMo. If the person fails to appeal the director's findings, those findings shall
45 constitute a final determination that the person shall be placed on the employee
46 disqualification list.

47 8. A decision by the director shall be inadmissible in any civil action
48 brought against a facility or the in-home services provider agency and arising out
49 of the facts and circumstances which brought about the employment
50 disqualification proceeding, unless the civil action is brought against the facility
51 or the in-home services provider agency by the department of health and senior
52 services or one of its divisions.

53 9. The length of time the person's name shall appear on the employee
54 disqualification list shall be determined by the director of the department of
55 health and senior services or the director's designee, based upon the following:

56 (1) Whether the person acted recklessly or knowingly, as defined in
57 chapter 562, RSMo;

58 (2) The degree of the physical, sexual, or emotional injury or harm; or the
59 degree of the imminent danger to the health, safety or welfare of a resident or
60 in-home services client;

61 (3) The degree of misappropriation of the property or funds, or
62 falsification of any documents for service delivery of an in-home services client;

63 (4) Whether the person has previously been listed on the employee
64 disqualification list;

65 (5) Any mitigating circumstances;

66 (6) Any aggravating circumstances; and

67 (7) Whether alternative sanctions resulting in conditions of continued
68 employment are appropriate in lieu of placing a person's name on the employee

69 disqualification list. Such conditions of employment may include, but are not
70 limited to, additional training and employee counseling. Conditional employment
71 shall terminate upon the expiration of the designated length of time and the
72 person's submitting documentation which fulfills the department of health and
73 senior services' requirements.

74 10. The removal of any person's name from the list under this section
75 shall not prevent the director from keeping records of all acts finally determined
76 to have occurred under this section.

77 11. The department shall provide the list maintained pursuant to this
78 section to other state departments upon request and to any person, corporation,
79 **organization**, or association who:

80 (1) Is licensed as an operator under chapter 198, RSMo;

81 (2) Provides in-home services under contract with the department;

82 (3) Employs nurses and nursing assistants for temporary or intermittent
83 placement in health care facilities;

84 (4) Is approved by the department to issue certificates for nursing
85 assistants training; [or]

86 (5) Is an entity licensed under chapter 197, RSMo; or

87 (6) **Is a recognized school of nursing, medicine, or other health**
88 **profession for the purpose of determining whether students scheduled**
89 **to participate in clinical rotations with entities described in**
90 **subdivision (1), (2), or (5) of this subsection are included in the**
91 **employee disqualification list.**

92 The department shall inform any person listed above who inquires of the
93 department whether or not a particular name is on the list. The department may
94 require that the request be made in writing.

95 12. No person, corporation, **organization**, or association who received the
96 employee disqualification list under **subdivisions (1) to (5) of** subsection 11 of
97 this section shall knowingly employ any person who is on the employee
98 disqualification list. Any person, corporation, **organization**, or association who
99 received the employee disqualification list under **subdivisions (1) to (5) of**
100 subsection 11 of this section, or any person responsible for providing health care
101 service, who declines to employ or terminates a person whose name is listed in
102 this section shall be immune from suit by that person or anyone else acting for
103 or in behalf of that person for the failure to employ or for the termination of the
104 person whose name is listed on the employee disqualification list.

105 13. Any employer who is required to discharge an employee because the
106 employee was placed on a disqualification list maintained by the department of

107 health and senior services after the date of hire shall not be charged for
108 unemployment insurance benefits based on wages paid to the employee for work
109 prior to the date of discharge, pursuant to section 288.100, RSMo.

110 14. Any person who has been listed on the employee disqualification list
111 may request that the director remove his or her name from the employee
112 disqualification list. The request shall be written and may not be made more
113 than once every twelve months. The request will be granted by the director upon
114 a clear showing, by written submission only, that the person will not commit
115 additional acts of abuse, neglect, misappropriation of the property or funds, or the
116 falsification of any documents of service delivery to an in-home services
117 client. The director may make conditional the removal of a person's name from
118 the list on any terms that the director deems appropriate, and failure to comply
119 with such terms may result in the person's name being relisted. The director's
120 determination of whether to remove the person's name from the list is not subject
121 to appeal.

✓

Bill

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