

SECOND REGULAR SESSION

SENATE BILL NO. 1063

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time March 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5228S.011

AN ACT

To amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

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

Section A. Chapter 324, RSMo, is amended by adding thereto sixteen new sections, to be known as sections 324.1300, 324.1303, 324.1306, 324.1309, 324.1312, 324.1315, 324.1318, 324.1321, 324.1324, 324.1326, 324.1328, 324.1332, 324.1334, 324.1336, 324.1338, and 324.1340 to read as follows:

324.1300. Sections 324.1300 to 324.1340 shall be known and may be cited as the "Clinical Laboratory Science Practice Act".

324.1303. As used in sections 324.1300 to 324.1340, the following terms, unless otherwise indicated within the context, shall mean:

(1) "Approved national certification examination", a competency based certification examination that is administered by a national non-profit credentialing agency approved by the board;

(2) "Board", the Missouri clinical laboratory science board appointed by the governor;

(3) "Categorical laboratory scientist", an individual eligible under sections 324.1300 to 324.1340 to perform the functions of a medical laboratory scientist limited under the individual's license to one or more categories of laboratory testing, such as microbiology, virology, clinical chemistry, immunology, hematology, immunohematology, molecular diagnostics, cytogenetics, stem cell processing, electron microscopy, histocompatibility, cellular immunology, flow cytometry, or other areas specified by the board under the supervision, control responsibility, and direction of the laboratory director;

(4) "CLIA", refers to the final regulations promulgated by the

18 United States Department of Health and Human Services implementing
19 the Clinical Laboratory Improvement Amendments of 1988, P.L. 100-578
20 and 42 CFR 493;

21 (5) "Clinical laboratory" or "laboratory", any site or location in
22 which clinical laboratory tests or examinations are performed;

23 (6) "Clinical laboratory assistant", an individual responsible for
24 obtaining a blood specimen by venipuncture or capillary puncture
25 according to established and approved protocols and also qualified to
26 perform waived or point-of-care testing under the direction of a
27 medical laboratory scientist, clinical laboratory technician, laboratory
28 supervisor, or laboratory director;

29 (7) "Clinical laboratory technician", an individual eligible under
30 sections 324.1300 to 324.1340, who is qualified to perform clinical
31 laboratory tests in accordance with established and approved protocols
32 with oversight from a medical laboratory scientist, and under the
33 supervision, control, responsibility, and direction of the laboratory
34 director;

35 (8) "Clinical laboratory test", a microbiological, serological,
36 molecular, chemical, biological, hematological, immunological,
37 immuno-hematological, cytogenetics, stem cell processing, electron
38 microscopy, histocompatibility, cellular immunology, flow cytometry,
39 or any other test or procedure performed on material derived from or
40 present within a human body which provides information for
41 diagnosing, preventing, or monitoring treatment of a clinical
42 condition. Clinical laboratory testing encompasses the pre-analytical,
43 analytical, and post-analytical phases of testing;

44 (9) "Department", the Missouri department of insurance, financial
45 institutions and professional registration;

46 (10) "Director", the director of the Missouri division of
47 professional registration;

48 (11) "Independent technical judgment", the performance or
49 conduct of clinical laboratory tests and assumption of responsibility for
50 determination of the validity of clinical laboratory test results without
51 intervention by, or the supervision of, another health care provider
52 authorized by law to assume responsibility for the conduct and validity
53 of clinical laboratory tests. The authorized exercise of independent
54 technical judgment, as it pertains to clinical laboratory personnel, shall

55 not be deemed to include or permit the exercise of independent medical
56 judgment in diagnosing or treating patients, except as authorized in
57 accordance with CLIA;

58 (12) "Laboratory director", an individual eligible under CLIA to
59 direct a clinical laboratory;

60 (13) "Medical laboratory scientist", an individual eligible under
61 sections 324.1300 to 324.1340, to perform any clinical laboratory test,
62 including those that require the exercise of independent technical
63 judgment, subject to the supervision, control, responsibility, and
64 direction of the laboratory director. In addition, this individual is
65 responsible for, with oversight by the laboratory director, the
66 establishment and implementation of protocols, quality assessment,
67 method development and selection, equipment selection and
68 maintenance, and all activities related to the pre-analytic, analytic, and
69 post-analytic phases of testing. The medical laboratory scientist may
70 also direct, supervise, consult, educate, and perform research functions;

71 (14) "Point-of-care testing", clinical laboratory testing that is
72 critical to patient care and must be performed immediately at the
73 patient's location. Tests which meet this definition provide clinically
74 relevant information which determines the patient's therapy, are
75 limited to procedures that produce accurate data within a short period
76 of time, meet the current standards of quality in clinical laboratory
77 science, and comply with all standards of accrediting agencies. Point-
78 of-care testing must be under the direction, authority, jurisdiction, and
79 responsibility of a person licensed under sections 324.1300 to 324.1340;

80 (15) "Temporary license", a license issued to an applicant eligible
81 to sit for, and registered to take, the next scheduled examination, or
82 who has taken the examination and is awaiting the results, or an
83 applicant who meets the educational requirements for the license and
84 is seeking to qualify for the certification examination by completing the
85 supervised clinical laboratory experience requirements;

86 (16) "Trainee", an individual who is working towards, but has not
87 fulfilled the educational or training requirements under sections
88 324.1300 to 324.1340, or to take an approved nationally recognized
89 certification examination, if such examination is required;

90 (17) "Waived", "provider performed microscopy", "moderate
91 complexity", and "high complexity", the categories of clinical laboratory

92 test complexity as defined by CLIA.

324.1306. Sections 324.1300 to 324.1340 do not apply to:

- 2 (1) Licensed health care professionals whose scope of practice
3 includes blood collection or the performance of waived or provider
4 performed microscopy testing as defined by CLIA;
- 5 (2) Individuals holding a doctorate in chemical, physical, or
6 biological sciences or medicine and board certified as defined by CLIA;
- 7 (3) Clinical laboratory practitioners employed by the United
8 States government or any bureau, division, or agency thereof, while in
9 the discharge of the employee's official duties;
- 10 (4) Clinical laboratory science professionals engaged in teaching
11 or research, provided that the results of any examination performed
12 are not used in health maintenance, diagnosis, or treatment of disease;
- 13 (5) Students or trainees enrolled in an accredited clinical
14 laboratory science education program, provided that their activities
15 constitute a part of a planned course in the program, that the
16 individuals are designated by title as trainee or student, and that the
17 individuals work under the direct supervision of a duly licensed
18 clinical laboratory practitioner who is responsible for reporting test
19 results;
- 20 (6) Individuals performing only waived testing in an institution
21 meeting current CLIA regulations;
- 22 (7) A licensed physician or laboratory director; and
- 23 (8) Pathologist assistants, histotechnologists, histotechnicians,
24 and cytotechnologists that are qualified or otherwise allowed to
25 perform these functions in accordance with CLIA, provided that
26 nothing in sections 324.1300 to 324.1340 shall be construed as a
27 limitation on the scope of work permitted under CLIA for qualified
28 cytotechnologists.

324.1309. 1. Any person who holds a license under sections
2 324.1300 to 324.1340 may use the titles "medical laboratory scientist",
3 "categorical laboratory scientist", "clinical laboratory technician", or
4 "clinical laboratory assistant". No other person may use such titles or
5 shall assume any title or use any abbreviation or any other words,
6 letters, signs, or devices to indicate that the person using the same is
7 a medical laboratory scientist, categorical laboratory scientist, clinical
8 laboratory technician, or a clinical laboratory assistant.

9 2. No person shall practice or offer to practice within the scope
10 of practice of licensees under sections 324.1300 to 324.1340 for
11 compensation or use any title, sign, abbreviation, card, or device to
12 indicate that such person is practicing unless he has been duly licensed
13 under the provisions of sections 324.1300 to 324.1340.

 324.1312. 1. There is hereby created within the division of
2 professional registration, the "Clinical Laboratory Science Board"
3 which shall guide, advise, and make recommendations to the division
4 and fulfill other responsibilities designated by sections 324.1300 to
5 324.1340. The board shall approve the examinations required by, and
6 shall assist the division in carrying out the provisions of, sections
7 324.1300 to 324.1340.

8 2. The board shall consist of nine members, including one public
9 member, appointed by the governor with the advice and consent of the
10 senate. Each member of the board shall be a citizen of the United
11 States, a resident of this state for at least one year and a registered
12 voter. Except for the public member, board membership shall consist
13 of two physicians who are laboratory directors, one non-physician
14 laboratory director, three medical laboratory scientists, and two
15 clinical laboratory technicians. Members shall serve on the board until
16 a successor is appointed by the governor. The membership of the board
17 shall reflect the differences in work experience and levels of education
18 with consideration being given to race, gender, and ethnic origins.

19 3. Beginning with the appointments made after August 28, 2010,
20 three members shall be appointed for four years, three members shall
21 be appointed for three years, and three members shall be appointed for
22 two years. Thereafter, all members shall be appointed to serve four-
23 year terms.

24 4. A vacancy in the office of a member shall be filled by
25 appointment by the governor for the remainder of the unexpired term.

26 5. The board shall hold an annual meeting at which it shall elect
27 from its membership a chairperson and vice chairperson. The board
28 may hold such additional meetings as may be required in the
29 performance of its duties. A quorum of the board shall consist of a
30 majority of its members.

31 6. The governor may remove a board member for misconduct,
32 incompetence or neglect of official duties after giving the board

33 member written notice of the charges and allowing the board member
34 an opportunity to be heard. Members can also be terminated for the
35 following reasons: change of legal residence by moving out of the state;
36 missing three consecutive meetings; or having their professional license
37 revoked or suspended.

38 7. The public member shall at the time of appointment, not have
39 been a member of any profession licensed or regulated under sections
40 324.1300 to 324.1340 or an immediate family member of such a person;
41 and may not have had a material financial interest in either the
42 providing of any service governed by sections 324.1300 to 324.1340 or
43 in an activity or organization directly related to any profession
44 licensed or regulated by sections 324.1300 to 324.1340. The duties of the
45 public member shall not include any determination of the technical
46 requirements to be met for licensure, whether a candidate for licensure
47 meets such technical requirements, or of the technical competence or
48 technical judgment of a licensee or a candidate for licensure.

49 8. Notwithstanding any other provision of law to the contrary,
50 any appointed member of the board shall receive as compensation an
51 amount established by the director of the division of professional
52 registration not to exceed seventy dollars per day for commission
53 business plus actual and necessary expenses.

54 9. The board shall keep records of its official acts, and certified
55 copies of any such records attested by a designee of the board shall be
56 received as evidence in all courts to the same extent as the board's
57 original records would be received.

58 10. All funds received by the board under the provisions of
59 sections 324.1300 to 324.1340 shall be collected by the director who shall
60 transmit the funds to the department of revenue for deposit in the state
61 treasury to the credit of the "Clinical Laboratory Science Fund" which
62 is hereby created. The state treasurer shall be custodian of the fund
63 and may approve disbursements from the fund in accordance with
64 sections 30.170 and 30.180. Upon appropriation, money in the fund
65 shall be used solely for the administration of sections 324.1300 to
66 324.1340. Notwithstanding the provisions of section 33.080 to the
67 contrary, money in this fund shall not be transferred and placed to the
68 credit of general revenue until the amount in the fund at the end of the
69 biennium exceeds three times the amount of the appropriation from the

70 fund for the preceding fiscal year. The state treasurer shall invest
71 moneys in the fund in the same manner as other funds are
72 invested. Any interest and moneys earned on such investments shall be
73 credited to the fund.

324.1315. 1. The board is authorized to promulgate rules and
2 regulations regarding:

3 (1) The content of license applications and the procedures for
4 filing an application for an initial or renewal license in this state;

5 (2) The content, conduct, and administration of the licensing
6 examinations required by sections 324.1300 to 324.1340;

7 (3) Educational or experience requirements for licensure;

8 (4) The standards and methods to be used in assessing
9 competency as a medical laboratory scientist, categorical laboratory
10 scientist, clinical laboratory technician, or a clinical laboratory
11 assistant;

12 (5) All applicable fees, set at a level to produce revenue which
13 shall not exceed the cost and expense of administering the provisions
14 of sections 324.1300 to 324.1340;

15 (6) Establishment of procedures for granting reciprocity with
16 other states.

17 2. Any rule or portion of a rule, as that term is defined in section
18 536.010, that is created under the authority delegated in this section
19 shall become effective only if it complies with and is subject to all of
20 the provisions of chapter 536, and, if applicable, section 536.028. This
21 section and chapter 536, are nonseverable and if any of the powers
22 vested with the general assembly under chapter 536 to review, to delay
23 the effective date, or to disapprove and annul a rule are subsequently
24 held unconstitutional, then the grant of rulemaking authority and any
25 rule proposed or adopted after August 28, 2010, shall be invalid and
26 void.

324.1318. The division shall:

2 (1) Employ, within the funds appropriated, any such employees,
3 as defined in section 620.010 that are necessary to carry out the
4 provisions of sections 324.1300 to 324.1340; and

5 (2) Exercise all budgeting, purchasing, reporting, and other
6 related management functions.

324.1321. 1. Any applicant for a license under sections 324.1300

2 to 324.1340 shall authorize the board to conduct a criminal background
3 check.

4 2. The cost of such background check shall be paid by the
5 applicant.

324.1324. 1. Applications for licensure as a medical laboratory
2 scientist, categorical laboratory scientist, clinical laboratory
3 technician, and clinical laboratory assistant shall be in writing,
4 submitted on forms prescribed by the board and furnished to the
5 applicant. Each application shall contain a statement that it is made
6 under oath or affirmation and that the information contained therein
7 is true and correct to the best knowledge and belief of the applicant,
8 subject to the penalties provided for the making of a false affidavit or
9 declaration. Each application shall be accompanied by the fees
10 required by the board.

11 2. An applicant for licensure under subsection 1 of this section
12 shall be at least 18 years of age.

13 3. Each applicant shall furnish evidence to the board of the
14 applicant's education, experience, and such other information as the
15 board may require.

16 4. Licenses shall be awarded to applicants as follows:

17 (1) The board shall issue a medical laboratory scientist's license
18 to an individual who possesses a baccalaureate degree from a
19 regionally accredited college or university, has acceptable clinical
20 laboratory experience or training, and passes a nationally recognized
21 certification examination authorized by the board;

22 (2) The board shall issue a categorical laboratory scientist's
23 license to an individual who possesses a baccalaureate degree from a
24 regionally accredited college or university, has acceptable clinical
25 laboratory experience or training, and passes a nationally recognized
26 certification examination in a recognized discipline of laboratory
27 science authorized by the board, if such a certification examination
28 exists for that discipline. The laboratory discipline will be specified on
29 the license;

30 (3) The board shall issue a clinical laboratory technician's
31 license to an individual who possesses an associate degree from a
32 regionally accredited college or university, has acceptable laboratory
33 experience or training, and passes a nationally recognized certification

34 examination authorized by the board;

35 (4) The board shall issue a clinical laboratory assistant's license
36 to an individual who possesses a high school diploma or equivalent, has
37 acceptable experience or training, and passes a nationally recognized
38 certification examination authorized by the board.

39 5. The board shall issue a temporary license to practice without
40 examination to an applicant who has duly become licensed in any
41 profession to practice within the scope of practice of licensees under
42 sections 324.1300 to 324.1340 pursuant to the laws of another state,
43 territory, or foreign country, if the applicant meets the qualifications
44 required of such licensee in this state at the time the applicant was
45 originally licensed in the other state, territory, or foreign
46 country. Temporary licenses may be issued to an applicant who is
47 eligible to sit for and registered to take the next scheduled certification
48 examination, who has taken the examination and is awaiting the
49 results, or who is seeking to qualify for the certification examination
50 by completing the supervised clinical laboratory experience required
51 if the applicant meets the education requirements for licensure.

324.1326. 1. All persons collecting blood specimens, processing
2 laboratory specimens, performing, or reporting laboratory tests or
3 consulting regarding clinical laboratory tests, or currently practicing
4 as clinical laboratory practitioners on December 26, 2010, who are
5 certified by or eligible for certification by an agency acceptable to the
6 board, and who have applied to the board on or before December 26,
7 2010, and have complied with all necessary requirements for such
8 application may continue to perform the duties until the expiration of
9 twelve months after the filing of such application, the denial of the
10 application by the board, or the withdrawal of the application,
11 whichever occurs first.

12 2. Persons not meeting the education, training, and experience
13 qualifications for any license described in sections 324.1300 to 324.1332
14 prior to August 28, 2012, shall be considered to have met the
15 qualifications provided they have three years of acceptable experience
16 at the professional level for which licensure is sought during the five-
17 year period immediately prior to August 28, 2010, and submit to the
18 board the job description of the position which the applicant has most
19 recently performed, attested to by his or her employer. The board shall

20 determine the type of license for which the applicant is eligible.

21 3. Effective August 28, 2012, no initial license shall be issued
22 until an applicant meets all of the requirements under sections 324.1300
23 to 324.1340 and successfully passes a board approved certification
24 examination. This section does not apply to temporary licenses.

324.1328. 1. The division shall mail a renewal notice to the last
2 known address of each licensee prior to the renewal date. Failure to
3 receive this notice does not relieve the licensee of the obligation to
4 renew the license to practice.

5 2. A new license to replace any license lost, destroyed, or
6 mutilated may be issued subject to the rules of the board upon payment
7 of a fee.

324.1332. 1. A licensee may ask to be put on inactive status,
2 provided such person does not practice during such period that the
3 practitioner is on inactive status. If the person desires to maintain
4 such license on an inactive status and in order to avoid lapsing of such
5 license, the person shall pay the required fee as established by the
6 board for maintaining an inactive license. An inactive license shall be
7 renewed biennially. An inactive license may be reactivated by the
8 board as provided by rule.

9 2. Any person who practices as a medical laboratory scientist,
10 categorical laboratory scientist, clinical laboratory technician, or a
11 clinical laboratory assistant during the time his or her license is
12 inactive or lapsed shall be considered an illegal practitioner and shall
13 be subject to the penalties for violation of sections 324.1300 to 324.1340.

324.1334. 1. The board may refuse to issue any license or renew
2 any license required by the provisions of sections 324.1300 to 324.1340
3 for one or any combination of reasons stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons
5 for the refusal and shall advise the applicant of the right to file a
6 complaint with the administrative hearing commission as provided in
7 chapter 621.

8 2. The board may cause a complaint to be filed with the
9 administrative hearing commission as provided in chapter 621 against
10 the holder of any license required by sections 324.1300 to 324.1340 or
11 any person who has failed to renew or has surrendered the person's
12 license for anyone or any combination of the following causes:

13 (1) Use of fraud, deception, misrepresentation or bribery in
14 securing a license issued pursuant to the provisions of sections
15 324.1300 to 324.1340;

16 (2) Impersonation of any person holding a license or allowing
17 any person to use his or her license or diploma from any school;

18 (3) Disciplinary action against the holder of a license or other
19 right to practice any profession within the scope of practice of
20 licensees under sections 324.1300 to 324.1340 by another state, territory,
21 federal agency or country upon grounds for which revocation or
22 suspension is authorized in this state;

23 (4) Issuance of a license based upon a material mistake of fact;

24 (5) The person has committed any criminal offense, whether or
25 not a criminal charge has been filed:

26 (a) For any offense committed during the course of the practice
27 of the profession;

28 (b) For any offense reasonably related to the qualifications,
29 functions or duties of the profession;

30 (c) For any offense an essential element of which is fraud,
31 dishonesty or act of violence; or

32 (d) For any offense involving moral turpitude;

33 (6) Incompetence, misconduct, fraud, misrepresentation or
34 dishonesty in the performance of the functions or duties of the
35 profession that is regulated by sections 324.1300 to 324.1340;

36 (7) Violation of, or assisting or enabling any person to violate,
37 any provision of sections 324.1300 to 324.1340, or any lawful rule or
38 regulation adopted under such sections;

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

41 (9) Use of any advertisement or solicitation that is false,
42 misleading or deceptive to the general public or persons to whom the
43 advertisement or solicitation is primarily directed;

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

46 (11) Unlawful use or unlawful possession of any controlled
47 substance, as defined in chapter 195, or use of alcoholic beverages to
48 an extent that such use impairs a person's ability to perform the work
49 of any profession that is licensed or regulated by sections 324.1300 to

50 324.1340;

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

52 (13) Failing, within sixty days, to provide information in
53 response to a written request made by the board;

54 (14) Directly or indirectly, giving to or receiving from, any
55 person, firm, corporation, partnership, or association any fee,
56 commission, rebate, or other form of compensation for any professional
57 services not actually rendered;

58 (15) Willfully making or filing false records or reports in his or
59 her practice, including but not limited to, false records filed with state
60 agencies or departments;

61 (16) Engaging in dishonorable, unethical, or unprofessional
62 conduct of a character likely to deceive, defraud, or harm the public;

63 (17) Directly or indirectly contracting to perform clinical
64 laboratory tests in a manner which offers or implies an offer of rebate
65 or fee-splitting inducements or arrangements.

66 3. Any person, organization, association or corporation who
67 reports or provides information to the board in compliance with the
68 provisions of sections 324.1300 to 324.1340 and who does so in good
69 faith shall not be subject to an action for civil damages as a result
70 thereof.

71 4. After the filing of a complaint under subsection 2 of this
72 section, the proceedings shall be conducted in accordance with the
73 provisions of chapter 621. Upon a finding by the administrative
74 hearing commission that the grounds, provided in subsection 2 of this
75 section, for disciplinary action are met, the board may, singly or in
76 combination, censure or place the person named in the complaint on
77 probation on such terms and conditions as the board deems
78 appropriate for a period not to exceed five years, or may suspend, for
79 a period not to exceed three years, or revoke the license of the person.
80 An individual whose license has been revoked shall wait three years
81 from the date of revocation to apply for relicensure. Relicensure shall
82 be at the discretion of the board after compliance with all requirements
83 of sections 324.1300 to 324.1340 relative to the licensing of an applicant
84 for the first time.

85 5. The board shall maintain an information file containing each
86 complaint filed with the board relating to a holder of a license.

87 **6. The board shall recommend for prosecution violations of**
88 **sections 324.1300 to 324.1340 to an appropriate prosecuting or circuit**
89 **attorney.**

324.1336. 1. Upon proper application by the board, a court of
2 **competent jurisdiction may grant an injunction, restraining order, or**
3 **other order as may be appropriate to enjoin a person from:**

4 **(1) Offering to engage or engaging in the performance of any acts**
5 **or practices for which a certificate of registration or authority, permit**
6 **or license is required by sections 324.1300 to 324.1340 upon a showing**
7 **that such acts or practices were performed or offered to be performed**
8 **without a certificate of registration or authority, permit or license; or**

9 **(2) Engaging in any practice or business authorized by a**
10 **certificate of registration or authority, permit or license issued under**
11 **sections 324.1300 to 324.1340 upon a showing that the holder presents**
12 **a probability of serious danger to the health, safety or welfare of any**
13 **resident of the state or client or patient.**

14 **2. Any such actions shall be commenced either in the county in**
15 **which such conduct occurred or in the county in which defendant**
16 **resides.**

17 **3. Any action brought under this section shall be in addition and**
18 **not in lieu of any penalty provided by law and may be brought**
19 **concurrently with other actions to enforce sections 324.1300 to 324.1340.**

324.1338. Any person who violates any provision of sections
2 **324.1300 to 324.1340 shall be guilty of a class A misdemeanor.**

324.1340. 1. The chairperson of the board may administer oaths,
2 **issue subpoenas duces tecum and require production of documents and**
3 **records. Subpoenas duces tecum shall be served by a person**
4 **authorized to serve subpoenas of courts of record. In lieu of requiring**
5 **attendance of a person to produce original documents in response to a**
6 **subpoena duces tecum, the board may require sworn copies of such**
7 **documents to be filed with it or delivered to its designated**
8 **representative.**

9 **2. The board may enforce its subpoenas duces tecum by applying**
10 **to a circuit court of Cole County, the county of the investigation,**
11 **hearing or proceeding, or any county where the person resides or may**
12 **be found, for an order upon any person who shall fail to comply with**
13 **a subpoena duces tecum to show cause why such subpoena should not**

14 **be enforced, which such order and a copy of the application therefore**
15 **shall be served upon the person in the same manner as a summons in**
16 **a civil action, and if the circuit court shall, after a hearing, determine**
17 **that the subpoena duces tecum should be sustained and enforced, such**
18 **court shall proceed to enforce the subpoena duces tecum in the same**
19 **manner as though the subpoena duces tecum had been issued in a civil**
20 **case in the circuit court.**

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