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

SENATE BILL NO. 296
95TH GENERAL ASSEMBLY
2009

AN ACT

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


EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

   (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087, RSMo, or section 537.600, RSMo;

   (2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri national guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287, RSMo;

   (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;

   (b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo, who is employed by or under contract with a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care
caused by pregnancy, delivery, and child care, if such medical services are
provided by the physician pursuant to the contract without compensation or the
physician is paid from no other source than a governmental agency except for
patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the
provisions of chapter 334, RSMo, who is employed by or under contract with a
federally funded community health center organized under Section 315, 329, 330
or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services
to patients for medical care caused by pregnancy, delivery, and child care, if such
medical services are provided by the physician pursuant to the contract or
employment agreement without compensation or the physician is paid from no
other source than a governmental agency or such a federally funded community
health center except for patient co-payments required by federal or state law or
local ordinance. In the case of any claim or judgment that arises under this
paragraph, the aggregate of payments from the state legal expense fund shall be
limited to a maximum of one million dollars for all claims arising out of and
judgments based upon the same act or acts alleged in a single cause against any
such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334, RSMo, who is
affiliated with and receives no compensation from a nonprofit entity qualified as
exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
Code of 1986, as amended, which offers a free health screening in any setting or
any physician, nurse, physician assistant, dental hygienist, dentist, or other
health care professional licensed or registered under chapter 330, 331, 332, 334,
335, 336, 337, or 338, RSMo, who provides health care services within the scope
of his or her license or registration at a city or county health department
organized under chapter 192, RSMo, or chapter 205, RSMo, a city health
department operating under a city charter, or a combined city-county health
department, or a nonprofit community health center qualified as exempt from
federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
amended, if such services are restricted to primary care and preventive health
services, provided that such services shall not include the performance of an
abortion, and if such health services are provided by the health care professional
licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
RSMo, without compensation. MO HealthNet or Medicare payments for primary
care and preventive health services provided by a health care professional
licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
RSMo, who volunteers at a free health clinic is not compensation for the purpose
of this section if the total payment is assigned to the free health clinic. For the
purposes of the section, "free health clinic" means a nonprofit community health
center qualified as exempt from federal taxation under Section 501 (c)(3) of the
Internal Revenue Code of 1987, as amended, that provides primary care and
preventive health services to people without health insurance coverage for the
services provided without charge. In the case of any claim or judgment that
arises under this paragraph, the aggregate of payments from the state legal
expense fund shall be limited to a maximum of five hundred thousand dollars, for
all claims arising out of and judgments based upon the same act or acts alleged
in a single cause and shall not exceed five hundred thousand dollars for any one
claimant, and insurance policies purchased pursuant to the provisions of section
105.721 shall be limited to five hundred thousand dollars. Liability or
malpractice insurance obtained and maintained in force by or on behalf of any
health care professional licensed or registered under chapter 330, 331, 332, 334,
335, 336, 337, or 338, RSMo, shall not be considered available to pay that portion
of a judgment or claim for which the state legal expense fund is liable under this
paragraph;

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist
licensed or registered to practice medicine, nursing, or dentistry or to act as a
physician assistant or dental hygienist in Missouri under the provisions of
chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, or lawfully
practicing, who provides medical, nursing, or dental treatment within the scope
of his license or registration to students of a school whether a public, private, or
parochial elementary or secondary school or summer camp, if such physician's
treatment is restricted to primary care and preventive health services and if such
medical, dental, or nursing services are provided by the physician, dentist,
physician assistant, dental hygienist, or nurse without compensation. In the case
of any claim or judgment that arises under this paragraph, the aggregate of
payments from the state legal expense fund shall be limited to a maximum of five
hundred thousand dollars, for all claims arising out of and judgments based upon
the same act or acts alleged in a single cause and shall not exceed five hundred
thousand dollars for any one claimant, and insurance policies purchased pursuant
to the provisions of section 105.721 shall be limited to five hundred thousand
dollars; or

(f) Any physician licensed under chapter 334, RSMo, or dentist licensed
under chapter 332, RSMo, providing medical care without compensation to an
individual referred to his or her care by a city or county health department
organized under chapter 192 or 205, RSMo, a city health department operating
under a city charter, or a combined city-county health department, or nonprofit
health center qualified as exempt from federal taxation under Section 501(c)(3)
of the Internal Revenue Code of 1986, as amended, or a federally funded
community health center organized under Section 315, 329, 330, or 340 of the
Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such
treatment shall not include the performance of an abortion. In the case of any
claim or judgment that arises under this paragraph, the aggregate of payments
from the state legal expense fund shall be limited to a maximum of one million
dollars for all claims arising out of and judgments based upon the same act or
acts alleged in a single cause and shall not exceed one million dollars for any one
claimant, and insurance policies purchased under the provisions of section
105.721 shall be limited to one million dollars. Liability or malpractice insurance
obtained and maintained in force by or on behalf of any physician licensed under
chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not
be considered available to pay that portion of a judgment or claim for which the
state legal expense fund is liable under this paragraph;

(4) Staff employed by the juvenile division of any judicial circuit;

(5) Any attorney licensed to practice law in the state of Missouri who
practices law at or through a nonprofit community social services center qualified
as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
Code of 1986, as amended, or through any agency of any federal, state, or local
government, if such legal practice is provided by the attorney without
compensation. In the case of any claim or judgment that arises under this
subdivision, the aggregate of payments from the state legal expense fund shall be
limited to a maximum of five hundred thousand dollars for all claims arising out
of and judgments based upon the same act or acts alleged in a single cause and
shall not exceed five hundred thousand dollars for any one claimant, and
insurance policies purchased pursuant to the provisions of section 105.721 shall
be limited to five hundred thousand dollars; or

(6) Any social welfare board created under section 205.770, RSMo, and the
members and officers thereof upon conduct of such officer or employee while
acting in his or her capacity as a board member or officer, and any physician,
nurse, physician assistant, dental hygienist, dentist, or other health care
professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
337, or 338, RSMo, who is referred to provide medical care without compensation
by the board and who provides health care services within the scope of his or her
license or registration as prescribed by the board.

3. The department of health and senior services shall promulgate rules
regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 7 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, for coverage concerning his or her private practice and assets shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. However, a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal
expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs. In the case of any claim or judgment against an officer or employee of the state or any agency of the state based upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state that would give rise to a cause of action under section 537.600, RSMo, the state legal expense fund shall be liable, excluding punitive damages, for:

(1) Economic damages to any one claimant; and

(2) Up to three hundred fifty thousand dollars for noneconomic damages. The state legal expense fund shall be the exclusive remedy and shall preclude any other civil actions or proceedings for money damages arising out of or relating to the same subject matter against the state officer or employee, or the officer's or employee's estate. No officer or employee of the state or any agency of the state shall be individually liable in his or her personal capacity for conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state. The provisions of this subsection shall not apply to any defendant who is not an officer or employee of the state or any agency of the state in any proceeding against an officer or employee of the state or any agency of the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant under state law or common law in proceedings where one or more defendants is not an officer or employee of the state or any agency of the state.
6. The limitation on awards for noneconomic damages provided for in this subsection shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

7. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

8. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

195.070. 1. A physician, podiatrist, dentist, [or] a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, or a physician assistant in accordance with section 334.747, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may
cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of [his] the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and [he] the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner [may] shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, [he] the manufacturer or wholesaler shall securely
affix to each package in which that drug is contained a label showing in legible
English the name and address of the vendor and the quantity, kind, and form of
controlled substance contained therein. No person except a pharmacist for the
purpose of filling a prescription under sections 195.005 to 195.425, shall alter,
deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled
substance on a prescription issued by a physician, physician assistant, dentist,
podiatrist, veterinarian, or advanced practice registered nurse, [he] the
pharmacist or practitioner shall affix to the container in which such drug is
sold or dispensed a label showing his or her own name and address of the
pharmacy or practitioner for whom he or she is lawfully acting; the name of the
patient or, if the patient is an animal, the name of the owner of the animal and
the species of the animal; the name of the physician, physician assistant,
dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom
the prescription was written; the name of the collaborating physician if the
prescription is written by an advanced practice registered nurse or the
supervising physician if the prescription is written by a physician
assistant, and such directions as may be stated on the prescription. No person
shall alter, deface, or remove any label so affixed.

214.270. As used in sections 214.270 to 214.410, the following terms
mean:
(1) "Agent" or "authorized agent", any person empowered by the cemetery
operator to represent the operator in dealing with the general public, including
owners of the burial space in the cemetery;
(2) "Burial space", one or more than one plot, grave, mausoleum, crypt,
lawn, surface lawn crypt, niche or space used or intended for the interment of the
human dead;
(3) "Burial merchandise", a monument, marker, memorial,
tombstone, headstone, urn, outer burial container, or similar article
which may contain specific lettering, shape, color, or design as
specified by the purchaser;
(4) "Cemetery", property restricted in use for the interment of the human
dead by formal dedication or reservation by deed but shall not include any of the
foregoing held or operated by the state or federal government or any political
subdivision thereof, any incorporated city or town, any county or any religious
organization, cemetery association or fraternal society holding the same for sale
solely to members and their immediate families;
[(4)] (5) "Cemetery association", any number of persons who shall have
associated themselves by articles of agreement in writing as a not-for-profit association or organization, whether incorporated or unincorporated, formed for the purpose of ownership, preservation, care, maintenance, adornment and administration of a cemetery. Cemetery associations shall be governed by a board of directors. Directors shall serve without compensation;

(5) "Cemetery operator" or "operator", any person who owns, controls, operates or manages a cemetery;

(6) "Cemetery prearranged contract", any contract with a cemetery operator for goods and services covered by this chapter which includes a sale of burial merchandise in which delivery of merchandise or a valid warehouse receipt under sections 214.270 to 214.550 is deferred pursuant to written instructions from the purchaser. It shall also mean any contract for goods and services covered by sections 214.270 to 214.550 which includes a sale of burial services to be performed at a future date;

(7) "Cemetery service" or "burial service", those services performed by a cemetery owner or operator licensed as an endowed care or nonendowed cemetery including setting a monument or marker, setting a tent, excavating a grave, interment, entombment, inurnment, setting a vault, or other related services within the cemetery;

(8) "Columbarium", a building or structure for the inurnment of cremated human remains;

(9) "Community mausoleum", a mausoleum containing a substantial area of enclosed space and having either a heating, ventilating or air conditioning system;

(10) "Department", department of insurance, financial institutions and professional registration;

(11) "Director", director of the division of professional registration;

(12) "Division", division of professional registration;

(13) "Endowed care", the maintenance, repair and care of all burial space subject to the endowment within a cemetery, including any improvements made for the benefit of such burial space. Endowed care shall include the general overhead expenses needed to accomplish such maintenance, repair, care and improvements. Endowed care shall include the terms perpetual care, permanent care, continual care, eternal care, care of duration, or any like term;
"Endowed care cemetery", a cemetery, or a section of a cemetery, which represents itself as offering endowed care and which complies with the provisions of sections 214.270 to 214.410;

"Endowed care fund", "endowed care trust", or "trust", any cash or cash equivalent, to include any income therefrom, impressed with a trust by the terms of any gift, grant, contribution, payment, devise or bequest to an endowed care cemetery, or its endowed care trust, or funds to be delivered to an endowed care cemetery's trust received pursuant to a contract and accepted by any endowed care cemetery operator or his agent. This definition includes the terms endowed care funds, maintenance funds, memorial care funds, perpetual care funds, or any like term;

"Escrow account", an account established in lieu of an endowed care fund as provided under section 214.330 or an account used to hold deposits under section 214.387;

"Escrow agent", an attorney, title company, certified public accountant or other person authorized by the division to exercise escrow powers under the laws of this state;

"Escrow agreement", an agreement subject to approval by the office between an escrow agent and a cemetery operator or its agent or related party with common ownership, to receive and administer payments under cemetery prearranged contracts sold by the cemetery operator;

"Family burial ground", a cemetery in which no burial space is sold to the public and in which interments are restricted to persons related by blood or marriage;

"Fraternal cemetery", a cemetery owned, operated, controlled or managed by any fraternal organization or auxiliary organizations thereof, in which the sale of burial space is restricted solely to its members and their immediate families;

"Garden mausoleum", a mausoleum without a substantial area of enclosed space and having its crypt and niche fronts open to the atmosphere. Ventilation of the crypts by forced air or otherwise does not constitute a garden mausoleum as a community mausoleum;

"Government cemetery", or "municipal cemetery", a cemetery owned, operated, controlled or managed by the federal government, the state or a political subdivision of the state, including a county or municipality or instrumentality thereof;

"Grave" or "plot", a place of ground in a cemetery, used or
intended to be used for burial of human remains;

[21] (26) "Human remains", the body of a deceased person in any state of decomposition, as well as cremated remains;

[22] (27) "Inurnment", placing an urn containing cremated remains in a burial space;

[23] (28) "Lawn crypt", a burial vault or other permanent container for a casket which is permanently installed below ground prior to the time of the actual interment. A lawn crypt may permit single or multiple interments in a grave space;

[24] (29) "Mausoleum", a structure or building for the entombment of human remains in crypts;

[25] (30) "Niche", a space in a columbarium used or intended to be used for inurnment of cremated remains;

[26] (31) "Nonendowed care cemetery", or "nonendowed cemetery", a cemetery or a section of a cemetery for which no endowed care trust fund has been established in accordance with sections 214.270 to 214.410;

(32) "Office", the office of endowed care cemeteries within the division of professional registration;

[27] (33) "Owner of burial space", a person to whom the cemetery operator or his authorized agent has transferred the right of use of burial space;

[28] (34) "Person", an individual, corporation, partnership, joint venture, association, trust or any other legal entity;

[29] (35) "Registry", the list of cemeteries maintained in the division office for public review. The division may charge a fee for copies of the registry;

[30] (36) "Religious cemetery", a cemetery owned, operated, controlled or managed by any church, convention of churches, religious order or affiliated auxiliary thereof in which the sale of burial space is restricted solely to its members and their immediate families;

[31] (37) "Surface lawn crypt", a sealed burial chamber whose lid protrudes above the land surface;

[32] (38) "Total acreage", the entire tract which is dedicated to or reserved for cemetery purposes;

[33] (39) "Trustee of an endowed care fund", the separate legal entity appointed as trustee of an endowed care fund.

214.280. 1. Operators of all existing cemeteries shall, prior to August twenty-eighth following August 28, 1994, elect to operate each cemetery as an endowed care cemetery as defined in subdivision [(12)] (16) of section 214.270 and shall register such intention with the division and remit the required
registration fee or, failing such election, shall operate each cemetery for which such election is not made as a nonendowed cemetery without regard to registration fees or penalties. Operators of all cemeteries hereafter established shall, within ninety days from the establishment thereof, elect to operate each cemetery as an "endowed care cemetery", or as a "nonendowed cemetery". Such election for newly established cemeteries shall be filed with the division, on a form provided by the division. Any such election made subsequent to August 28, 1994, shall be accompanied by a filing fee set by the division, and such fee shall be deposited in the endowed care cemetery audit fund as defined in section 193.265, RSMo. The fee authorized in this subsection shall not be required from an existing nonendowed cemetery.

2. The division may adopt rules establishing the conditions and procedures governing the circumstances where an endowed care cemetery elects to operate as a nonendowed care cemetery. In the event an endowed care cemetery elects to operate as a nonendowed care cemetery, the division shall make every effort to require such cemetery to meet all contractual obligations for the delivery of services entered into prior to it reverting to the status of a nonendowed cemetery.

214.330. 1. The endowed care fund required by sections 214.270 to 214.410 shall be permanently set aside in trust or in accordance with the provisions of subsection 2 of this section. The trustee of the endowed care trust shall be a state- or federally chartered financial institution authorized to exercise trust powers in Missouri and located in this state. The income from the endowed care fund shall be distributed to the cemetery operator at least annually or in other convenient installments. The cemetery operator shall have the duty and responsibility to apply the income to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the endowed care fund shall have been established and not for any other purpose. The principal of such funds shall be kept intact and appropriately invested by the trustee, or the independent investment advisor. An endowed care trust agreement may provide that when the principal in an endowed care trust exceeds two hundred fifty thousand dollars, investment decisions regarding the principal and undistributed income may be made by a federally registered or Missouri-registered independent qualified investment advisor designated by the cemetery owner, relieving the trustee of all liability regarding investment decisions made by such qualified investment advisor. It shall be the duty of the trustee, or the investment advisor, in the investment of such funds to exercise the diligence and care men of ordinary prudence, intelligence and discretion would
employ, but with a view to permanency of investment considering probable safety
of capital investment, income produced and appreciation of capital
investment. The trustee's duties shall be the maintenance of records and the
accounting for and investment of moneys deposited by the operator to the
endowed care fund. For the purposes of sections 214.270 to 214.410, the trustee
or investment advisor shall not be deemed to be responsible for the care, the
maintenance, or the operation of the cemetery, or for any other matter relating
to the cemetery, including, but not limited to, compliance with environmental
laws and regulations. With respect to cemetery property maintained by cemetery
care funds, the cemetery operator shall be responsible for the performance of the
care and maintenance of the cemetery property owned by the cemetery operator
and for the opening and closing of all graves, crypts, or niches for human remains
in any cemetery property owned by the cemetery operator.

2. If the endowed care cemetery fund is not permanently set aside in a
trust fund as required by subsection 1 of this section then the funds shall be
permanently set aside in a segregated bank account which requires the signature
of the cemetery owner and either the administrator of the office of endowed care
cemeteries, or the signature of a licensed practicing attorney with escrow powers
in this state as joint signatories for any distribution from the trust fund. No
funds shall be expended without the signature of either the administrator of the
office of endowed care cemeteries, or a licensed practicing attorney with escrow
powers in this state. The account shall be insured by the Federal Deposit
Insurance Corporation or comparable deposit insurance and held in the state- or
federally chartered financial institution authorized to do business in Missouri and
located in this state. The income from the endowed care fund shall be distributed
to the cemetery operator at least in annual or semiannual installments. The
cemetery operator shall have the duty and responsibility to apply the income to
provide care and maintenance only for that part of the cemetery in which burial
space shall have been sold and with respect to which sales the endowed care fund
shall have been established and not for any other purpose. The principal of such
funds shall be kept intact and appropriately invested by the cemetery operator
with written approval of either the administrator of the office of endowed care
cemeteries or a licensed practicing attorney with escrow powers in this state. It
shall be the duty of the cemetery owner in the investment of such funds to
exercise the diligence and care a person of reasonable prudence, intelligence and
discretion would employ, but with a view to permanency of investment
considering probable safety of capital investment, income produced and
appreciation of capital investment. The cemetery owner's duties shall be the
maintenance of records and the accounting for an investment of moneys deposited
by the operator to the endowed care fund. For purposes of sections 214.270 to
214.410, the administrator of the office of endowed care cemeteries or the licensed
practicing attorney with escrow powers in this state shall not be deemed to be
responsible for the care, maintenance, or operation of the cemetery. With respect
to cemetery property maintained by cemetery care funds, the cemetery operator
shall be responsible for the performance of the care and maintenance of the
cemetery property owned by the cemetery operator and for the opening and
closing of all graves, crypts, or niches for human remains in any cemetery
property owned by the cemetery operator.

3. The cemetery operator shall be accountable to the owners of burial
space in the cemetery for compliance with sections 214.270 to 214.410.

4. All endowed care funds shall be administered in accordance with an
endowed care fund agreement. The endowed care fund agreement shall be subject
to review and approval by the office of endowed care cemeteries or by a licensed
practicing attorney with escrow powers in this state. The endowed care cemetery
shall be notified in writing by the office of endowed care cemeteries or by a
licensed practicing attorney with escrow powers in this state regarding the
approval or disapproval of the endowed care fund agreement and regarding any
changes required to be made for compliance with this chapter and the rules and
regulations promulgated thereunder. A copy of the proposed endowed care fund
agreement shall be submitted to the office of endowed care cemeteries. The office
of endowed care cemeteries or a licensed practicing attorney with escrow powers
in this state shall notify the endowed care cemetery in writing of approval and
of any required change. Any amendment or change to the endowed care fund
agreement shall be submitted to the office of endowed care cemeteries or to a
licensed practicing attorney with escrow powers in this state for review and
approval. Said amendment or change shall not be effective until approved by the
office of endowed care cemeteries or by a licensed practicing attorney with escrow
powers in this state. All endowed care cemeteries shall be under a continuing
duty to file with the office of endowed care cemeteries or with a licensed
practicing attorney with escrow powers in this state and to submit for approval
any and all changes, amendment, or revisions of the endowed care fund
agreement.

5. No principal shall be distributed from an endowed care trust
fund except to the extent that a unitrust election is in effect with
respect to such trust under the provisions of section 469.411, RSMo.

214.385. 1. If the operator of any cemetery or another authorized person
moves a grave marker, memorial or monument in the cemetery for any reason, the operator or other authorized person shall replace the grave marker, memorial or monument to its original position within a reasonable time.

2. When the purchase price of [a monument, marker or memorial] an item of burial merchandise sold by a cemetery operator or its agent is paid in full, the cemetery operator shall make delivery of such property within a reasonable time. A cemetery operator may comply with this section by delivering to the purchaser of such property a valid warehouse receipt which may be presented to the cemetery operator at a later date for actual delivery.

214.387. 1. Upon written instructions from the purchaser of [a monument, marker or memorial, a cemetery may defer delivery of such property to a date designated by the purchaser, provided the cemetery operator, within forty-five days of the date the property is paid in full, deposits from its own funds an amount equal to one hundred ten percent of such property's wholesale cost into a segregated account. Funds deposited in a segregated account pursuant to this section and section 214.385 shall be maintained in such account until delivery of the property is made or the contract for the purchase of such property is canceled. No withdrawals may be made from the cemetery operator's segregated account established pursuant to this section and section 214.385 except as provided herein. The cemetery operator shall not commingle any other of its funds with the deposits made to the segregated account. Money in this account shall be invested utilizing the "prudent man theory" and is subject to audit by the division. Names and addresses of depositories of such money shall be submitted with the annual report.] burial merchandise or burial services set forth in a cemetery prearranged contract, a cemetery may defer delivery of such burial merchandise or a warehouse receipt for the same under section 214.385, or performance of services, to a date designated by the purchaser, provided the cemetery operator, after deducting sales and administrative costs not to exceed twenty percent of the purchase price, deposits the remaining portion of the purchase price into an escrow or trust account as herein provided, within sixty days following receipt of payment from the purchaser. Funds so deposited pursuant to this section shall be maintained in such account until delivery of the property or the performance of services is made or the contract for the purchase of such property or services is cancelled. The account is subject to inspection, examination or audit by the division. No withdrawals may be made from the escrow or trust account established pursuant to this section except as herein provided.
2. [If at the end of a calendar year the market value of the cemetery operator's segregated account exceeds the then current wholesale cost of all paid-in-full property which has not been delivered, the cemetery operator may withdraw from the segregated account all realized income earned by such account. If at the end of a calendar year the market value of the cemetery operator's segregated account is less than the then current wholesale cost of all paid-in-full property which has not been delivered, the cemetery operator shall only withdraw the realized income in excess of (i) the segregated account's market value at year end, plus (ii) all realized income accrued to the segregated account minus (iii) the wholesale cost of all paid-in-full property which has not been delivered.

3. Upon the delivery of a monument, marker or memorial sold by the cemetery or its agent, or the cancellation of the contract for the purchase of such property, the cemetery operator may withdraw from the segregated account an amount equal to (i) the market value of the segregated account based on the most recent account statement issued to the cemetery operator, times (ii) the ratio the delivered property's deposit in the account bears to the aggregate deposit of all property which is paid in full but not delivered. The segregated account may be inspected or audited by the division.

4.] Upon written instructions from the purchaser of an interment, entombment, or inurnment cemetery service, a cemetery may defer performance of such service to a date designated by the purchaser, provided the cemetery operator, within forty-five days of the date the agreement is paid in full, deposits from its own funds an amount equal to [forty] eighty percent of the published retail price into a trustee account. Funds deposited in a trustee account pursuant to this section and section 214.385 shall be maintained in such account until delivery of the service is made or the agreement for the purchase of the service is canceled. No withdrawals may be made from the trustee account established pursuant to this section and section 214.385 except as provided herein. Money in this account shall be invested utilizing the "prudent man theory" and is subject to audit by the division. Names and addresses of depositories of such money shall be submitted with the annual report.

[5.] 3. Upon the delivery of the interment, entombment, or inurnment cemetery service agreed upon by the cemetery or its agent, or the cancellation of the agreement for the purchase of such service, the cemetery operator may withdraw from the trustee account an amount equal to (i) the market value of the trustee account based on the most recent account statement issued to the cemetery operator, times (ii) the ratio the service's deposit in the account bears to the aggregate deposit of all services which are paid in full but not
delivered. The trustee account may be inspected or audited by the division.

4. The provisions of this section shall apply to all agreements entered into after August 28, 2002.

324.001. 1. For the purposes of this section, the following terms mean:

(1) "Department", the department of insurance, financial institutions and professional registration;

(2) "Director", the director of the division of professional registration; and

(3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350, RSMo. Each board or commission shall issue the original license or certificate.
4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

7. The director of the division shall be responsible for collecting and
accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of
accountancy, chapter 326, RSMo; board of cosmetology and barber examiners, chapters 328 and 329, RSMo; [state board of registration] Missouri board for architects, professional engineers [and], professional land surveyors and landscape architects, chapter 327, RSMo; Missouri state board of chiropractic examiners, chapter 331, RSMo; state board of registration for the healing arts, chapter 334, RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; Missouri state board of podiatric medicine, chapter 330, RSMo; Missouri real estate appraisers commission, chapter 339, RSMo; and Missouri veterinary medical board, chapter 340, RSMo. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, RSMo, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are
established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, RSMo, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

324.065. 1. The board shall elect annually a chairperson and a vice chairperson from their number.

2. (1) The [division, in collaboration with the] board[.] shall adopt, implement, rescind, amend and administer such rules and regulations as may be necessary to carry out the provisions of sections 324.050 to 324.089. The [division, in collaboration with the] board[.] may promulgate necessary rules compatible with sections 324.050 to 324.089, including, but not limited to, rules relating to professional conduct, continuing competency requirements for renewal of licenses, approval of continuing competency programs and to the establishment of ethical standards of practice for persons holding a license or permit to practice occupational therapy in this state.

(2) The board shall establish all applicable fees and set an amount which shall not substantially exceed the cost of administering sections 324.050 to 324.089.
(3) The board shall approve or disapprove certifying entities for the profession of occupational therapy included in the scope of sections 324.050 to 324.089.

(4) The board may terminate recognition of any certifying entity included in the scope of sections 324.050 to 324.089 following a subsequent review of the certification of registration procedures of a certifying entity.

3. The board shall convene at the request of the director or as the board shall determine. The board shall hold regular meetings at least four times per year.

4. Each member of the board shall receive as compensation, an amount set by the division not to exceed fifty dollars per day, for each day devoted to the affairs of the board and may be reimbursed for actual and necessary expenses incurred in the performance of the member's official duties.

5. No rule or portion of a rule promulgated pursuant to the authority of sections 324.050 to 324.089 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

324.068. For the purpose of sections 324.050 to 324.089, the division shall:

(1) Employ, within the limits of the appropriations for that purpose, employees as are necessary to carry out the provisions of sections 324.050 to 324.089;

(2) Exercise all administrative functions; and

(3) Establish all applicable fees; set at an amount which shall not substantially exceed the cost of administering sections 324.050 to 324.089;

(4) Deposit all fees collected pursuant to sections 324.050 to 324.089, by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri board of occupational therapy fund;[

(5) Approve or disapprove certifying entities for the profession of occupational therapy included in the scope of sections 324.050 to 324.089; and

(6) The division may terminate recognition of any certifying entity included in the scope of sections 324.050 to 324.089 following a subsequent review of the certification of registration procedures of a certifying entity].

324.071. 1. The applicant applying for a license to practice occupational therapy shall provide evidence of being initially certified by a certifying entity and has completed an application for licensure and all applicable fees have been paid.

2. The certification requirement shall be waived for those persons who hold a current registration by the [division] board as an occupational therapist
7 or occupational therapy assistant on August 28, 1997, provided that this
8 application is made on or before October 31, 1997, and all applicable fees have
9 been paid. All other requirements of sections 324.050 to 324.089 must be
10 satisfied.
11 3. The person shall have no violations, suspensions, revocation or pending
12 complaints for violation of regulations from a certifying entity or any
13 governmental regulatory agency in the past five years.
14 4. The [division, in collaboration with the] board[,] may negotiate
15 reciprocal contracts with other states, the District of Columbia, or territories of
16 the United States which require standards for licensure, registration or
17 certification considered to be equivalent or more stringent than the requirements
18 for licensure pursuant to sections 324.050 to 324.089.

324.077. The [division, in collaboration with the] board[,] may issue a
2 limited permit, upon the payment of applicable fees and completion of the
3 required application, to a person who sufficiently provides proof of eligibility to
4 set for the first available examination upon completion of all other necessary
5 requirements for certification by the certifying entity. The limited permit shall
6 allow the person to practice occupational therapy under the supervision of a
7 person currently licensed pursuant to sections 324.050 to 324.089. A limited
8 permit shall only be effective up to but not to exceed the time the results of the
9 second available examination are received by the board unless the person
10 successfully passes the examination in which instance the limited permit shall
11 remain valid for an additional sixty days.

324.080. 1. The division shall mail a renewal notice to the last known
2 address of each licensee prior to the renewal date. Failure to provide the division
3 with the information required for renewal or to pay the required fee after such
4 notice shall result in the license being declared inactive and the licensee shall not
5 practice occupational therapy until he or she applies for reinstatement and pays
6 the required fees. The license shall be restored if the application is received
7 within two years of the renewal date.
8 2. Upon request, the division, in collaboration with the board, may grant
9 inactive status to a licensee, if the person:
10 (1) Does not practice occupational therapy in the state of Missouri;
11 (2) Does not hold himself or herself out as an occupational therapist or an
12 occupational therapy assistant in the state of Missouri;
13 (3) Maintains any continuing competency requirements established by the
14 [division, in collaboration with the] board; and
15 (4) Remits any fee that may be required.
324.086. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 324.050 to 324.089 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 324.050 to 324.089 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an occupational therapist or occupational therapy assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated by sections 324.050 to 324.089, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in obtaining permission to take any examination given or required pursuant to sections 324.050 to 324.089;

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

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions and duties of any profession licensed or regulated by sections 324.050 to 324.089;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections 324.050 to 324.089;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.050 to 324.089 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.050 to 324.089 who is not registered and currently eligible to practice pursuant to sections 324.050 to 324.089;

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

(12) Violation of any professional trust or confidence;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Unethical conduct as defined in the ethical standards for occupational therapists and occupational therapy assistants adopted by the board and filed with the secretary of state;

(15) Violation of the drug laws or rules and regulations of this state, any other state or federal government.

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

4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 324.050 to 324.089 relative to the licensing of the applicant for the first time.

324.089. 1. Any person or corporation who knowingly violates any provision of sections 324.050 to 324.089 is guilty of a class B misdemeanor.

2. Any officer or agent of a corporation or member or agent of a partnership or association, who knowingly and personally participates in, or is an accessory to, any violation of sections 324.050 to 324.089 is guilty of a class B
misdemeanor.

3. The provisions of this section shall not be construed to release any
person from civil liability or criminal prosecution pursuant to any other law of
this state.

4. The [division, in collaboration with the] board[,] may cause a complaint
to be filed for any violation of sections 324.050 to 324.089 in any court of
competent jurisdiction and perform such other acts as may be necessary to
enforce the provisions of sections 324.050 to 324.089.

324.139. 1. To qualify for a license, an applicant shall pass a competency
examination given by the American Board of Cardiovascular Perfusion or its
successor organization.

2. Not later than forty-five days after the date on which a licensing
examination is administered pursuant to sections 324.125 to 324.183, the
[division] board shall notify each examinee of the results of the examination.

3. The board by rule shall establish:

(1) A limit on the number of times an applicant who fails an examination
may retake the examination; and

(2) The requirements for reexamination and the amount of any
reexamination fee.

324.141. A person licensed pursuant to the provisions of sections 324.125
to 324.183 shall display the license certificate issued pursuant to sections 324.125
to 324.183 in a prominent place at the site, location or office from which such
person practices such person’s profession or such license holder shall maintain
on file at all times during which the license holder provides services in a health
care facility a true and correct copy of the license certificate in the appropriate
records of the facility. A license holder shall inform the [division] board of any
change of address for the license holder. A license certificate issued by the board
is the property of the board and shall be surrendered upon demand.

324.212. 1. Applications for licensure as a dietitian shall be in writing,
submitted to the committee on forms prescribed by the [division] committee and
furnished to the applicant. The application shall contain the applicant’s
statements showing the applicant’s education, experience and such other
information as the committee may require. Each application shall contain a
statement that it is made under oath or affirmation and that the information
contained therein is true and correct to the best knowledge and belief of the
applicant, subject to the penalties provided for the making of a false affidavit or
declaration. Each application shall be accompanied by the fees required by the
commmittee.
2. The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to provide the committee with the information required for renewal, or to pay the renewal fee after such notice shall effect a noncurrent license. The license shall be reinstated if, within two years of the renewal date, the applicant submits the required documentation and pays the applicable fees as approved by the committee.

3. A new license to replace any license lost, destroyed or mutilated may be issued subject to the rules of the committee upon payment of a fee.

4. The committee shall set by rule the appropriate amount of fees authorized herein. The fees shall be set at a level to produce revenue which shall not exceed the cost and expense of administering the provisions of sections 324.200 to 324.225. All fees provided for in sections 324.200 to 324.225 shall be collected by the director who shall transmit the funds to the director of revenue to be deposited in the state treasury to the credit of the "Dietitian Fund" which is hereby created.

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the dietitian fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the dietitian fund for the preceding fiscal year.

324.247. A person desiring to receive a license to operate a massage business in the state of Missouri shall file a written application with the board on a form prescribed by the [division] board and pay the appropriate required fee. It shall be unlawful for a business to employ or contract with any person in this state to provide massage therapy as defined in subdivision (7) of section 324.240 unless such person has obtained a license as provided by this chapter. Failure to comply with the provisions of this section shall be cause to discipline the licensee.

324.415. Applications for registration as a registered interior designer shall be typewritten on forms prescribed by the [division] council and furnished to the applicant. The application shall contain the applicant’s statements showing the applicant’s education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the council may require, or architect’s registration number and such other pertinent information as the council may require. Each application shall contain a statement that is made under oath or affirmation and
that the representations are true and correct to the best knowledge and belief of
the person signing the application. The person shall be subject to the penalties
for making a false affidavit or declaration and shall be accompanied by the
required fee.

324.481. 1. The board shall upon recommendation of the committee
license applicants who meet the qualifications for acupuncturists, who file for
licensure, and who pay all fees required for this licensure.

2. [The division shall:
(1) Prescribe the design of all forms to be furnished to all persons seeking
licensure pursuant to sections 324.475 to 324.499;
(2) Prescribe the form and design of the license to be issued pursuant to
sections 324.475 to 324.499.

3.] The board shall:
(1) Maintain a record of all board and committee proceedings regarding
sections 324.475 to 324.499 and of all acupuncturists licensed in this state;
(2) Annually prepare a roster of the names and addresses of all
acupuncturists licensed in this state, copies of which shall be made available
upon request to any person paying the fee therefor;
(3) Set the fee for the roster at an amount sufficient to cover the actual
cost of publishing and distributing the roster;
(4) Adopt an official seal;
(5) Prescribe the design of all forms to be furnished to all
persons seeking licensure under sections 324.475 to 324.499;
(6) Prescribe the form and design of the license to be issued
under sections 324.475 to 324.499;
(7) Inform licensees of any changes in policy, rules or regulations;
[(6)] (8) Upon the recommendation of the committee, set all fees, by rule,
necessary to administer the provisions of sections 324.475 to 324.499.

4. The board may with the approval of the advisory committee:
(1) Issue subpoenas to compel witnesses to testify or produce evidence in
proceedings to deny, suspend or revoke licensure;
(2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out
the provisions of sections 324.475 to 324.499 including, but not limited to,
regulations establishing:
(a) Standards for the practice of acupuncture;
(b) Standards for ethical conduct in the practice of acupuncture;
(c) Standards for continuing professional education;
(d) Standards for the training and practice of auricular detox technicians,
including specific enumeration of points which may be used.

[5.] 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

[6.] 5. All funds received by the board pursuant to the provisions of sections 324.240 to 324.275 shall be collected by the director who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the "Acupuncturist Fund" which is hereby created.

[7.] 6. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the acupuncturist fund for the preceding fiscal year.

324.487. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the board pursuant to sections 324.475 to 324.499; or

(2) Is engaged in a supervised course of study that has been authorized by the committee approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.

2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and meets one of the following requirements:

(a) Is actively certified as a Diplomate in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine; or
(b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as determined by the committee and approved by the board; and

(2) Submits to the committee an application on a form prescribed by the [division] committee; and

(3) Pays the appropriate fee.

3. The board shall issue a certificate of licensure to each individual who satisfies the requirements of subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure or authority, has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution pursuant to the laws of this state, the laws of any other state, territory, or the laws of the United States of America for any offense reasonably related to the qualifications, functions, or duties of a licensee pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors and landscape architects may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license or certificate.

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors and landscape architects may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

328.115. 1. The owner of every [shop or] establishment in which the occupation of barbering is practiced shall obtain a license for such [shop or]
establishment issued by the board before barbering is practiced therein. A new license shall be obtained for a barber establishment within forty-five days when the establishment changes ownership or location. The state inspector shall inspect the sanitary conditions required for licensure, established under subsection 2 of this section, for an establishment that has changed ownership or location without requiring the owner to close business or deviate in any way from the establishment's regular hours of operation.

2. The board shall issue a license for a [shop or] establishment upon receipt of the license fee from the applicant if the board finds that the [shop or] establishment complies with the sanitary regulations adopted pursuant to section [328.060] 329.025, RSMo. All barber establishments shall continue to comply with the sanitary regulations. Failure of a barber establishment to comply with the sanitary regulations shall be grounds for the board to file a complaint with the administrative hearing commission to revoke, suspend, or censure the establishment's license or place the establishment's license on probation.

3. The license for a barber establishment shall be renewable. The applicant for renewal of the license shall on or before the renewal date submit the completed renewal application accompanied by the required renewal fee. If the renewal application and fee are not submitted within thirty days following the renewal date, a penalty fee plus the renewal fee shall be paid to renew the license. If a new establishment opens any time during the licensing period and does not register a license before opening, there shall be a delinquent fee in addition to the regular fee. The license shall be kept posted in plain view within the barber establishment at all times.

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

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter [161] 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

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

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

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

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

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

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

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

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

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

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

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

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

(13) Violation of any professional trust or confidence;

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

(15) Failure or refusal to properly guard against contagious, infectious or
communicable diseases or the spread thereof.

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

328.160. Any person practicing the occupation of barbering without having
obtained a license as provided in this chapter, or willfully employing a barber
who does not hold a valid license issued by the board, managing or conducting a
barber school or college without first securing a license from the board, or falsely
pretending to be qualified to practice as a barber or instructor or teacher of such
occupation under this chapter, or failing to keep any license required by this
chapter properly displayed or for any extortion or overcharge practiced, and any
barber college, firm, corporation or person operating or conducting a barber
college without first having secured the license required by this chapter, or failing
to comply with such sanitary rules as the board, in conjunction with the
department of health and senior services, prescribes, or for the violation of any
of the provisions of this chapter, shall be deemed guilty of a class C
misdemeanor. Prosecutions under this chapter shall be initiated and carried on
in the same manner as other prosecutions for misdemeanors in this state.

332.112. 1. A person desiring to obtain a volunteer license to
practice dentistry shall:

(1) Submit to the board a verified affidavit stating that he or she
has been licensed to practice dentistry in Missouri or in any state or
territory of the United States or the District of Columbia for at least
ten years and has not allowed that license to lapse or expire for a
period of time greater than four years immediately preceding the date
of application for a volunteer license, is retired from the practice of
dentistry, and that his or her license was in good standing at
retirement; and

(2) Meet the requirements in section 332.151.

2. Effective with the licensing period beginning on December 1,
2010, a volunteer license to practice dentistry shall be renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of current certification in the American Heart Association's Basic Life Support (BLS), Advanced Cardiac Life Support (ACLS), or certification equivalent to BLS or ACLS and completion of forty hours of board-approved continuing education during the two-year period immediately preceding the renewal period. Continuing education hours earned towards certification in BLS or ACLS may be applied towards the forty hours of continuing education required for renewal. Each dentist shall maintain documentation of completion of the required continuing education hours for a minimum of six years after the reporting period in which the continuing education was completed. The board, solely in its discretion, may allow a dentist working at a facility outlined in subsection 3 of section 332.112 to credit time spent working in that facility towards the forty hour continuing education requirement for renewal. The board, solely in its discretion, may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for credit for continuing education hours and requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

3. A dentist with a volunteer license may only provide without compensation dental care and preventative care services to family members or at facilities operated by city or county health departments organized under chapter 192, RSMo, or chapter 205, RSMo, city health departments operating under city charters, combined city-county health centers, public elementary or secondary schools, federally funded community health centers, or nonprofit community health centers.

4. The board shall not charge a fee for any application for a volunteer license to practice dentistry nor to renew a volunteer license to practice dentistry.

332.113. 1. A person desiring to obtain a volunteer license to practice as a dental hygienist shall:

(1) Submit to the board a verified affidavit stating that he or she has been licensed to practice as a dental hygienist in Missouri or in any state or territory of the United States or the District of Columbia for at
least ten years, and has not allowed that license to lapse or expire for
a period of time greater than four years immediately preceding the
date of application for a volunteer license is retired from practicing as
a dental hygienist, and that his or her license was in good standing at
retirement; and
(2) Meet the requirements in sections 332.251 or 332.281 and
332.231.
2. Effective with the licensing period beginning on December 1,
2010, a volunteer license to practice dental hygiene shall be renewed
every two years. To renew a license, each dental hygienist shall submit
satisfactory evidence of current certification in the American Heart
Association's Basic Life Support (BLS), Advanced Cardiac Life Support
(ACLS), or certification equivalent to BLS or ACLS and completion of
twenty-five hours of board-approved continuing education during the
two-year period immediately preceding the renewal period. Continuing
education hours earned towards certification in BLS or ACLS may be
applied towards the twenty-five hours of continuing education required
for renewal. Each dental hygienist shall maintain documentation of
completion of the required continuing education hours for a minimum
of six years after the reporting period in which the continuing
education was completed. The board, solely in its discretion, may allow
a dental hygienist working at a facility outlined in subsection 3 of this
section to credit time spent working in that facility towards the twenty
five hour continuing education requirement for renewal. The board,
solely in its discretion, may waive or extend the time requirements for
completion of continuing education for reasons related to health,
military service, foreign residency, or for other good cause. All
requests for credit for continuing education hours and requests for
waivers or extensions of time shall be made in writing and submitted
to the board before the renewal date.
3. A dental hygienist with a volunteer license may only provide
without compensation dental hygiene care and preventative care
services to family members or at facilities operated by city or county
health departments organized under chapter 192, RSMo, or chapter 205,
RSMo, city health departments operating under city charters, combined
city-county health centers, public elementary or secondary schools,
federally funded community health centers, or nonprofit community
health centers.
4. The board shall not charge a fee for any application for a volunteer license to practice dental hygiene nor to renew a volunteer license to practice dental hygiene.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) "Applicant", any individual who seeks to become licensed as a physician assistant;

(2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;

(5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working within the same facility as the supervising physician sixty-six percent of the time a physician assistant provides patient care, except a physician assistant may make follow-up patient examinations in hospitals, nursing homes, patient homes, and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician, except as provided by subsection 2 of this section. For the purposes of this section, the percentage of time a physician assistant provides patient care with the supervising physician on-site shall be
measured each calendar quarter. The supervising physician must be readily available in person or via telecommunication during the time the physician assistant is providing patient care. The board shall promulgate rules pursuant to chapter 536, RSMo, for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant. The physician assistant shall be limited to practice at locations where the supervising physician is no further than thirty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services. Any other provisions of this chapter notwithstanding, for up to ninety days following the effective date of rules promulgated by the board to establish the waiver process under subsection 2 of this section, any physician assistant practicing in a health professional shortage area as of April 1, 2007, shall be allowed to practice under the on-site requirements stipulated by the supervising physician on the supervising physician form that was in effect on April 1, 2007.

2. The board shall promulgate rules under chapter 536, RSMo, to direct the advisory commission on physician assistants to establish a formal waiver mechanism by which an individual physician-physician assistant team may apply for alternate minimum amounts of on-site supervision and maximum distance from the supervising physician. After review of an application for a waiver, the advisory commission on physician assistants shall present its recommendation to the board for its advice and consent on the approval or denial of the application. The rule shall establish a process by which the public is invited to comment on the application for a waiver, and shall specify that a waiver may only be granted if a supervising physician and physician assistant demonstrate to the board’s satisfaction in accordance with its uniformly applied criteria that:

(1) Adequate supervision will be provided by the physician for the physician assistant, given the physician assistant’s training and experience and the acuity of patient conditions normally treated in the clinical setting;

(2) The physician assistant shall be limited to practice at locations where the supervising physician is no further than fifty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services;

(3) The community or communities served by the supervising physician and physician assistant would experience reduced access to health care services in the absence of a waiver; [and]

(4) The applicant will practice in an area designated at the time of
application as a health professional shortage area;

(5) Nothing in this section shall be construed to require a physician-physician assistant team to increase their on-site requirement allowed in their initial waiver in order to qualify for renewal of such waiver;

(6) If a waiver has been granted by the board of healing arts to a physician assistant working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no additional waiver shall be required, so long as the rural health clinic maintains its status as a rural health clinic under such federal act, and such physician assistant and supervising physician comply with federal supervision requirements;

(7) A physician assistant shall only be required to seek a renewal of a waiver every five years or when his or her supervising physician is a different physician than the physician shown on the waiver application or they move their primary practice location more than ten miles from the location shown on the waiver application.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;
(2) Performing physical examinations of a patient;
(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
(4) Performing routine therapeutic procedures;
(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
(8) Assisting in surgery;
(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform;
(10) Physician assistants shall not perform abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising
physician, nor prescribe lenses, prisms or contact lenses for the aid, relief or
correction of vision or the measurement of visual power or visual efficiency of the
human eye, nor administer or monitor general or regional block anesthesia during
diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of
drugs, medications, devices or therapies by a physician assistant shall be
pursuant to a physician assistant supervision agreement which is specific to the
clinical conditions treated by the supervising physician and the physician
assistant shall be subject to the following:

1. A physician assistant shall [not] only prescribe controlled substances

2. The types of drugs, medications, devices or therapies prescribed or
dispensed by a physician assistant shall be consistent with the scopes of practice
of the physician assistant and the supervising physician;

3. All prescriptions shall conform with state and federal laws and
regulations and shall include the name, address and telephone number of the
physician assistant and the supervising physician;

4. A physician assistant or advanced practice nurse as defined in section
335.016, RSMo, may request, receive and sign for noncontrolled professional
samples and may distribute professional samples to patients;

5. A physician assistant shall not prescribe any drugs, medicines, devices
or therapies the supervising physician is not qualified or authorized to prescribe;

6. A physician assistant may only dispense starter doses of medication
to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a
physician assistant and shall not use or permit to be used in the physician
assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out
in any way to be a physician or surgeon. No physician assistant shall practice or
attempt to practice without physician supervision or in any location where the
supervising physician is not immediately available for consultation, assistance
and intervention, except as otherwise provided in this section, and in an
emergency situation, nor shall any physician assistant bill a patient
independently or directly for any services or procedure by the physician assistant.

6. For purposes of this section, the licensing of physician assistants shall
take place within processes established by the state board of registration for the
healing arts through rule and regulation. The board of healing arts is authorized
to establish rules pursuant to chapter 536, RSMo, establishing licensing and
renewal procedures, supervision, supervision agreements, fees, and addressing
such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.
12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017, RSMo, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include such registration numbers on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:
   (1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced
pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

334.850. The division of professional registration shall provide all necessary personnel to carry out the provisions of sections 334.800 to 334.930. The division shall:

(1) Exercise all budgeting, purchasing, reporting and other related management functions;

(2) Establish application and licensure fees, in cooperation with the board, and collect such fees;

(3) Deposit all fees collected pursuant to sections 334.800 to 334.930 by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the "Respiratory Care Practitioners Fund", which is hereby created. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the fund for the preceding fiscal year, or three times the amount if the board requires renewal of licenses less often than annually. The amount, if any, in the fund which shall lapse is that
amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year;

[(4)] (3) Process applications and notify licensees when a license is to expire;

[(5)] (4) Establish the amount the board shall receive as per diem for each day devoted to the member's official duties on the board and reimburse any actual and necessary expenses a board member incurs in the performance of the member's official duties;

[(6)] (5) Promulgate, in cooperation with the board, such rules and regulations as are necessary to administer the provisions of sections 334.800 to 334.930. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 334.800 to 334.930 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

NURSE LICENSURE COMPACT

ARTICLE I

335.300. FINDINGS AND DECLARATION OF PURPOSE. 1. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's healthcare delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

2. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.

ARTICLE II

335.305. DEFINITIONS. As used in this compact, the following terms shall mean:

(1) "Adverse action", a home or remote state action;

(2) "Alternative program", a voluntary, non-disciplinary monitoring program approved by a nurse licensing board;

(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state nurse licensing boards;

(4) "Current significant investigative information":

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond;

(5) "Home state", the party state that is the nurse's primary state
of residence;

(6) "Home state action", any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation, or any other action affecting a nurse's authorization to practice;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate licensing privilege", current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation, or any other action that affects a nurse's authorization to practice;

(9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms are defined by each state's practice laws;

(10) "Party state", any state that has adopted this compact;

(11) "Remote state", a party state, other than the home state:

(a) Where a patient is located at the time nursing care is provided; or

(b) In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located;

(12) "Remote state action":

(a) Any administrative, civil, equitable, or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state; and

(b) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof;

(13) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(14) "State practice laws", those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws does not include the initial
ARTICLE III

335.310. GENERAL PROVISIONS AND JURISDICTION. 1. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

3. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.
5. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

ARTICLE IV

335.315. APPLICATIONS FOR LICENSURE IN A PARTY STATE. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

2. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

3. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

4. When a nurse changes primary state of residence by:
   (1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;
   (2) Moving from a non-party state to a party state, and obtains a license from the new home state, the individual state license issued by the non-party state is not affected and will remain in full force if so provided by the laws of the non-party state;
   (3) Moving from a party state to a non-party state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

ARTICLE V

335.320. ADVERSE ACTIONS. In addition to the general provisions described in article III of this compact, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system
any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports;

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

(4) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state, in so doing, it shall apply its own state laws to determine appropriate action;

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action;

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain non-public if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.

ARTICLE VI

335.325. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS. Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(1) If otherwise permitted by state law, recover from the affected
nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(2) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

(4) Promulgate uniform rules and regulations as provided for in subsection 3 of section 335.335.

ARTICLE VII

335.330. COORDINATED LICENSURE INFORMATION SYSTEM. 1. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

4. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals.
without the express permission of the contributing state.

5. Any personally identifiable information obtained by a party states' licensing board from the coordinated licensure information system may not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

7. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

ARTICLE VIII

335.335. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION. 1. The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this compact for his/her state.

2. The compact administrator of each party shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact.

3. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under subsection 4 of section 335.325.

ARTICLE IX

335.340. IMMUNITY. No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.
ARTICLE X

335.345. ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT. 1. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

2. No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

3. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

4. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

ARTICLE XI

335.350. CONSTRUCTION AND SEVERABILITY. 1. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

2. In the event party states find a need for settling disputes arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state, an individual
appointed by the compact administrator in the remote states involved,
and an individual mutually agreed upon by the compact administrators
of all the party states involved in the dispute;
(2) The decision of a majority of the arbitrators shall be final and
binding.

335.355. APPLICABILITY OF COMPACT. 1. The term "head of
the nurse licensing board" as referred to in article VIII of this compact
shall mean the executive director of the Missouri state board of
nursing.
2. A person who is extended the privilege to practice in this state
pursuant to the nurse licensure compact is subject to discipline by the
board, as set forth in this chapter, for violation of this chapter or the
rules and regulations promulgated herein. A person extended the
privilege to practice in this state pursuant to the nurse licensure
compact shall be subject to adhere to all requirements of this chapter,
as if such person were originally licensed in this state.
3. Sections 335.300 to 335.355 are applicable only to nurses whose
home states are determined by the Missouri state board of nursing to
have licensure requirements that are substantially equivalent or more
stringent than those of Missouri.
4. This compact is designed to facilitate the regulation of nurses,
and does not relieve employers from complying with statutorily
imposed obligations.
5. This compact does not supercede existing state labor laws.

337.712. 1. Applications for licensure as a marital and family therapist
shall be in writing, submitted to the [division] committee on forms prescribed
by the [division] committee and furnished to the applicant. The application
shall contain the applicant’s statements showing the applicant’s education,
experience and such other information as the [division] committee may
require. Each application shall contain a statement that it is made under oath
or affirmation and that the information contained therein is true and correct to
the best knowledge and belief of the applicant, subject to the penalties provided
for the making of a false affidavit or declaration. Each application shall be
accompanied by the fees required by the division.
2. The division shall mail a renewal notice to the last known address of
each licensee prior to the licensure renewal date. Failure to provide the division
with the information required for license, or to pay the licensure fee after such
notice shall effect a revocation of the license after a period of sixty days from the
licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The [division] committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year.

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

(1) The applicant has a master's degree or a doctoral degree in marital and family therapy, or its equivalent, from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education;

(2) The applicant has twenty-four months of postgraduate supervised clinical experience acceptable to the division, as the division determines by rule;

(3) After August 28, 2008, the applicant shall have completed a minimum of three semester hours of graduate-level course work in diagnostic systems either within the curriculum leading to a degree as defined in subdivision (1) of this subsection or as post-master's graduate-level course work. Each applicant shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised clinical experience as defined in subdivision (2) of this subsection;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications research and its interpretation and professional affairs and ethics;
(5) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person otherwise qualified for licensure holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice marriage and family therapy may be granted a license without examination to engage in the practice of marital and family therapy in this state upon application to the state committee, payment of the required fee as established by the state committee, and satisfaction of the following:

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

(2) Verification by the applicant’s licensing entity that the applicant has a current license; and

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

3. The state committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.700 to 337.739.

337.718. 1. Each license issued pursuant to the provisions of sections 337.700 to 337.739 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739. The division shall renew any license upon application for a renewal and upon payment of the fee established by the division pursuant to the provisions of section 337.712. Effective August 28, 2008, as a prerequisite for renewal, each licensee shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as defined by rule, which shall be no more than forty contact hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of illness or for other good cause.

2. The [division] committee may issue temporary permits to practice under extenuating circumstances as determined by the [division] committee and defined by rule.

337.727. [1.] The [division] committee shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions
of sections 337.700 to 337.739 and the procedures for filing an application for an
initial or renewal license in this state;
(2) Fees required by the provisions of sections 337.700 to 337.739;
(3) The content, conduct and administration of the licensing examination
required by section 337.715;
(4) The characteristics of supervised clinical experience as that term is
used in section 337.715;
(5) The equivalent of the basic educational requirements set forth in
section 337.715;
(6) The standards and methods to be used in assessing competency as a
licensed marital and family therapist;
(7) Establishment and promulgation of procedures for investigating,
hearing and determining grievances and violations occurring under the provisions
of sections 337.700 to 337.739;
(8) Development of an appeal procedure for the review of decisions and
rules of administrative agencies existing under the constitution or laws of this
state;
(9) Establishment of a policy and procedure for reciprocity with other
states, including states which do not have marital and family therapist licensing
laws or states whose licensing laws are not substantially the same as those of this
state; and
(10) Any other policies or procedures necessary to the fulfillment of the
requirements of sections 337.700 to 337.739.
[2. No rule or portion of a rule promulgated under the authority of
sections 337.700 to 337.739 shall become effective until it has been approved by
the joint committee on administrative rules in accordance with the procedures
provided in this section, and the delegation of the legislative authority to enact
law by the adoption of such rules is dependent upon the power of the joint
committee on administrative rules to review and suspend rules pending
ratification by the senate and the house of representatives as provided in this
section.
3. Upon filing any proposed rule with the secretary of state, the division
shall concurrently submit such proposed rule to the committee, which may hold
hearings upon any proposed rule or portion thereof at any time.
4. A final order of rulemaking shall not be filed with the secretary of state
until thirty days after such final order of rulemaking has been received by the
committee. The committee may hold one or more hearings upon such final order
of rulemaking during the thirty-day period. If the committee does not disapprove
such order of rulemaking within the thirty-day period, the division may file such
order of rulemaking with the secretary of state and the order of rulemaking shall
be deemed approved.

5. The committee may, by majority vote of the members, suspend the
order of rulemaking or portion thereof by action taken prior to the filing of the
final order of rulemaking only for one or more of the following grounds:
   (1) An absence of statutory authority for the proposed rule;
   (2) An emergency relating to public health, safety or welfare;
   (3) The proposed rule is in conflict with state law;
   (4) A substantial change in circumstance since enactment of the law upon
which the proposed rule is based.

6. If the committee disapproves any rule or portion thereof, the division
shall not file such disapproved portion of any rule with the secretary of state and
the secretary of state shall not publish in the Missouri Register any final order
of rulemaking containing the disapproved portion.

7. If the committee disapproves any rule or portion thereof, the committee
shall report its findings to the senate and the house of representatives. No rule
or portion thereof disapproved by the committee shall take effect so long as the
senate and the house of representatives ratify the act of the joint committee by
resolution adopted in each house within thirty legislative days after such rule or
portion thereof has been disapproved by the joint committee.

8. Upon adoption of a rule as provided in this section, any such rule or
portion thereof may be suspended or revoked by the general assembly either by
bill or, pursuant to section 8, article IV of the Constitution of Missouri, by
concurrent resolution upon recommendation of the joint committee on
administrative rules. The committee shall be authorized to hold hearings and
make recommendations pursuant to the provisions of section 536.037, RSMo. The
secretary of state shall publish in the Missouri Register, as soon as practicable,
notice of the suspension or revocation.

337.730. 1. The [division] committee may refuse to issue or renew any
license required by the provisions of sections 337.700 to 337.739 for one or any
combination of causes stated in subsection 2 of this section. The [division]
committee shall notify the applicant in writing of the reasons for the refusal and
shall advise the applicant of the applicant’s right to file a complaint with the
administrative hearing commission as provided by chapter 621, RSMo.

2. The [division] committee may cause a complaint to be filed with the
administrative hearing commission as provided by chapter 621, RSMo, against
any holder of any license required by sections 337.700 to 337.739 or any person
who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of marital and family therapist; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

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

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.700 to 337.739;

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

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a marital and family therapist;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to 337.739;

(7) Impersonation of any person holding a license or allowing any person to use the person’s license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice marital and family therapy granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice marital and family therapy who is not licensed and is not currently eligible to practice under the provisions of sections 337.700 to 337.739;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 337.700 to 337.739 or any rule promulgated hereunder;
(13) Violation of any professional trust or confidence;

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

(15) Being guilty of unethical conduct as defined in the ethical standards for marital and family therapists adopted by the committee by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the [division pursuant to the provisions of] committee under sections 337.700 to 337.739 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may censure or place the person named in the complaint on probation on such terms and conditions as the [division] committee deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years, or revoke the license.

337.733. 1. Violation of any provision of sections 337.700 to 337.739 is a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 337.700 to 337.739 shall be refunded.

3. The department on behalf of the division may sue in its own name in any court in this state. The department shall inquire as to any violations of sections 337.700 to 337.739, may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 337.700 to 337.739.

4. Upon application by the [division] committee, the attorney general may on behalf of the division request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license;

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 337.700 to 337.739, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client...
or patient of the licensee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought under this section may be in addition to or in lieu of any penalty provided by sections 337.700 to 337.739 and may be brought concurrently with other actions to enforce the provisions of sections 337.700 to 337.739.

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a specific pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his duties. This assistance in no way is intended to relieve the pharmacist from his responsibilities for compliance with this chapter and he will be responsible for the actions of the auxiliary personnel acting in his assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, podiatry, or veterinary medicine, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220, RSMo, in the compounding or dispensing of his own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication
therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, RSMo, or from a physician assistant engaged in a supervision agreement under section 334.735, RSMo.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376, RSMo, shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, RSMo, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication
therapeutic plan authority to a licensed pharmacist who submits proof of
successful completion of a board-approved course of academic clinical study
beyond a bachelor of science in pharmacy, including but not limited to clinical
assessment skills, from a nationally accredited college or university, or a
certification of equivalence issued by a nationally recognized professional
organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic
plan authority may engage in the designing, initiating, implementing, and
monitoring of a medication therapeutic plan as defined by a prescription order
from a physician that is specific to each patient for care by a [specific]
pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to
make a therapeutic substitution of a pharmaceutical prescribed by a physician
unless authorized by the written protocol or the physician's prescription order.

338.013. 1. Any person desiring to assist a pharmacist in the practice of
registration as a pharmacy technician. Such applicant shall be, at a minimum,
legal working age and shall forward to the board the appropriate fee and written
application on a form provided by the board. Such registration shall be the sole
authorization permitted to allow persons to assist licensed pharmacists in the
practice of pharmacy as defined in this chapter.

2. The board may refuse to issue a certificate of registration as a
pharmacy technician to an applicant that has been adjudicated and found guilty,
or has entered a plea of guilty or nolo contendere, of a violation of any state,
territory or federal drug law, or to any felony or has violated any provision of
subsection 2 of section 338.055. Alternately, the board may issue such person a
registration, but may authorize the person to work as a pharmacy technician
provided that person adheres to certain terms and conditions imposed by the
board. The board shall place on the employment disqualification list the name
of an applicant who the board has refused to issue a certificate of registration as
a pharmacy technician, or the name of a person who the board has issued a
certificate of registration as a pharmacy technician but has authorized to work
under certain terms and conditions. The board shall notify the applicant of the
applicant's right to file a complaint with the administrative hearing commission
as provided by chapter 621, RSMo.

3. If an applicant has submitted the required fee and an application for
registration to the board of pharmacy, the applicant for registration as a
pharmacy technician may assist a licensed pharmacist in the practice of
25 pharmacy as defined in this chapter [for a period of up to ninety days prior to the
26 issuance of a certificate of registration]. The applicant shall keep a copy of the
27 submitted application on the premises where the applicant is employed. [When]
28 If the board refuses to issue a certificate of registration as a pharmacy technician
29 to an applicant, the applicant shall immediately cease assisting a licensed
30 pharmacist in the practice of pharmacy.

31 4. A certificate of registration issued by the board shall be conspicuously
32 displayed in the pharmacy or place of business where the registrant is employed.
33
34 5. Every pharmacy technician who desires to continue to be registered as
35 provided in this section shall, within thirty days before the registration expiration
36 date, file an application for the renewal, accompanied by the fee prescribed by the
37 board. [No registration as provided in this section shall be valid if the
38 registration has expired and has not been renewed as provided in this
39 subsection] The registration shall lapse and become null and void thirty
days after the expiration date.

40 6. The board shall maintain an employment disqualification list. No
41 person whose name appears on the employment disqualification list shall work
42 as a pharmacy technician, except as otherwise authorized by the board. The
43 board may authorize a person whose name appears on the employment
44 disqualification list to work or continue to work as a pharmacy technician
45 provided the person adheres to certain terms and conditions imposed by the
46 board.

7. The board may place on the employment disqualification list the name
8 of a pharmacy technician who has been adjudicated and found guilty, or has
9 entered a plea of guilty or nolo contendere, of a violation of any state, territory
10 [of] or federal drug law, or to any felony or has violated any provision of
11 subsection 2 of section 338.055.

8. After an investigation and a determination has been made to place a
53 person's name on the employment disqualification list, the board shall notify such
54 person in writing mailed to the person's last known address [that]:

(1) That an allegation has been made against the person, the substance
56 of the allegation and that an investigation has been conducted which tends to
57 substantiate the allegation;

(2) That such person's name has been added in the employment
59 disqualification list of the board;

(3) The consequences to the person of being listed and the length of time
61 the person's name will be on the list; and

(4) The person's right to file a complaint with the administrative hearing
9. The length of time a person’s name shall remain on the disqualification list shall be determined by the board.

10. No hospital or licensed pharmacy shall knowingly employ any person whose name appears on the employee disqualification list, except that a hospital or licensed pharmacy may employ a person whose name appears on the employment disqualification list but the board has authorized to work under certain terms and conditions. Any hospital or licensed pharmacy shall report to the board any final disciplinary action taken against a pharmacy technician or the voluntary resignation of a pharmacy technician against whom any complaints or reports have been made which might have led to final disciplinary action that can be a cause of action for discipline by the board as provided for in subsection 2 of section 338.055. Compliance with the foregoing sentence may be interposed as an affirmative defense by the employer. Any hospital or licensed pharmacy which reports to the board in good faith shall not be liable for civil damages.

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

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

3. All permits, licenses or renewal fees collected pursuant to the
provisions of sections 338.210 to 338.370 shall be deposited in the state treasury
to the credit of the Missouri board of pharmacy fund, to be used by the Missouri
board of pharmacy in the enforcement of the provisions of sections 338.210 to
338.370, when appropriated for that purpose by the general assembly.

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

5. Notwithstanding any other law to the contrary, the provisions of this
section shall not apply to the sale, dispensing, or filling of a pharmaceutical
product or drug used for treating animals.

338.337. It shall be unlawful for any out-of-state wholesale drug
distributor or out-of-state pharmacy acting as a distributor to do business in this
state without first obtaining a license to do so from the board of pharmacy and
paying the required fee. Application for an out-of-state wholesale drug
distributor's license under this section shall be made on a form furnished by the
board. The issuance of a license under sections 338.330 to 338.370 shall not
change or affect tax liability imposed by the Missouri department of revenue on
any out-of-state wholesale drug distributor or out-of-state pharmacy. Any
out-of-state wholesale drug distributor that is a drug manufacturer and which
produces and distributes from a facility which has been inspected and approved
by the Food and Drug Administration [within the last two years], maintains
current approval by the Food and Drug Administration, has provided
a copy of the most recent Food and Drug Administration Establishment
Inspection Report to the board, and which is licensed by the state in which
the distribution facility is located, or if located within a foreign
drug jurisdiction, is authorized and in good standing to operate as a drug
manufacturer within such jurisdiction, need not be licensed as provided in
this section but such out-of-state distributor shall register its business name and
address with the board of pharmacy and pay a filing fee [of ten dollars] in an
amount established by the board.

346.015. 1. No person shall engage in the practice of fitting hearing instruments or display a sign or in any other way advertise or represent such person by any other words, letters, abbreviations or insignia indicating or implying that the person practices the fitting of hearing instruments unless the person holds a valid license issued by the [division] board as provided in this chapter. The license shall be conspicuously posted in the person's office or place of business. Duplicate licenses shall be issued by the department to valid license holders operating more than one office, without additional payment. A license under this chapter shall confer upon the holder the right to select, fit and sell hearing instruments.

2. Each person licensed pursuant to sections 346.010 to 346.250 shall display the license in an appropriate and public manner and shall keep the board informed of the licensee's current address. A license issued pursuant to sections 346.010 to 346.250 is the property of the [division] board and must be surrendered on demand in the event of expiration or after a final determination is made with respect to revocation, suspension or probation.

3. Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing instruments at retail, provided that it employ only properly licensed hearing instrument specialists or properly licensed audiologists in the direct sale and fitting of such instruments. Each corporation, partnership, trust, association or other like organization shall file annually with the board on a form provided by the board, a list of all licensed hearing instrument specialists employed by it. Each organization shall also file with the [division] board a statement, on a form provided by the [division] board, that it agrees to comply with the rules and regulations of the [division] board and the provisions of this chapter.

4. Any person who violates any provision of this section is guilty of a class B misdemeanor.

346.045. The [division] board shall license each qualified applicant, without discrimination, who passes an examination as provided in this chapter and upon the applicant's payment of the examination fee and the license fee, shall issue to the applicant a license.

346.050. Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to sections 346.010 to 346.250 and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether an applicant, pursuant
to sections 346.010 to 346.250 is qualified to engage in the practice of fitting hearing instruments, [the division upon recommendation by] the board shall issue a license to applicants who hold current, unsuspended and unrevoked certificates or licenses to fit hearing instruments in such other state or jurisdiction provided that such jurisdiction extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications. No such applicant for licensure shall be required to submit to or undergo a qualifying examination other than the payment of fees pursuant to sections 346.045 and 346.095. Such applicant shall be registered in the same manner as licensees in this state. The fee for an initial license issued pursuant to this section shall be the same as the fee for an initial license issued pursuant to section 346.045. Fees, grounds for renewal, and procedures for the suspension and revocation of licenses granted pursuant to this section shall be the same as for renewal, suspension and revocation of an initial license issued pursuant to section 346.045.

346.070. An applicant who fulfills the requirements regarding age, character, and education as set forth in section 346.055, may obtain a temporary permit upon application to the board, as defined by [division] board rule.

346.075. 1. Upon receiving an application as provided under section 346.070 and accompanied by a temporary permit fee, the [division] board shall issue a temporary permit which shall entitle the applicant to engage in supervised training for a period of one year. A holder of a temporary permit who is engaged in supervised training under a supervisor is authorized to use only the title "hearing instrument specialist in-training", or its equivalent, as defined by [division] board rule. A hearing instrument specialist in-training shall not hold himself out to the public by any title, term, or words that give the impression that the permit holder is a licensed hearing instrument specialist. The division, upon recommendation of the board, shall have the power to suspend or revoke the temporary permit of any person who violates the provisions of this subsection.

2. A licensed hearing instrument specialist shall be responsible for the supervised training of no more than two holders of a temporary permit and shall maintain adequate supervision, as defined by [division] board rule. The [division, upon recommendation of the] board[.] shall issue a certificate of registration to a hearing instrument specialist who has qualified himself or herself to provide supervised training to permit holders. The qualifications for a supervisor shall be established by [division] board rule[, with the advice of the board]. A fee shall be charged for any registration of supervision, as defined by [division] board rule. The division may withdraw the certificate of authority
from any supervisor who violates any provision of sections 346.010 to 346.250 or any rule promulgated pursuant thereto.

346.080. If a hearing instrument specialist in-training under this section or section 346.075 has not successfully passed the licensing examination within one year from the date of issuance of the temporary permit, the temporary permit may be renewed by the [division] board once for a period of six months upon payment by the applicant of a fee, as defined by [division] board rule.

346.090. 1. A licensee shall notify the board in writing of the regular address of the place or places where the licensee engages or intends to engage in the practice of fitting hearing instruments, and the board shall keep a record of the place of business of licensees.

2. Any notice required to be given by the board [or division] to a person who holds a license shall be mailed to the licensee at the address of the last known place of business.

346.095. Each person who engages in the practice of fitting hearing instruments shall, on or before the renewal date, pay to the [division] board the required fee, present written evidence to the board of annual calibration of all audiometers, and furnish to the board satisfactory evidence of having successfully completed an educational program approved by the board. The licensee shall keep such license conspicuously posted in licensee's office or place of business at all times. Where more than one office is operated by the licensee, duplicate licenses shall be issued by the [division] board for posting in each location. After the expiration date of a license, the [division] board may renew a license upon payment of the required penalty fee to the [division] board. No person whose license has expired shall be required to submit to any examination as a condition of renewal, provided such renewal application is made within two years from the date of such expiration and all renewal requirements have been met as set forth in this section.

346.100. 1. Any person wishing to make a complaint against a licensee under sections 346.010 to 346.250 shall reduce the same to writing and file the complaint with the board, setting forth the details thereof upon which the complaint is based. If the board, following an investigation, determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under sections 346.010 to 346.250 shall be suspended or revoked, the board shall [request the division to] file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the
administrative hearing commission that the grounds, provided in subsection 2 of
section 346.105, for disciplinary action are met, the [division in collaboration with
the] board may, singly or in combination, censure or place the person named in
the complaint on probation on such terms and conditions as the [division in
collaboration with the] board deems appropriate for a period not to exceed five
years, or may suspend, for a period not to exceed three years, or revoke the
license or certificate.

3. The board shall maintain an information file containing each complaint
filed with the board relating to a licensee. The board, at least quarterly, shall
notify the complainant and licensee of the complaint's status until final
disposition.

346.105. 1. The [division] board may refuse to issue any certificate of
registration or authority, permit or license required pursuant to this chapter,
upon recommendation of the board, for one or any combination of causes stated
in subsection 2 of this section. The board shall notify the applicant in writing of
the reasons for the refusal and shall advise the applicant of the applicant's right
to file a complaint with the administrative hearing commission as provided by
chapter 621, RSMo.

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

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

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

(3) Use of fraud, deception, misrepresentation or bribery in securing any
certificate of registration or authority, permit or license issued pursuant to this
chapter or in obtaining permission to take any examination given or required
pursuant to this chapter;
(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

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

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

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

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

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

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

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

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

(13) Violation of any professional trust or confidence;

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

(15) Representing that the service or advice of a person licensed as a physician pursuant to chapter 334, RSMo, will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing instruments when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state-licensed clinic", "state registered", "state certified", or "state approved" or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by physicians licensed pursuant to chapter 334, RSMo, or by audiologists licensed pursuant to chapter 345, RSMo, or that the licensee's service has been recommended by the state when such is not the case.

346.115. [1.] The powers and duties of the division are as follows:
1. The board shall, in collaboration with the division:

(1) Provide advice to the division on all matters pertaining to licensure pursuant to sections 346.010 to 346.250;

(2) Issue and renew permits, licenses, and certificates of registration or authority;

(2) License persons who apply to the board and who are qualified to engage in the practice of fitting hearing instruments;

(3) Obtain facilities necessary to carry out the examination of applicants as provided in section 346.035;

(4) Receive and process complaints;

(5) Review all complaints, authorize investigations wherein there is a possible violation of sections 346.010 to 346.250 or regulations promulgated pursuant thereto, and make recommendations to the division regarding any filing
with the administrative hearing commission;

(6) Recommend for prosecution any person who has violated any provisions of sections 346.010 to 346.250 to an appropriate prosecuting attorney or circuit attorney;

(7) Make and publish rules not inconsistent with the laws of this state which are necessary to carry out the provisions of sections 346.010 to 346.250. Such rules shall be filed in the office of the secretary of state in accordance with chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void;

(8) Adopt and publish a code of ethics;

(9) Set the amount of the fees authorized under this chapter and required by rules promulgated under chapter 536, RSMo. The board shall set fees which reflects the cost and expense of administering this chapter;

(10) Establish an official seal;

(11) Provide an examination for applicants. The board may obtain the services of specially trained and qualified persons or organizations to assist in developing or conducting examinations;

(12) Review the examination results of applicants for licensure;

(13) Determine the appropriate educational requirements, as defined by division rule, for any applicant desiring to be registered as a permit holder, a hearing instrument specialist, or a supervisor;

(14) Follow the provisions of the division's administrative practices and procedures in conducting all official duties.

2. The chairperson or vice chairperson shall have power to administer oaths and to subpoena witnesses to require attendance and testimony and to require production of documents and records, and to that end the board may invoke the aid of the circuit court of any county of the state having jurisdiction over the witness, and any failure to obey the order of the court may be punished
by the court as a contempt thereof.

376.811. 1. Every insurance company and health services corporation
doing business in this state shall offer in all health insurance policies benefits or
coverage for chemical dependency meeting the following minimum standards:
   (1) Coverage for outpatient treatment through a nonresidential treatment
       program, or through partial- or full-day program services, of not less than
       twenty-six days per policy benefit period;
   (2) Coverage for residential treatment program of not less than
       twenty-one days per policy benefit period;
   (3) Coverage for medical or social setting detoxification of not less than
       six days per policy benefit period;
   (4) The coverages set forth in this subsection may be subject to a separate
       lifetime frequency cap of not less than ten episodes of treatment, except that such
       separate lifetime frequency cap shall not apply to medical detoxification in a
       life-threatening situation as determined by the treating physician and
       subsequently documented within forty-eight hours of treatment to the reasonable
       satisfaction of the insurance company or health services corporation; and
   (5) The coverages set forth in this subsection:
       (a) Shall be subject to the same coinsurance, co-payment and deductible
           factors as apply to physical illness;
       (b) May be administered pursuant to a managed care program established
           by the insurance company or health services corporation; and
       (c) May deliver covered services through a system of contractual
           arrangements with one or more providers, hospitals, nonresidential or residential
           treatment programs, or other mental health service delivery entities certified by
           the department of mental health, or accredited by a nationally recognized
           organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section,
every insurance company, health services corporation and health maintenance
organization doing business in this state shall offer in all health insurance
policies, benefits or coverages for recognized mental illness, excluding chemical
dependency, meeting the following minimum standards:
   (1) Coverage for outpatient treatment, including treatment through
       partial- or full-day program services, for mental health services for a recognized
       mental illness rendered by a licensed professional to the same extent as any other
       illness;
   (2) Coverage for residential treatment programs for the therapeutic care
       and treatment of a recognized mental illness when prescribed by a licensed
professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, [or] licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and
(3) Coverage and benefits in this subsection shall be subject to the same
coinsurance, co-payment and deductible factors as apply to regular office visits
under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the
offer required by this section, then the coverage shall be governed by the mental
health and chemical dependency insurance act as provided in sections 376.825 to
376.836.

6. This section shall not apply to a supplemental insurance policy,
including a life care contract, accident-only policy, specified disease policy,
hospital policy providing a fixed daily benefit only, Medicare supplement policy,
long-term care policy, hospitalization-surgical care policy, short-term major
medical policy of six months or less duration, or any other supplemental policy
as determined by the director of the department of insurance, financial
institutions and professional registration.

Section 1. Any person who provides teeth whitening services to
another person by use of products not readily available to the public
through over-the-counter purchase shall be deemed to be engaging in
the practice of dentistry. Licensed dental hygienists or dental
assistants may apply teeth whitening formulations, but only under the
appropriate level of supervision of a licensed dentist as established by
rule. Any individual who take the dental impression of another person
or who performs any phase of any operation incident to teeth
whitening, including but not limited to the instruction or application
of on-site teeth whitening materials or procedures, except under the
appropriate level of supervision of a licensed dentist, shall be deemed
to be engaging in the practice of dentistry.

[328.030. A board of examiners consisting of four members,
including one voting public member, shall be appointed by the
governor, by and with the advice and consent of the senate. Each
member of the board shall be a United States citizen, shall have
been a resident of Missouri for one year and, except for the public
member, shall have been a registered and practicing barber for the
five years immediately preceding his or her initial
appointment. The public member shall be a registered voter and
a person who is not and never was a member of any profession
licensed or regulated pursuant to this chapter or the spouse of such
person; and a person who does not have and never has had a
material, financial interest in either the providing of the
professional services regulated by this chapter, or an activity or
organization directly related to any profession licensed or regulated
pursuant to this chapter. All members, including public members,
shall be chosen from lists submitted by the director of the division
of professional registration. The duties of the public member shall
not include the determination of the technical requirements to be
met for licensure or whether any person meets such technical
requirements or of the technical competence or technical judgment
of a licensee or a candidate for licensure. Each member shall serve
for a term of four years and until his or her successor is appointed
and qualified, except that the successors to the members whose
terms expire in 1981 shall consist of one member whose term shall
be for two years, one member whose term shall be for three years,
and one member whose term shall be for four years. Each member
shall take the oath provided by law for public officers. Vacancies
on the board shall be filled by appointment by the governor.]

[328.040. The board shall annually elect from its number
a president, vice president, and secretary-treasurer, shall have its
headquarters in Jefferson City, Missouri, may employ such board
personnel, as defined in subdivision (4) of subsection 16 of section
620.010, RSMo, as it shall deem necessary within the appropriation
therefor. The board shall not create any expense exceeding the
sum received from time to time as fees as provided by law, shall
have a common seal, and the president and vice president shall
have the power to administer oaths. A majority of the board, in
meeting duly assembled, may perform the duties and exercise the
powers devolving upon the board under the provisions of this
chapter.]

[328.050. 1. Each member of the board shall receive as
compensation an amount set by the board not to exceed fifty dollars
for each day devoted to the affairs of the board, and shall be
entitled to reimbursement of his expenses necessarily incurred in
the discharge of his official duties. All money payable under this
chapter shall be collected by the division of professional
registration in the department of insurance, financial institutions
and professional registration which shall transmit them to the
department of revenue for deposit in the state treasury to the
credit of a "Board of Barbers Fund". Warrants shall be drawn upon
the treasurer out of this fund only for the payment of the salaries,
office and other necessary expenses of the board. A detailed
statement of the expenses incurred by the board, approved by the
secretary-treasurer of the board, shall be filed with the
commissioner of administration before warrants are drawn for their
payment.

2. The provisions of section 33.080, RSMo, to the contrary
notwithstanding, money in this fund shall not be transferred and
placed to the credit of general revenue until the amount in the fund
at the end of the biennium exceeds two times the amount of the
appropriation from the board's funds for the preceding fiscal year
or, if the board requires by rule permit renewal less frequently
than yearly, then three times the appropriation from the board's
funds for the preceding fiscal year. The amount, if any, in the fund
which shall lapse is that amount in the fund which exceeds the
appropriate multiple of the appropriations from the board's funds
for the preceding fiscal year.]

[328.060. 1. The board shall set the amount of the fees
which this chapter authorizes and requires by rules and
regulations promulgated pursuant to section 536.021, RSMo. The
fees shall be set at a level to produce revenue which shall not
substantially exceed the cost and expense of administering this
chapter.

2. The board shall, with the approval of the department of
health and senior services, prescribe such sanitary rules as it may
deeem necessary to prevent the creation and spread of infectious
and contagious diseases. A copy of such rules shall be posted in a
conspicuous place in every barber shop and barber school or college
in this state.]

[328.140. There shall be kept a register, in which shall be
entered the names of all persons to whom certificates are issued,
and to whom permits for serving apprenticeship, or as students,
der under this chapter, and said register shall, at all reasonable times,
be open to the public inspection.]

[329.180. There is hereby created and established a "State
Board of Cosmetology" for the purpose of licensing all persons
engaged in the practice of hair dressing, cosmetology and
manicuring in this state. The board shall have control and
supervision of the licensed occupations, and enforcement of the
terms and provisions of this chapter.]

[329.190. 1. The state board of cosmetology shall be
composed of seven members, including one voting public member
and one member who is a licensed school owner pursuant to
subsection 1 of section 329.040, appointed by the governor with the
advice and consent of the senate. The term of office of each
member shall be four years.

2. The members of the board shall receive as compensation
for their services the sum set by the board not to exceed fifty
dollars for each day actually spent in attendance at meetings of the
board, within the state, not to exceed forty-eight days in any
calendar year, and in addition thereto they shall be reimbursed for
all necessary expenses incurred in the performance of their duties
as members of the board.

3. All members, except the public member, shall be
cosmetologists and manicurists duly registered as such and
licensed pursuant to the laws of this state, and shall be United
States citizens and shall have been residents of this state for at
least one year next preceding their appointments and shall have
been actively engaged in the lawful practice of cosmetology for a
period of at least five years. The public member shall be at the
time of the person’s appointment a citizen of the United States; a
resident of this state for a period of one year and a registered
voter; a person who is not and never was a member of any
profession licensed or regulated pursuant to this chapter or the
spouse of such person; and a person who does not have and never
has had a material, financial interest in either the providing of the
professional services regulated by this chapter, or an activity or
organization directly related to any profession licensed or regulated
pursuant to this chapter. All members, including public members,
shall be chosen from lists submitted by the director of the division
of professional registration. The duties of the public member shall
not include the determination of the technical requirements to be
met for licensure or whether any person meets such technical
requirements or of the technical competence or technical judgment
of a licensee or a candidate for licensure. Any member who is a
school owner shall not be allowed access to the testing and
examination materials nor to attend the administration of the examinations, except when such member is being examined for licensure.)

[329.191. Notwithstanding the provisions of section 329.190, to the contrary, compensation of the state board of cosmetology shall not exceed seventy dollars for each day actually spent in attendance at meetings plus actual and necessary expenses.]

[329.200. The governor shall, by and with the advice and consent of the senate, fill any vacancies caused by the expiration of the term of office of any member of the board, and the governor shall also fill any vacancy caused by death, resignation or removal which may occur when the general assembly is not in session, but all such appointees shall continue in office only until the meeting of the general assembly next following such appointment and until their successors shall be appointed and qualified. All vacancies which may exist at or during the meeting of the general assembly caused by death, resignation or removal shall be filled in like manner as those created by the expiration of official terms and shall be only for the unexpired term of the person whose vacancy is to be filled.]

[329.210. 1. The board shall have power to:

(1) Prescribe by rule for the examinations of applicants for licensure to practice the classified occupation of cosmetology and issue licenses;

(2) Prescribe by rule for the inspection of cosmetology establishments and schools and appoint the necessary inspectors and examining assistants;

(3) Prescribe by rule for the inspection of establishments and schools of cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants; and set the amount of the fees which this chapter authorizes and requires, by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering this chapter;

(4) Employ and remove board personnel, as defined in subdivision (4) of subsection 10 of section 324.001, RSMo, as may
be necessary for the efficient operation of the board, within the
limitations of its appropriation;

(5) Elect one of its members president, one vice president
and one secretary;

(6) Determine the sufficiency of the qualifications of
applicants; and

(7) Prescribe by rule the minimum standards and methods
of accountability for the schools of cosmetology licensed pursuant
to this chapter.

2. The board shall create no expense exceeding the sum
received from time to time from fees imposed pursuant to this
chapter.

3. Any rule or portion of a rule, as that term is defined in
section 536.010, RSMo, that is created under the authority
deleagated in this chapter shall become effective only if it complies
with and is subject to all of the provisions of chapter 536, RSMo,
and, if applicable, section 536.028, RSMo. This section and chapter
536, RSMo, are nonseverable and if any of the powers vested with
the general assembly pursuant to chapter 536, RSMo, to review, to
delay the effective date or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of rulemaking
authority and any rule proposed or adopted after August 28, 2001,
shall be invalid and void.]

[329.220. At all meetings of the board two members shall
be necessary to constitute a quorum for the transaction of business
but no official action may be taken unless a majority of the whole
board may vote therefor.]

[329.230. The board shall elect one of its members
president, one vice president and one secretary, and shall have
power to employ and remove such board personnel, as defined in
subdivision (4) of subsection 16 of section 620.010, RSMo, as may
be necessary for the efficient operation of the board, within the
limitations of its appropriation, and to formulate rules and
regulations governing its actions; provided, however, the board
shall create no expense exceeding the sum received from time to
time as fees as provided by law.]

[329.240. 1. All fees provided for in this chapter shall be
payable to the director of the division of professional registration
in the department of economic development who shall keep a record
of the account showing the total payments received and shall
immediately thereafter transmit them to the department of revenue
for deposit in the state treasury to the credit of a fund to be known
as the "State Board of Cosmetology Fund". All the salaries and
expenses for the operation of the board shall be appropriated and
paid from such fund.

2. The provisions of section 33.080, RSMo, to the contrary
notwithstanding, money in this fund shall not be transferred and
placed to the credit of general revenue until the amount in the fund
at the end of the biennium exceeds two times the amount of the
appropriation from the board's funds for the preceding fiscal year
or, if the board requires by rule permit renewal less frequently
than yearly, then three times the appropriation from the board's
funds for the preceding fiscal year. The amount, if any, in the fund
which shall lapse is that amount in the fund which exceeds the
appropriate multiple of the appropriations from the board's funds
for the preceding fiscal year.

[338.057. The board of pharmacy shall publish a list of drug
products for which substitution as provided in section 338.056 shall
not be permitted. The list of drug products to be included on this
list shall be based upon a joint determination made by the
department of health and senior services, the state board of
registration for the healing arts, and the state board of
pharmacy. The board of pharmacy shall publish the list not less
often than semiannually, and shall publish amendments to the list
as required.]