

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NO. 2226,
HOUSE BILL NO. 1824,
HOUSE BILL NO. 1832
AND
HOUSE BILL NO. 1990**

95TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, April 28, 2010, with recommendation that the Senate Committee Substitute do pass.

5205S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 194.350, 324.1100, 324.1110, 324.1112, 324.1114, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 332.011, 334.100, 334.506, 334.613, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335, 338.337, 383.130, and 383.133, RSMo, and section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for

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

senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of certain professions, with penalty provisions for certain sections.

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

Section A. Sections 194.350, 324.1100, 324.1110, 324.1112, 324.1114,
2 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 332.011,
3 334.100, 334.506, 334.613, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618,
4 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333,
5 338.335, 338.337, 383.130, and 383.133, RSMo, and section 324.1102 as enacted
6 by conference committee substitute for senate substitute for senate committee
7 substitute for house committee substitute for house bill no. 780, ninety-fourth
8 general assembly, first regular session, section 324.1102 as enacted by conference
9 committee substitute no. 2 for house committee substitute for senate committee
10 substitute for senate bill no. 308, ninety-fourth general assembly, first regular
11 session, section 324.1106 as enacted by conference committee substitute for
12 senate substitute for senate committee substitute for house committee substitute
13 for house bill no. 780, ninety-fourth general assembly, first regular session,
14 section 324.1106 as enacted by conference committee substitute no. 2 for house
15 committee substitute for senate committee substitute for senate bill no. 308,
16 ninety-fourth general assembly, first regular session, section 324.1118 as enacted
17 by conference committee substitute for senate substitute for senate committee
18 substitute for house committee substitute for house bill no. 780, ninety-fourth
19 general assembly, first regular session, section 324.1118 as enacted by conference
20 committee substitute no. 2 for house committee substitute for senate committee
21 substitute for senate bill no. 308, ninety-fourth general assembly, first regular
22 session, are repealed and forty-four new sections enacted in lieu thereof, to be
23 known as sections 194.350, 324.1100, 324.1102, 324.1103, 324.1106, 324.1110,
24 324.1112, 324.1114, 324.1118, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134,

25 324.1136, 324.1140, 324.1147, 332.011, 332.098, 334.100, 334.506, 334.613,
26 335.075, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700,
27 337.703, 337.705, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335,
28 338.337, 383.130, 383.133, and 1, to read as follows:

194.350. A licensed funeral establishment which cremates, or contracts
2 for the cremation of, a dead human body, whether the cremation occurs before or
3 after August 28, 1989, may dispose of the cremated remains by:

4 (1) **Disposing the remains in accordance with the cremation**
5 **contract, except if otherwise prohibited by law;**

6 (2) Delivering the remains to or as directed by another licensed funeral
7 establishment which contracted for the cremation;

8 [(2)] (3) Delivering the remains to or as directed by the person who
9 contracted for the cremation; or

10 [(3)] (4) If not delivered pursuant to subdivision [(1) or] (2) or (3) of this
11 section, by scattering, **burying**, or interring the unclaimed cremated remains in
12 a scatter garden or pond, columbarium or other place formally dedicated for [the
13 burial of dead human bodies] **such purpose or by delivering the remains to**
14 **any person listed in section 194.119**, provided, at least ninety days prior to
15 such [scattering or interment] **action** the funeral establishment shall send a
16 written notice by [certified mail, return receipt requested, to the licensed funeral
17 establishment or person who] **mail, with confirmation of delivery, to the**
18 **last known address of the person or establishment that** contracted for the
19 cremation stating that the remains will be scattered [or], **buried**, interred
20 [under], **or delivered pursuant to** this subdivision unless the notified
21 establishment or person, or other person authorized by the notified establishment
22 or person, claims and removes the remains prior to the end of such ninety-day
23 period[, and provided further, if such mailed notice cannot be delivered, at least
24 thirty days prior to such scattering or interment the funeral establishment shall
25 publish a notice once in a newspaper in general circulation in the county in which
26 the funeral establishment is located stating that the remains will be scattered or
27 interred under this subdivision unless the licensed funeral establishment or
28 person who contracted for the cremation, or other person authorized by the
29 contracting establishment or person, claims and removes the remains prior to the
30 end of such thirty-day period].

324.1100. As used in sections 324.1100 to 324.1148, the following terms
2 mean:

- 3 (1) "Board", the board of private investigator examiners established in
4 section 324.1102;
- 5 (2) "Client", any person who engages the services of a private investigator;
- 6 (3) "Department", the department of insurance, financial institutions and
7 professional registration;
- 8 (4) **"Director", the director of the division of professional**
9 **registration;**
- 10 (5) **"Division", the division of professional registration;**
- 11 (6) "Law enforcement officer", a law enforcement officer as defined in
12 section 556.061, RSMo;
- 13 [(5)] (7) "Organization", a corporation, trust, estate, partnership,
14 cooperative, or association;
- 15 [(6)] (8) "Person", an individual or organization;
- 16 [(7)] (9) "Private investigator", any person who receives any
17 consideration, either directly or indirectly, for engaging in the private
18 investigator business;
- 19 [(8)] (10) "Private investigator agency", a person who regularly employs
20 any other person, other than an organization, to engage in the private
21 investigator business;
- 22 [(9)] (11) "Private investigator business", the furnishing of, making of,
23 or agreeing to make, any investigation for the purpose of obtaining information
24 pertaining to:
- 25 (a) Crimes or wrongs done or threatened against the United States or any
26 state or territory of the United States;
- 27 (b) The identity, habits, conduct, business, occupation, honesty, integrity,
28 credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement,
29 whereabouts, affiliations, associations, transactions, acts, reputation, or character
30 of any person;
- 31 (c) The location, disposition, or recovery of lost or stolen property;
- 32 (d) Securing evidence to be used before any court, board, officer, or
33 investigating committee;
- 34 (e) Sale of personal identification information to the public; or
- 35 (f) The cause of responsibility for libel, losses, accident, or damage or
36 injury to persons or property or protection of life or property.

324.1102. 1. The "Board of Private Investigator Examiners" is hereby
2 created within the division of professional registration. The board shall be a body

3 corporate and may sue and be sued.

4 2. The board shall be composed of five members, including two public
5 members, appointed by the governor with the advice and consent of the
6 senate. Except for the public members, each member of the board shall be a
7 citizen of the United States, a resident of Missouri **for at least one year, a**
8 **registered voter**, at least thirty years of age, and shall have been actively
9 engaged in the private investigator business for the previous five years. No more
10 than one private investigator board member may be employed by, or affiliated
11 with, the same private investigator agency. The initial private investigator board
12 members shall not be required to be licensed but shall obtain a license within one
13 hundred eighty days after the effective date of the rules promulgated under
14 sections 324.1100 to 324.1148 regarding licensure. The public members shall
15 each be a **citizen of the United States, a resident of Missouri, a** registered
16 voter and a person who is not and never was a member of any profession licensed
17 or regulated under sections 324.1100 to 324.1148 or the spouse of such person;
18 and a person who does not have and never has had a material, financial interest
19 in either the providing of the professional services regulated by sections 324.1100
20 to 324.1148, or an activity or organization directly related to any profession
21 licensed or regulated under sections 324.1100 to 324.1148. The duties of the
22 public members shall not include the determination of the technical requirements
23 to be met for licensure or whether any person meets such technical requirements
24 or of the technical competence or technical judgment of a licensee or a candidate
25 for licensure.

26 3. The members shall be appointed for terms of [two] **five** years, except
27 those first appointed, in which case two members, who shall be private
28 investigators, shall be appointed for terms of four years, two members shall be
29 appointed for terms of three years, and one member shall be appointed for a
30 one-year term. Any vacancy on the board shall be filled for the unexpired term
31 of the member and in the manner as the first appointment. [No member may
32 serve consecutive terms.]

33 4. The members of the board may receive compensation, as determined by
34 the director for their services, if appropriate, and shall be reimbursed for actual
35 and necessary expenses incurred in performing their official duties on the board.

36 5. There is hereby created in the state treasury the "Board of Private
37 Investigator Examiners Fund", which shall consist of money collected under
38 sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund

39 and [shall] **may** approve disbursements from the fund in accordance with the
40 provisions of sections 30.170 and 30.180, RSMo. Upon appropriation, money in
41 the fund shall be used solely for the administration of sections 324.1100 to
42 324.1148. The provisions of section 33.080, RSMo, to the contrary
43 notwithstanding, money in this fund shall not be transferred and placed to the
44 credit of general revenue until the amount in the fund at the end of the biennium
45 exceeds two times the amount of the appropriation from the board's funds for the
46 preceding fiscal year or, if the board requires by rule permit renewal less
47 frequently than yearly, then three times the appropriation from the board's funds
48 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
49 is that amount in the fund which exceeds the appropriate multiple of the
50 appropriations from the board's funds for the preceding fiscal year.

[324.1102. 1. The "Board of Private Investigator
2 Examiners" is hereby created within the division of professional
3 registration. The board shall be a body corporate and may sue and
4 be sued.

5 2. The board shall be composed of five members, including
6 two public members, appointed by the governor with the advice and
7 consent of the senate. Except for the public members, each
8 member of the board shall be a citizen of the United States, a
9 resident of Missouri, at least thirty years of age, and shall have
10 been actively engaged in the private investigator business for the
11 previous five years. No more than one private investigator board
12 member may be employed by, or affiliated with, the same private
13 investigator agency. The initial private investigator board
14 members shall not be required to be licensed but shall obtain a
15 license within one hundred eighty days after the effective date of
16 the rules promulgated under sections 324.1100 to 324.1148
17 regarding licensure. The public members shall each be a registered
18 voter and a person who is not and never was a member of any
19 profession licensed or regulated under sections 324.1100 to
20 324.1148 or the spouse of such person; and a person who does not
21 have and never has had a material, financial interest in either the
22 providing of the professional services regulated by sections
23 324.1100 to 324.1148, or an activity or organization directly related
24 to any profession licensed or regulated under sections 324.1100 to

25 324.1148. The duties of the public members shall not include the
26 determination of the technical requirements to be met for licensure
27 or whether any person meets such technical requirements or of the
28 technical competence or technical judgment of a licensee or a
29 candidate for licensure.

30 3. The members shall be appointed for terms of two years,
31 except those first appointed, in which case two members, who shall
32 be private investigators, shall be appointed for terms of four years,
33 two members shall be appointed for terms of three years, and one
34 member shall be appointed for a one-year term. Any vacancy on
35 the board shall be filled for the unexpired term of the member and
36 in the manner as the first appointment. No member may serve
37 consecutive terms.

38 4. The members of the board may receive compensation, as
39 determined by the director for their services, if appropriate, and
40 shall be reimbursed for actual and necessary expenses incurred in
41 performing their official duties on the board.

42 5. There is hereby created in the state treasury the "Board
43 of Private Investigator Examiners Fund", which shall consist of
44 money collected under sections 324.1100 to 324.1148. The state
45 treasurer shall be custodian of the fund and shall approve
46 disbursements from the fund in accordance with the provisions of
47 sections 30.170 and 30.180, RSMo. Upon appropriation, money in
48 the fund shall be used solely for the administration of sections
49 324.1100 to 324.1148. Notwithstanding the provisions of section
50 33.080, RSMo, to the contrary, any moneys remaining in the fund
51 at the end of the biennium shall not revert to the credit of the
52 general revenue fund. The state treasurer shall invest moneys in
53 the fund in the same manner as other funds are invested. Any
54 interest and moneys earned on such investments shall be credited
55 to the fund.]

**324.1103. For the purposes of sections 324.1100 to 324.1148, the
2 division shall:**

**3 (1) Employ board personnel, within the limits of the
4 appropriations for that purpose as established in sections 324.1100 to
5 324.1148;**

- 6 **(2) Exercise all administrative functions;**
7 **(3) Deposit all fees collected under sections 324.1100 to 324.1148**
8 **by transmitting such funds to the department of revenue for deposit in**
9 **the state treasury to the credit of the board of private investigators**
10 **examiners fund.**

 324.1106. The following persons shall not be deemed to be engaging in the
2 private investigator business:

3 (1) A person employed exclusively and regularly by one employer in
4 connection only with the affairs of such employer and where there exists an
5 employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this state or a
7 political subdivision thereof while engaged in the performance of the officer's or
8 employee's official duties;

9 (3) Any employee, agent, or independent contractor employed by any
10 government agency, division, or department of the state whose work relationship
11 is established by a written contract while working within the scope of
12 employment established under such contract;

13 (4) An attorney performing duties as an attorney, or an attorney's
14 paralegal or employee retained by such attorney assisting in the performance of
15 such duties or investigation on behalf of such attorney;

16 **(5) A certified public accountant performing duties as a certified**
17 **public accountant who holds an active license issued by any state and**
18 **the employees of such certified public accountant or certified public**
19 **accounting firm assisting in the performance of duties or investigation**
20 **on behalf of such certified public accountant or certified public**
21 **accounting firm;**

22 **(6)** A collection agency or an employee thereof while acting within the
23 scope of employment, while making an investigation incidental to the business of
24 the agency, including an investigation of the location of a debtor or a debtor's
25 property where the contract with an assignor creditor is for the collection of
26 claims owed or due, or asserted to be owed or due, or the equivalent thereof;

27 **[(6)] (7)** Insurers and insurance producers licensed by the state,
28 performing duties in connection with insurance transacted by them;

29 **[(7)] (8)** Any bank subject to the jurisdiction of the director of the
30 division of finance of the state of Missouri or the comptroller of currency of the
31 United States;

32 [(8)] (9) An insurance adjuster. For the purposes of sections 324.1100
33 to 324.1148, an "insurance adjuster" means any person who receives any
34 consideration, either directly or indirectly, for adjusting in the disposal of any
35 claim under or in connection with a policy of insurance or engaging in soliciting
36 insurance adjustment business;

37 [(9)] (10) Any private fire investigator whose primary purpose of
38 employment is the determination of the origin, nature, cause, or calculation of
39 losses relevant to a fire;

40 [(10)] (11) Employees of [a not-for-profit] **an organization, whether for-**
41 **profit or not-for-profit**, or its affiliate or subsidiary, whether for-profit or
42 not-for-profit, whose investigatory activities are limited to making and processing
43 requests for criminal history records and other background information from
44 state, federal, or local databases, including requests for employee background
45 check information under section 660.317, RSMo;

46 [(11)] (12) Any real estate broker, real estate salesperson, or real estate
47 appraiser acting within the scope of his or her license;

48 [(12)] (13) Expert witnesses who have been certified or accredited by a
49 national or state association associated with the expert's scope of expertise;

50 [(13)] (14) Any person who does not hold themselves out to the public as
51 a private investigator [but is under] **and is exclusively employed by or**
52 **under exclusive** contract with a state agency or political subdivision;

53 [(14)] (15) Any person performing duties or [conducting investigations]
54 **activities** relating to serving legal process when such person's [investigation is]
55 **duties or activities are** incidental to the serving of legal process; or

56 [(15)] (16) A consumer reporting agency [is] **as** defined in 15 U.S.C.
57 Section [1681(a)] **1681a** and its contract and salaried employees.

 [324.1106. The following persons shall not be deemed to be
2 engaging in the private investigator business:

3 (1) A person employed exclusively and regularly by one
4 employer in connection only with the affairs of such employer and
5 where there exists an employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this
7 state or a political subdivision thereof while engaged in the
8 performance of the officer's or employee's official duties;

9 (3) Any employee, agent, or independent contractor
10 employed by any government agency, division, or department of the

11 state whose work relationship is established by a written contract
12 while working within the scope of employment established under
13 such contract;

14 (4) An attorney performing duties as an attorney, or an
15 attorney's paralegal or employee retained by such attorney
16 assisting in the performance of such duties or investigation on
17 behalf of such attorney;

18 (5) A collection agency or an employee thereof while acting
19 within the scope of employment, while making an investigation
20 incidental to the business of the agency, including an investigation
21 of the location of a debtor or a debtor's property where the contract
22 with an assignor creditor is for the collection of claims owed or due,
23 or asserted to be owed or due, or the equivalent thereof;

24 (6) Insurers and insurance producers licensed by the state,
25 performing duties in connection with insurance transacted by them;

26 (7) Any bank subject to the jurisdiction of the director of
27 the division of finance of the state of Missouri or the comptroller of
28 currency of the United States;

29 (8) An insurance adjuster. For the purposes of sections
30 324.1100 to 324.1148, an "insurance adjuster" means any person
31 who receives any consideration, either directly or indirectly, for
32 adjusting in the disposal of any claim under or in connection with
33 a policy of insurance or engaging in soliciting insurance adjustment
34 business;

35 (9) Any private fire investigator whose primary purpose of
36 employment is the determination of the origin, nature, cause, or
37 calculation of losses relevant to a fire;

38 (10) Employees of a not-for-profit organization or its
39 affiliate or subsidiary who makes and processes requests on behalf
40 of health care providers and facilities for employee criminal and
41 other background information under section 660.317, RSMo;

42 (11) Any real estate broker, real estate salesperson, or real
43 estate appraiser acting within the scope of his or her license;

44 (12) Expert witnesses who have been certified or accredited
45 by a national or state association associated with the expert's scope
46 of expertise;

47 (13) Any person who does not hold themselves out to the
48 public as a private investigator but is under contract with a state
49 agency or political subdivision; or

50 (14) Any person performing duties or conducting
51 investigations relating to serving legal process when such person's
52 investigation is incidental to the serving of legal process;

53 (15) A consumer reporting agency as defined in 15 U.S.C.
54 Section 1681(a) and its contract and salaried employees.]

324.1110. 1. The board of private investigator examiners shall require as
2 a condition of licensure as a private investigator that the applicant pass a written
3 examination as evidence of knowledge of investigator rules and regulations.

4 2. The [department] **board** shall conduct a complete investigation of the
5 background of each applicant for licensure as a private investigator to determine
6 whether the applicant is qualified for licensure under sections 324.1100 to
7 324.1148. The board shall [and will] outline basic qualification requirements for
8 licensing as a private investigator and agency.

9 3. In the event requirements have been met so that testing has been
10 waived, qualification shall be dependent on a showing of, for the two previous
11 years:

12 (1) Registration and good standing as a business in this state; and

13 (2) Two hundred fifty thousand dollars in business general liability
14 insurance.

15 4. The board may review applicants seeking reciprocity. An applicant
16 seeking reciprocity shall have undergone a licensing procedure similar to that
17 required by this state and shall meet this state's minimum insurance
18 requirements.

324.1112. 1. The board of private investigator examiners may deny a
2 request for a license if the applicant:

3 (1) Has committed any act which, if committed by a licensee, would be
4 grounds for the suspension or revocation of a license under the provisions of
5 sections 324.1100 to 324.1148;

6 (2) [Within two years prior to the application date:

7 (a)] Has been convicted of or entered a plea of guilty or nolo contendere
8 to a felony offense, including the receiving of a suspended imposition of sentence
9 following a plea or finding of guilty to a felony offense;

10 [(b)] (3) Has been convicted of or entered a plea of guilty or nolo

11 contendere to a misdemeanor offense involving moral turpitude, **including**
12 **receiving a suspended imposition of sentence following a plea of guilty**
13 **to a misdemeanor offense;**

14 **(4) Has been refused a license under sections 324.1100 to 324.1148**
15 **or had a license revoked or denied in this state or any other state;**

16 [(c)] **(5)** Has falsified or willfully misrepresented information in an
17 employment application, records of evidence, or in testimony under oath;

18 [(d)] **(6)** Has been dependent on or abused alcohol or drugs; or

19 [(e)] **(7)** Has used, possessed, or trafficked in any illegal substance;

20 [(3)] **(8)** Has been refused a license under the provisions of sections
21 324.1100 to 324.1148 or had a license revoked in this state or in any other state;

22 [(4)] **(9)** While unlicensed, committed or aided and abetted the
23 commission of any act for which a license is required by sections 324.1100 to
24 324.1148 after August 28, 2007; or

25 [(5)] **(10)** Knowingly made any false statement in the application.

26 **2. The board shall consider any evidence of the applicant's**
27 **rehabilitation when considering a request for licensure.**

324.1114. 1. Every application submitted under the provisions of sections
2 324.1100 to 324.1148 shall be accompanied by a fee as determined by the board
3 [as follows:

4 (1) For an individual license, agency license and employees being licensed
5 to work under an agency license; or

6 (2) If a license is issued for a period of less than one year, the fee shall be
7 prorated for the months, or fraction thereof, for which the license is issued].

8 2. The board shall set fees as authorized by sections 324.1100 to 324.1148
9 at a level to produce revenue which will not substantially exceed the cost and
10 expense of administering sections 324.1100 to 324.1148.

11 3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive
12 and notwithstanding any other provision of law. No municipality may require
13 any person licensed under sections 324.1100 to 324.1148 to furnish any bond,
14 pass any examination, or pay any license fee or occupational tax relative to
15 practicing the person's profession.

16 4. A private investigator license shall allow only the individual licensed
17 by the state **of Missouri** to conduct investigations. An agency license shall be
18 applied for separately and held by **[an individual] a person** who is licensed as
19 a private investigator. The agency may hire individuals to work for the agency

20 conducting investigations for the agency only. Persons hired shall make
21 application as determined by the board and meet all requirements set forth by the
22 board except that they shall not be required to meet any experience requirements
23 and shall be allowed to begin working immediately upon the agency submitting
24 their applications.

[324.1118. A private investigator agency shall not hire an
2 individual, who is not licensed as a private investigator, as an
3 employee if the individual:

4 (1) Has committed any act which, if committed by a
5 licensee, would be grounds for the suspension or revocation of a
6 license under the provisions of sections 324.1100 to 324.1148;

7 (2) Within two years prior to the hiring date:

8 (a) Has been convicted of or entered a plea of guilty or nolo
9 contendere to a felony offense, including the receiving of a
10 suspended imposition of sentence following a plea or finding of
11 guilty to a felony offense;

12 (b) Has been convicted of or entered a plea of guilty or nolo
13 contendere to a misdemeanor offense involving moral turpitude;

14 (c) Has falsified or willfully misrepresented information in
15 an employment application, records of evidence, or in testimony
16 under oath;

17 (d) Has been dependent on or abused alcohol or drugs; or

18 (e) Has used, possessed, or trafficked in any illegal
19 substance;

20 (3) Has been refused a license under the provisions of
21 sections 324.1100 to 324.1148 or had a license revoked in this state
22 or in any other state;

23 (4) While unlicensed, committed or aided and abetted the
24 commission of any act for which a license is required by sections
25 324.1100 to 324.1148 after August 28, 2007; or

26 (5) Knowingly made any false statement in the application.]

324.1118. A private investigator agency shall not hire an individual, who
2 is not licensed as a private investigator, as an employee if the individual:

3 (1) Has committed any act which, if committed by a licensee, would be
4 grounds for the suspension or revocation of a license under the provisions of
5 sections 324.1100 to 324.1148;

- 6 (2) Within two years prior to the application date:
- 7 (a) Has been convicted of or entered a plea of guilty or nolo contendere to
8 a felony offense, including the receiving of a suspended imposition of sentence
9 following a plea or finding of guilty to a felony offense;
- 10 (b) Has been convicted of or entered a plea of guilty or nolo contendere to
11 a misdemeanor offense involving moral turpitude, **including receiving a**
12 **suspended imposition of sentence following a plea of guilty to a**
13 **misdemeanor offense;**
- 14 (c) Has falsified or willfully misrepresented information in an employment
15 application, records of evidence, or in testimony under oath;
- 16 (d) Has been dependent on or abused alcohol or drugs; or
- 17 (e) Has used, possessed, or trafficked in any illegal substance;
- 18 (3) Has been refused a license under the provisions of sections 324.1100
19 to 324.1148 or had a license revoked in this state or in any other state;
- 20 (4) While unlicensed, committed or aided and abetted the commission of
21 any act for which a license is required by sections 324.1100 to 324.1148 after
22 August 28, 2007; or
- 23 (5) Knowingly made any false statement in the application.
- 324.1124. 1. The [board of private investigator examiners] **division** shall
2 determine the form of the license [which shall include the:
- 3 (1) Name of the licensee;
- 4 (2) Name under which the licensee is to operate; and
- 5 (3) Number and date of the license].
- 6 2. The license shall be posted at all times in a conspicuous place in the
7 principal place of business of the licensee. Upon the issuance of a license, a
8 pocket card of such size, design, and content as determined by the division shall
9 be issued without charge to each licensee. Such card shall be evidence that the
10 licensee is licensed under sections 324.1100 to 324.1148. When any person to
11 whom a card is issued terminates such person's position, office, or association
12 with the licensee, the card shall be surrendered to the licensee and within five
13 days thereafter shall be mailed or delivered by the licensee to the board of private
14 investigator examiners for cancellation. Within thirty days after any change of
15 address, a licensee shall notify the board of the address change. The principal
16 place of business may be at a residence or at a business address, but it shall be
17 the place at which the licensee maintains a permanent office.

324.1126. 1. Any license issued under sections 324.1100 to 324.1148 shall

2 [expire two years after the date of its issuance. Renewal of any such license shall
3 be made in the manner prescribed for obtaining an original license, including
4 payment of the appropriate fee, except that:

5 (1) The application upon renewal need only provide information required
6 of original applicants if the information shown on the original application or any
7 renewal thereof on file with the board is no longer accurate;

8 (2) A new photograph shall be submitted with the application for renewal
9 only if the photograph on file with the board has been on file more than two
10 years; and

11 (3) The applicant does not have to be tested again but must instead
12 provide proof that the applicant successfully completed sixteen hours of
13 continuing education credits; and

14 (4) Additional information may be required by rules and regulations
15 adopted by the board of private investigator examiners] **be valid for two years.**

16 **An application for renewal of such license shall be mailed to every**
17 **person to whom a license was issued or renewed during the current**
18 **licensing period. The applicant shall complete the application and**
19 **return it to the board by the renewal date with a renewal fee in an**
20 **amount to be set by the board and with evidence of continuing**
21 **education under section 324.1122. Any licensee who practices during**
22 **the time the license has expired shall be considered to be engaged in**
23 **prohibited acts under section 324.1104 and shall be subject to the**
24 **penalties provided for violation of the provisions of sections 324.1100**
25 **to 324.1148. If a person is otherwise eligible to renew the person's**
26 **certification or license, the person may renew an expired certification**
27 **or license within two years from the date of expiration. To renew such**
28 **expired certification or license, the person shall submit an application**
29 **for renewal, pay the renewal fee, pay a delinquent renewal fee as**
30 **established by the board, and present evidence, in the form prescribed**
31 **by the board, of having completed the continuing education**
32 **requirements for renewal specified in section 324.1122. Upon a finding**
33 **of extenuating circumstances, the commission may waive the payment**
34 **of the delinquent fee. If a person has failed to renew the person's**
35 **license within two years of its expiration, the license shall be void. A**
36 **new photograph shall be submitted with the application for renewal**
37 **only if the photograph on file with the board has been on file for more**

38 **than two years.**

39 2. A licensee shall at all times be legally responsible for the good conduct
40 of each of the licensee's employees or agents while engaged in the business of the
41 licensee and the licensee is legally responsible for any acts committed by such
42 licensee's employees or agents which are in violation of sections 324.1100 to
43 324.1148. A person receiving an agency license shall directly manage the agency
44 and employees.

45 3. A license issued under sections 324.1100 to 324.1148 shall not be
46 assignable.

 324.1128. 1. Any licensee may divulge to the board, any law enforcement
2 officer, prosecuting attorney, or such person's representative any information such
3 person may acquire about any criminal offense. [The licensee may instruct his
4 or her client to divulge such information if the client is the victim, but such
5 person shall not divulge to any other person, except as he or she may be required
6 by law, any information acquired by such person at the direction of the employer
7 or client for whom the information was obtained.] **The licensee shall not**
8 **divulge to any other person, except as required by law, any other**
9 **information acquired by the licensee at the direction of his or her**
10 **employer or client for whom the information was obtained. A licensee**
11 **may instruct his or her client to divulge any information to the board,**
12 **any law enforcement officer, prosecuting attorney, or other such**
13 **person's representative related to a criminal offense if the client is the**
14 **victim of the criminal offense.**

15 2. No licensee officer, director, partner, associate, or employee thereof
16 shall:

17 (1) Knowingly make any false report to his or her employer or client for
18 whom information was being obtained;

19 (2) Cause any written report to be submitted to a client except by the
20 licensee, and the person submitting the report shall exercise diligence in
21 ascertaining whether or not the facts and information in such report are true and
22 correct;

23 (3) Use a title, wear a uniform, use an insignia or an identification card,
24 or make any statement with the intent to give an impression that such person is
25 connected in any way with the federal government, a state government, or any
26 political subdivision of a state government;

27 (4) Appear as an assignee party in any proceeding involving claim and

28 delivery, replevin or other possessory action, action to foreclose a chattel
29 mortgage, mechanic's lien, materialman's lien, or any other lien;

30 (5) Manufacture false evidence; or

31 (6) Create any video recording of an individual in their domicile without
32 the individual's permission. Furthermore, if such video recording is made, it
33 shall not be admissible as evidence in any civil proceeding.

324.1132. Every advertisement by a licensee soliciting or advertising
2 business shall contain the licensee's name, city, and state as it appears in the
3 records of the board of private investigator examiners. No individual or business
4 can advertise as a private investigator, private detective, or private investigator
5 agency without including their state private investigator or private investigator
6 agency license number in the advertisement. A licensee shall not advertise or
7 conduct business from any Missouri address other than that shown on the records
8 of the board as the licensee's principal place of business unless the licensee has
9 received an additional agency license for such location after compliance with the
10 provisions of sections 324.1100 to 324.1148 and such additional requirements
11 necessary for the protection of the public as the board may prescribe by
12 regulation. A licensee shall notify the board in writing within ten days after
13 closing or changing the location of a branch office. The fee for the additional
14 license shall be [one-half the cost of the fee for the agency's original license]
15 **determined by the board.**

324.1134. 1. The board may suspend or refuse to renew any certificate of
2 registration or authority, permit or license required under sections 324.1100 to
3 324.1148 for one or any combination of causes stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons for the
5 suspension or refusal and shall advise the applicant of the applicant's right to file
6 a complaint with the administrative hearing commission as provided by chapter
7 621, RSMo. As an alternative to a refusal to issue or renew any certificate,
8 registration or authority, the board may, at its discretion, issue a license which
9 is subject to probation, restriction or limitation to an applicant for licensure for
10 any one or any combination of causes stated in subsection 2 of this section. The
11 board's order of probation, limitation or restriction shall contain a statement of
12 the discipline imposed, the basis therefor, the date such action shall become
13 effective, and a statement that the applicant has thirty days to request in writing
14 a hearing before the administrative hearing commission. If the board issues a
15 probationary, limited or restricted license to an applicant for licensure, either

16 party may file a written petition with the administrative hearing commission
17 within thirty days of the effective date of the probationary, limited or restricted
18 license seeking review of the board's determination. If no written request for a
19 hearing is received by the administrative hearing commission within the
20 thirty-day period, the right to seek review of the board's decision shall be
21 considered as waived.

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

28 (1) Making any false statement or giving any false information or given
29 any false information in connection with an application for a license or a renewal
30 or reinstatement thereof;

31 (2) Violating any provision of sections 324.1100 to 324.1148;

32 (3) Violating any rule of the board of private investigator examiners
33 adopted under the authority contained in sections 324.1100 to 324.1148;

34 (4) Impersonating, or permitting or aiding and abetting an employee to
35 impersonate, a law enforcement officer or employee of the United States of
36 America, or of any state or political subdivision thereof;

37 (5) Committing, or permitting any employee to commit any act, while the
38 license was expired, which would be cause for the suspension or revocation of a
39 license, or grounds for the denial of an application for a license;

40 (6) Knowingly violating, or advising, encouraging, or assisting the
41 violation of, any court order or injunction in the course of business as a licensee;

42 (7) Using any letterhead, advertisement, or other printed matter, or in
43 any manner whatever represented that such person is an instrumentality of the
44 federal government, a state, or any political subdivision thereof;

45 (8) Using a name different from that under which such person is currently
46 licensed in any advertisement, solicitation, or contract for business; [or]

47 (9) **Violating or assisting or enabling any person to violate any**
48 **provision of this chapter or any lawful rule or regulation adopted**
49 **pursuant to the authority granted in this chapter; or**

50 (10) Committing any act which is grounds for denial of an application for
51 a license under section 324.1112.

52 3. The record of conviction, or a certified copy thereof, shall be conclusive
53 evidence of such conviction, and a plea or verdict of guilty is deemed to be a
54 conviction within the meaning thereof.

55 4. The agency may continue under the direction of another employee if the
56 licensee's license is suspended or revoked by the board. The board shall establish
57 a time frame in which the agency shall identify an acceptable person who is
58 qualified to assume control of the agency, as required by the board.

59 5. After the filing of a complaint before the administrative hearing
60 commission, the proceedings shall be conducted in accordance with the provisions
61 of chapter 621, RSMo. Upon a finding by the administrative hearing commission
62 that the grounds in subsection 1 of this section for disciplinary action are met,
63 the board may singly or in combination censure or place the person named in the
64 complaint on probation under such terms and conditions as the board deems
65 appropriate for a period not to exceed five years, may suspend for a period not to
66 exceed three years, or revoke the license.

 324.1136. 1. **Each licensee shall maintain a record containing**
2 **such information relative to the licensee's employees as may be**
3 **prescribed by the board of private investigator examiners. Such**
4 **licensee shall file with the board the complete address of the location**
5 **of the licensee's principal place of business. The board may require the**
6 **filing of other information for the purpose of identifying such principal**
7 **place of business.**

8 2. Each private investigator or investigator agency operating under the
9 provisions of sections 324.1100 to 324.1148 shall be required to keep a complete
10 record of the business transactions of such investigator or investigator agency for
11 a period of seven years. Upon the service of a court order issued by a court of
12 competent jurisdiction or upon the service of a subpoena issued by the board that
13 is based on a complaint supported by oath or affirmation, which particularly
14 describes the records and reports, any licensed private investigator who is the
15 owner, partner, director, corporate officer, or custodian of business records shall
16 provide an opportunity for the inspection of the same and to inspect reports
17 made. Any information obtained by the board shall be kept confidential, except
18 as may be necessary to commence and prosecute any legal proceedings. The
19 board shall not personally enter a licensee's place of business to inspect records,
20 but shall utilize an employee of the division of professional registration to act as
21 a gatherer of information and facts to present to the board regarding any

22 complaint or inspection under investigation.

23 [2.] 3. For the purpose of enforcing the provisions of sections 324.1100
24 to 324.1148, and in making investigations relating to any violation thereof, the
25 board shall have the power to subpoena and bring before the board any person
26 in this state and require the production of any books, records, or papers which the
27 board deems relevant to the inquiry. The board also may administer an oath to
28 and take the testimony of any person, or cause such person's deposition to be
29 taken, except that any applicant or licensee or officer, director, partner, or
30 associate thereof shall not be entitled to any fees or mileage. A subpoena issued
31 under this section shall be governed by the Missouri rules of civil procedure and
32 shall comply with any confidentiality standards or legal limitations imposed by
33 privacy or open records acts, fair credit reporting acts, polygraph acts, driver
34 privacy protection acts, judicially recognized privileged communications, and the
35 bill of rights of both the United States and Missouri Constitutions. Any person
36 duly subpoenaed who fails to obey such subpoena without reasonable cause, or
37 without such cause refuses to be examined or to answer any legal or pertinent
38 question as to the character or qualification of such applicant or licensee or such
39 applicant's alleged unlawful or deceptive practices or methods, shall be guilty of
40 a class A misdemeanor. The testimony of witnesses in any investigative
41 proceeding shall be under oath.

42 4. **Any licensee who is required by fully executed written**
43 **contract or court order to destroy, seal, or return to a party to a**
44 **lawsuit, or to the court, records related to work performed under that**
45 **contract or court order shall maintain in his or her files, a fully**
46 **executed copy of the contract or court order requiring destruction,**
47 **sealing, or return of the records. Maintenance of the contract or court**
48 **order shall fulfill the requirements of this section.**

324.1140. 1. The board of private investigator examiners shall [certify]
2 **license** persons who are qualified to train private investigators.

3 2. [In order to be certified as a trainer under this section, a trainer shall:

4 (1) Be twenty-one or more years of age;

5 (2) Have a minimum of one-year supervisory experience with a private
6 investigator agency; and

7 (3) Be personally licensed as a private investigator under sections
8 324.1100 to 324.1148 and qualified to train private investigators.

9 3.] Persons wishing to become [certified] **licensed** trainers shall make

10 application to the board of private investigator examiners on a form prescribed
11 by the board and accompanied by a fee determined by the board. The application
12 shall contain a statement of the plan of operation of the training offered by the
13 applicant and the materials and aids to be used and any other information
14 required by the board.

15 [4.] **3.** A [certificate] **license** shall be granted to a trainer if the board
16 finds that the applicant:

17 (1) [Meets the requirements of subsection 2 of this section;

18 (2)] Has sufficient knowledge of private investigator business in order to
19 train private investigators sufficiently;

20 [(3)] **(2)** Has supplied all required information to the board; and

21 [(4)] **(3)** Has paid the required fee.

22 [5.] **4.** The [certificate] **license** issued under this section shall [expire
23 on the third year after the year in which it is issued and shall be renewable
24 triennially upon application and payment of a fee] **be valid for two years and
25 shall be renewable biennially upon application and payment of the
26 renewal fee established by the board. An application for renewal of
27 license shall be mailed to every person to whom a license was issued or
28 renewed during the current licensing period. The applicant shall
29 complete the application and return it to the board by the renewal date
30 with a renewal fee in an amount to be set by the board and with
31 evidence of continuing education under section 324.1122. Any licensee
32 who practices during the time the license has expired shall be
33 considered engaging in prohibited acts under section 324.1104 and shall
34 be subject to the penalties provided for the violation of the provisions
35 of sections 324.1100 to 324.1148. If a person is otherwise eligible to
36 renew the person's certification or license, the person may renew an
37 expired certification or license within two years from the date of
38 expiration. To renew such expired certificate or license, the person
39 shall submit an application for renewal, pay the renewal fee, pay a
40 delinquent renewal fee as established by the board, and present
41 evidence in the form prescribed by the board of having completed the
42 continuing education requirements for renewal specified in section
43 324.1122. Upon a finding of extenuating circumstances, the commission
44 may waive the payment of the delinquent fee. If a person has failed to
45 renew the person's license within two years of its expiration, the**

46 license shall be void.

324.1147. The provisions of sections 324.1100 to 324.1148 shall not
2 be construed to release any person from civil liability or criminal
3 prosecution under any other law of this state.

332.011. As used in this chapter, the following words and terms mean:

2 (1) "Accredited dental hygiene school", any program which teaches a
3 course in dental hygiene which is accredited by the Commission on Dental
4 Accreditation of the American Dental Association and which shall have a
5 minimum of two academic years of curriculum provided in a college or institution
6 of higher education;

7 (2) "Accredited dental school", any college, university, school, or other
8 institution which teaches dentistry which has been certified by the American
9 Dental Association;

10 (3) "Board", the Missouri dental board;

11 (4) "Certified dental assistant", a dental assistant who is currently
12 certified by the Dental Assisting National Board, Inc.;

13 (5) "Dental assistant", an employee of a duly registered and currently
14 licensed dentist in Missouri, other than either a dental hygienist or a certified
15 dental assistant;

16 (6) "Expanded-functions dental assistant", any dental assistant who has
17 passed a basic dental assisting skills mastery examination or a certified dental
18 assistant, either of whom has successfully completed a board-approved
19 expanded-functions course, passed a competency examination, and [can show
20 proof of competency in a specific expanded function to the] **has obtained a**
21 **permit authorizing them to perform expanded-functions duties from the**
22 Missouri dental board;

23 (7) "Expanded-functions duties", reversible acts that would be
24 considered the practice of dentistry as defined in section 332.071 that
25 the board specifies by rule may be delegated to a dental assistant or
26 dental hygienist who possesses an expanded-functions permit.

332.098. 1. Dentists delegating expanded-functions duties to
2 dental assistants or dental hygienists shall do so in accordance with
3 rules set forth by the board. No person shall perform expanded-
4 functions duties in this state except under his or her own name and
5 unless the board has issued to such person a permit to perform
6 expanded-functions duties in this state; however, no provision of this

7 **section or this chapter shall be construed to make it unlawful for a duly**
8 **registered and currently licensed dentist in this state to perform dental**
9 **services that would be considered expanded-functions duties in this**
10 **state or to make it unlawful for dental assistants, certified dental**
11 **assistants, or expanded-functions dental assistants to perform polishing**
12 **of teeth. Under section 332.093, the board shall not promulgate any**
13 **rule allowing the delegation of acts to a dental assistant that would**
14 **conflict with the practice of dental hygiene as defined in section**
15 **332.091. Expanded-functions permits shall be renewed every five**
16 **years. The board may promulgate rules specifying the criteria by**
17 **which expanded-functions permits may be issued and**
18 **renewed. Expanded-functions permits shall be subject to discipline as**
19 **provided in section 332.321.**

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

334.100. 1. The board may refuse to issue or renew any certificate of
2 registration or authority, permit or license required pursuant to this chapter for
3 one or any combination of causes stated in subsection 2 of this section. The board
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621, RSMo. As an alternative to a
7 refusal to issue or renew any certificate, registration or authority, the board may,
8 at its discretion, issue a license which is subject to probation, restriction or
9 limitation to an applicant for licensure for any one or any combination of causes
10 stated in subsection 2 of this section. The board's order of probation, limitation
11 or restriction shall contain a statement of the discipline imposed, the basis
12 therefor, the date such action shall become effective, and a statement that the
13 applicant has thirty days to request in writing a hearing before the

14 administrative hearing commission. If the board issues a probationary, limited
15 or restricted license to an applicant for licensure, either party may file a written
16 petition with the administrative hearing commission within thirty days of the
17 effective date of the probationary, limited or restricted license seeking review of
18 the board's determination. If no written request for a hearing is received by the
19 administrative hearing commission within the thirty-day period, the right to seek
20 review of the board's decision shall be considered as waived.

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

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

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

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

41 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct
42 or unprofessional conduct in the performance of the functions or duties of any
43 profession licensed or regulated by this chapter, including, but not limited to, the
44 following:

45 (a) Obtaining or attempting to obtain any fee, charge, tuition or other
46 compensation by fraud, deception or misrepresentation; willfully and continually
47 overcharging or overtreating patients; or charging for visits to the physician's
48 office which did not occur unless the services were contracted for in advance, or
49 for services which were not rendered or documented in the patient's records;

50 (b) Attempting, directly or indirectly, by way of intimidation, coercion or
51 deception, to obtain or retain a patient or discourage the use of a second opinion
52 or consultation;

53 (c) Willfully and continually performing inappropriate or unnecessary
54 treatment, diagnostic tests or medical or surgical services;

55 (d) Delegating professional responsibilities to a person who is not
56 qualified by training, skill, competency, age, experience or licensure to perform
57 such responsibilities;

58 (e) Misrepresenting that any disease, ailment or infirmity can be cured
59 by a method, procedure, treatment, medicine or device;

60 (f) Performing or prescribing medical services which have been declared
61 by board rule to be of no medical or osteopathic value;

62 (g) Final disciplinary action by any professional medical or osteopathic
63 association or society or licensed hospital or medical staff of such hospital in this
64 or any other state or territory, whether agreed to voluntarily or not, and
65 including, but not limited to, any removal, suspension, limitation, or restriction
66 of the person's license or staff or hospital privileges, failure to renew such
67 privileges or license for cause, or other final disciplinary action, if the action was
68 in any way related to unprofessional conduct, professional incompetence,
69 malpractice or any other violation of any provision of this chapter;

70 (h) Signing a blank prescription form; or dispensing, prescribing,
71 administering or otherwise distributing any drug, controlled substance or other
72 treatment without sufficient examination, or for other than medically accepted
73 therapeutic or experimental or investigative purposes duly authorized by a state
74 or federal agency, or not in the course of professional practice, or not in good faith
75 to relieve pain and suffering, or not to cure an ailment, physical infirmity or
76 disease, except as authorized in section 334.104;

77 (i) Exercising influence within a physician-patient relationship for
78 purposes of engaging a patient in sexual activity;

79 (j) Terminating the medical care of a patient without adequate notice or
80 without making other arrangements for the continued care of the patient;

81 (k) Failing to furnish details of a patient's medical records to other
82 treating physicians or hospitals upon proper request; or failing to comply with
83 any other law relating to medical records;

84 (l) Failure of any applicant or licensee, other than the licensee subject to
85 the investigation, to cooperate with the board during any investigation;

- 86 (m) Failure to comply with any subpoena or subpoena duces tecum from
87 the board or an order of the board;
- 88 (n) Failure to timely pay license renewal fees specified in this chapter;
- 89 (o) Violating a probation agreement with this board or any other licensing
90 agency;
- 91 (p) Failing to inform the board of the physician's current residence and
92 business address;
- 93 (q) Advertising by an applicant or licensee which is false or misleading,
94 or which violates any rule of the board, or which claims without substantiation
95 the positive cure of any disease, or professional superiority to or greater skill
96 than that possessed by any other physician. An applicant or licensee shall also
97 be in violation of this provision if the applicant or licensee has a financial interest
98 in any organization, corporation or association which issues or conducts such
99 advertising;
- 100 (5) Any conduct or practice which is or might be harmful or dangerous to
101 the mental or physical health of a patient or the public; or incompetency, gross
102 negligence or repeated negligence in the performance of the functions or duties
103 of any profession licensed or regulated by this chapter. For the purposes of this
104 subdivision, "repeated negligence" means the failure, on more than one occasion,
105 to use that degree of skill and learning ordinarily used under the same or similar
106 circumstances by the member of the applicant's or licensee's profession;
- 107 (6) Violation of, or attempting to violate, directly or indirectly, or assisting
108 or enabling any person to violate, any provision of this chapter, or of any lawful
109 rule or regulation adopted pursuant to this chapter;
- 110 (7) Impersonation of any person holding a certificate of registration or
111 authority, permit or license or allowing any person to use his or her certificate of
112 registration or authority, permit, license or diploma from any school;
- 113 (8) Revocation, suspension, restriction, modification, limitation,
114 reprimand, warning, censure, probation or other final disciplinary action against
115 the holder of or applicant for a license or other right to practice any profession
116 regulated by this chapter by another state, territory, federal agency or country,
117 whether or not voluntarily agreed to by the licensee or applicant, including, but
118 not limited to, the denial of licensure, surrender of the license, allowing the
119 license to expire or lapse, or discontinuing or limiting the practice of medicine
120 while subject to an investigation or while actually under investigation by any
121 licensing authority, medical facility, branch of the armed forces of the United

122 States of America, insurance company, court, agency of the state or federal
123 government, or employer;

124 (9) A person is finally adjudged incapacitated or disabled by a court of
125 competent jurisdiction;

126 (10) Assisting or enabling any person to practice or offer to practice any
127 profession licensed or regulated by this chapter who is not registered and
128 currently eligible to practice pursuant to this chapter; or knowingly performing
129 any act which in any way aids, assists, procures, advises, or encourages any
130 person to practice medicine who is not registered and currently eligible to practice
131 pursuant to this chapter. A physician who works in accordance with standing
132 orders or protocols or in accordance with the provisions of section 334.104 shall
133 not be in violation of this subdivision;

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

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

138 (13) Violation of the drug laws or rules and regulations of this state, any
139 other state or the federal government;

140 (14) Knowingly making, or causing to be made, or aiding, or abetting in
141 the making of, a false statement in any birth, death or other certificate or
142 document executed in connection with the practice of the person's profession;

143 (15) Soliciting patronage in person or by agents or representatives, or by
144 any other means or manner, under the person's own name or under the name of
145 another person or concern, actual or pretended, in such a manner as to confuse,
146 deceive, or mislead the public as to the need or necessity for or appropriateness
147 of health care services for all patients, or the qualifications of an individual
148 person or persons to diagnose, render, or perform health care services;

149 (16) Using, or permitting the use of, the person's name under the
150 designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with
151 reference to the commercial exploitation of any goods, wares or merchandise;

152 (17) Knowingly making or causing to be made a false statement or
153 misrepresentation of a material fact, with intent to defraud, for payment
154 pursuant to the provisions of chapter 208, RSMo, or chapter 630, RSMo, or for
155 payment from Title XVIII or Title XIX of the federal Medicare program;

156 (18) Failure or refusal to properly guard against contagious, infectious or
157 communicable diseases or the spread thereof; maintaining an unsanitary office

158 or performing professional services under unsanitary conditions; or failure to
159 report the existence of an unsanitary condition in the office of a physician or in
160 any health care facility to the board, in writing, within thirty days after the
161 discovery thereof;

162 (19) Any candidate for licensure or person licensed to practice as a
163 physical therapist, paying or offering to pay a referral fee or, notwithstanding
164 section 334.010 to the contrary, practicing or offering to practice professional
165 physical therapy independent of the prescription and direction of a person
166 licensed and registered as a physician and surgeon pursuant to this chapter, as
167 a dentist pursuant to chapter 332, RSMo, as a podiatrist pursuant to chapter 330,
168 RSMo, **as an advanced practice registered nurse under chapter 335**, or
169 any licensed and registered physician, dentist, [or] podiatrist, **or advanced**
170 **practice registered nurse** practicing in another jurisdiction, whose license is
171 in good standing;

172 (20) Any candidate for licensure or person licensed to practice as a
173 physical therapist, treating or attempting to treat ailments or other health
174 conditions of human beings other than by professional physical therapy and as
175 authorized by sections 334.500 to 334.620;

176 (21) Any person licensed to practice as a physician or surgeon, requiring,
177 as a condition of the physician-patient relationship, that the patient receive
178 prescribed drugs, devices or other professional services directly from facilities of
179 that physician's office or other entities under that physician's ownership or
180 control. A physician shall provide the patient with a prescription which may be
181 taken to the facility selected by the patient and a physician knowingly failing to
182 disclose to a patient on a form approved by the advisory commission for
183 professional physical therapists as established by section 334.625 which is dated
184 and signed by a patient or guardian acknowledging that the patient or guardian
185 has read and understands that the physician has a pecuniary interest in a
186 physical therapy or rehabilitation service providing prescribed treatment and that
187 the prescribed treatment is available on a competitive basis. This subdivision
188 shall not apply to a referral by one physician to another physician within a group
189 of physicians practicing together;

190 (22) A pattern of personal use or consumption of any controlled substance
191 unless it is prescribed, dispensed or administered by another physician who is
192 authorized by law to do so;

193 (23) Revocation, suspension, limitation or restriction of any kind

194 whatsoever of any controlled substance authority, whether agreed to voluntarily
195 or not;

196 (24) For a physician to operate, conduct, manage, or establish an abortion
197 facility, or for a physician to perform an abortion in an abortion facility, if such
198 facility comes under the definition of an ambulatory surgical center pursuant to
199 sections 197.200 to 197.240, RSMo, and such facility has failed to obtain or renew
200 a license as an ambulatory surgical center;

201 (25) Being unable to practice as a physician and surgeon or with a
202 specialty with reasonable skill and safety to patients by reasons of medical or
203 osteopathic incompetency, or because of illness, drunkenness, excessive use of
204 drugs, narcotics, chemicals, or as a result of any mental or physical
205 condition. The following shall apply to this subdivision:

206 (a) In enforcing this subdivision the board shall, after a hearing by the
207 board, upon a finding of probable cause, require a physician to submit to a
208 reexamination for the purpose of establishing his or her competency to practice
209 as a physician or surgeon or with a specialty conducted in accordance with rules
210 adopted for this purpose by the board, including rules to allow the examination
211 of the pattern and practice of such physician's or surgeon's professional conduct,
212 or to submit to a mental or physical examination or combination thereof by at
213 least three physicians, one selected by the physician compelled to take the
214 examination, one selected by the board, and one selected by the two physicians
215 so selected who are graduates of a professional school approved and accredited
216 as reputable by the association which has approved and accredited as reputable
217 the professional school from which the licentiate graduated. However, if the
218 physician is a graduate of a medical school not accredited by the American
219 Medical Association or American Osteopathic Association, then each party shall
220 choose any physician who is a graduate of a medical school accredited by the
221 American Medical Association or the American Osteopathic Association;

222 (b) For the purpose of this subdivision, every physician licensed pursuant
223 to this chapter is deemed to have consented to submit to a mental or physical
224 examination when directed in writing by the board and further to have waived
225 all objections to the admissibility of the examining physician's testimony or
226 examination reports on the ground that the examining physician's testimony or
227 examination is privileged;

228 (c) In addition to ordering a physical or mental examination to determine
229 competency, the board may, notwithstanding any other law limiting access to

230 medical or other health data, obtain medical data and health records relating to
231 a physician or applicant without the physician's or applicant's consent;

232 (d) Written notice of the reexamination or the physical or mental
233 examination shall be sent to the physician, by registered mail, addressed to the
234 physician at the physician's last known address. Failure of a physician to
235 designate an examining physician to the board or failure to submit to the
236 examination when directed shall constitute an admission of the allegations
237 against the physician, in which case the board may enter a final order without
238 the presentation of evidence, unless the failure was due to circumstances beyond
239 the physician's control. A physician whose right to practice has been affected
240 under this subdivision shall, at reasonable intervals, be afforded an opportunity
241 to demonstrate that the physician can resume the competent practice as a
242 physician and surgeon with reasonable skill and safety to patients;

243 (e) In any proceeding pursuant to this subdivision neither the record of
244 proceedings nor the orders entered by the board shall be used against a physician
245 in any other proceeding. Proceedings under this subdivision shall be conducted
246 by the board without the filing of a complaint with the administrative hearing
247 commission;

248 (f) When the board finds any person unqualified because of any of the
249 grounds set forth in this subdivision, it may enter an order imposing one or more
250 of the disciplinary measures set forth in subsection 4 of this section.

251 3. Collaborative practice arrangements, protocols and standing orders
252 shall be in writing and signed and dated by a physician prior to their
253 implementation.

254 4. After the filing of such complaint before the administrative hearing
255 commission, the proceedings shall be conducted in accordance with the provisions
256 of chapter 621, RSMo. Upon a finding by the administrative hearing commission
257 that the grounds, provided in subsection 2 of this section, for disciplinary action
258 are met, the board may, singly or in combination, warn, censure or place the
259 person named in the complaint on probation on such terms and conditions as the
260 board deems appropriate for a period not to exceed ten years, or may suspend the
261 person's license, certificate or permit for a period not to exceed three years, or
262 restrict or limit the person's license, certificate or permit for an indefinite period
263 of time, or revoke the person's license, certificate, or permit, or administer a
264 public or private reprimand, or deny the person's application for a license, or
265 permanently withhold issuance of a license or require the person to submit to the

266 care, counseling or treatment of physicians designated by the board at the
267 expense of the individual to be examined, or require the person to attend such
268 continuing educational courses and pass such examinations as the board may
269 direct.

270 5. In any order of revocation, the board may provide that the person may
271 not apply for reinstatement of the person's license for a period of time ranging
272 from two to seven years following the date of the order of revocation. All stay
273 orders shall toll this time period.

274 6. Before restoring to good standing a license, certificate or permit issued
275 pursuant to this chapter which has been in a revoked, suspended or inactive state
276 for any cause for more than two years, the board may require the applicant to
277 attend such continuing medical education courses and pass such examinations as
278 the board may direct.

279 7. In any investigation, hearing or other proceeding to determine a
280 licensee's or applicant's fitness to practice, any record relating to any patient of
281 the licensee or applicant shall be discoverable by the board and admissible into
282 evidence, regardless of any statutory or common law privilege which such
283 licensee, applicant, record custodian or patient might otherwise invoke. In
284 addition, no such licensee, applicant, or record custodian may withhold records
285 or testimony bearing upon a licensee's or applicant's fitness to practice on the
286 ground of privilege between such licensee, applicant or record custodian and a
287 patient.

334.506. 1. As used in this section, "approved health care provider"
2 means a person holding a current and active license as a physician and surgeon
3 under this chapter, a chiropractor under chapter 331, RSMo, a dentist under
4 chapter 332, RSMo, a podiatrist under chapter 330, RSMo, a physician assistant
5 under this chapter, **an advanced practice registered nurse under chapter**
6 **335**, or any licensed and registered physician, chiropractor, dentist, or podiatrist
7 practicing in another jurisdiction whose license is in good standing.

8 2. A physical therapist shall not initiate treatment for a new injury or
9 illness without a prescription from an approved health care provider.

10 3. A physical therapist may provide educational resources and training,
11 develop fitness or wellness programs for asymptomatic persons, or provide
12 screening or consultative services within the scope of physical therapy practice
13 without the prescription and direction of an approved health care provider.

14 4. A physical therapist may examine and treat without the prescription

15 and direction of an approved health care provider any person with a recurring
16 self-limited injury within one year of diagnosis by an approved health care
17 provider or a chronic illness that has been previously diagnosed by an approved
18 health care provider. The physical therapist shall:

19 (1) Contact the patient's current approved health care provider within
20 seven days of initiating physical therapy services under this subsection;

21 (2) Not change an existing physical therapy referral available to the
22 physical therapist without approval of the patient's current approved health care
23 provider;

24 (3) Refer to an approved health care provider any patient whose medical
25 condition at the time of examination or treatment is determined to be beyond the
26 scope of practice of physical therapy;

27 (4) Refer to an approved health care provider any patient whose condition
28 for which physical therapy services are rendered under this subsection has not
29 been documented to be progressing toward documented treatment goals after six
30 visits or fourteen days, whichever first occurs;

31 (5) Notify the patient's current approved health care provider prior to the
32 continuation of treatment if treatment rendered under this subsection is to
33 continue beyond thirty days. The physical therapist shall provide such
34 notification for each successive period of thirty days.

35 5. The provision of physical therapy services of evaluation and screening
36 pursuant to this section shall be limited to a physical therapist, and any
37 authority for evaluation and screening granted within this section may not be
38 delegated. Upon each reinitiation of physical therapy services, a physical
39 therapist shall provide a full physical therapy evaluation prior to the reinitiation
40 of physical therapy treatment. Physical therapy treatment provided pursuant to
41 the provisions of subsection 4 of this section may be delegated by physical
42 therapists to physical therapist assistants only if the patient's current approved
43 health care provider has been so informed as part of the physical therapist's
44 seven-day notification upon reinitiation of physical therapy services as required
45 in subsection 4 of this section. Nothing in this subsection shall be construed as
46 to limit the ability of physical therapists or physical therapist assistants to
47 provide physical therapy services in accordance with the provisions of this
48 chapter, and upon the referral of an approved health care provider. Nothing in
49 this subsection shall prohibit an approved health care provider from acting within
50 the scope of their practice as defined by the applicable chapters of RSMo.

51 6. No person licensed to practice, or applicant for licensure, as a physical
52 therapist or physical therapist assistant shall make a medical diagnosis.

53 7. A physical therapist shall only delegate physical therapy treatment to
54 a physical therapist assistant or to a person in an entry level of a professional
55 education program approved by the Commission for Accreditation of Physical
56 Therapists and Physical Therapist Assistant Education (CAPTE) who satisfies
57 supervised clinical education requirements related to the person's physical
58 therapist or physical therapist assistant education. The entry-level person shall
59 be under on-site supervision of a physical therapist.

 334.613. 1. The board may refuse to issue or renew a license to practice
2 as a physical therapist or physical therapist assistant for one or any combination
3 of causes stated in subsection 2 of this section. The board shall notify the
4 applicant in writing of the reasons for the refusal and shall advise the applicant
5 of the applicant's right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo. As an alternative to a refusal to
7 issue or renew a license to practice as a physical therapist or physical therapist
8 assistant, the board may, at its discretion, issue a license which is subject to
9 probation, restriction, or limitation to an applicant for licensure for any one or
10 any combination of causes stated in subsection 2 of this section. The board's
11 order of probation, limitation, or restriction shall contain a statement of the
12 discipline imposed, the basis therefor, the date such action shall become effective,
13 and a statement that the applicant has thirty days to request in writing a hearing
14 before the administrative hearing commission. If the board issues a probationary,
15 limited, or restricted license to an applicant for licensure, either party may file
16 a written petition with the administrative hearing commission within thirty days
17 of the effective date of the probationary, limited, or restricted license seeking
18 review of the board's determination. If no written request for a hearing is
19 received by the administrative hearing commission within the thirty-day period,
20 the right to seek review of the board's decision shall be considered as waived.

21 2. The board may cause a complaint to be filed with the administrative
22 hearing commission as provided by chapter 621, RSMo, against any holder of a
23 license to practice as a physical therapist or physical therapist assistant who has
24 failed to renew or has surrendered his or her license for any one or any
25 combination of the following causes:

26 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or
27 alcoholic beverage to an extent that such use impairs a person's ability to perform

28 the work of a physical therapist or physical therapist assistant;

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

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

40 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct,
41 or unprofessional conduct in the performance of the functions or duties of a
42 physical therapist or physical therapist assistant, including but not limited to the
43 following:

44 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other
45 compensation by fraud, deception, or misrepresentation; willfully and continually
46 overcharging or overtreating patients; or charging for sessions of physical therapy
47 which did not occur unless the services were contracted for in advance, or for
48 services which were not rendered or documented in the patient's records;

49 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or
50 deception, to obtain or retain a patient or discourage the use of a second opinion
51 or consultation;

52 (c) Willfully and continually performing inappropriate or unnecessary
53 treatment or services;

54 (d) Delegating professional responsibilities to a person who is not
55 qualified by training, skill, competency, age, experience, or licensure to perform
56 such responsibilities;

57 (e) Misrepresenting that any disease, ailment, or infirmity can be cured
58 by a method, procedure, treatment, medicine, or device;

59 (f) Performing services which have been declared by board rule to be of no
60 physical therapy value;

61 (g) Final disciplinary action by any professional association, professional
62 society, licensed hospital or medical staff of the hospital, or physical therapy
63 facility in this or any other state or territory, whether agreed to voluntarily or

64 not, and including but not limited to any removal, suspension, limitation, or
65 restriction of the person's professional employment, malpractice, or any other
66 violation of any provision of this chapter;

67 (h) Administering treatment without sufficient examination, or for other
68 than medically accepted therapeutic or experimental or investigative purposes
69 duly authorized by a state or federal agency, or not in the course of professional
70 physical therapy practice;

71 (i) Engaging in or soliciting sexual relationships, whether consensual or
72 nonconsensual, while a physical therapist or physical therapist assistant/patient
73 relationship exists; making sexual advances, requesting sexual favors, or
74 engaging in other verbal conduct or physical contact of a sexual nature with
75 patients or clients;

76 (j) Terminating the care of a patient without adequate notice or without
77 making other arrangements for the continued care of the patient;

78 (k) Failing to furnish details of a patient's physical therapy records to
79 treating physicians, other physical therapists, or hospitals upon proper request;
80 or failing to comply with any other law relating to physical therapy records;

81 (l) Failure of any applicant or licensee, other than the licensee subject to
82 the investigation, to cooperate with the board during any investigation;

83 (m) Failure to comply with any subpoena or subpoena duces tecum from
84 the board or an order of the board;

85 (n) Failure to timely pay license renewal fees specified in this chapter;

86 (o) Violating a probation agreement with this board or any other licensing
87 agency;

88 (p) Failing to inform the board of the physical therapist's or physical
89 therapist assistant's current telephone number, residence, and business address;

90 (q) Advertising by an applicant or licensee which is false or misleading,
91 or which violates any rule of the board, or which claims without substantiation
92 the positive cure of any disease, or professional superiority to or greater skill
93 than that possessed by any other physical therapist or physical therapist
94 assistant. An applicant or licensee shall also be in violation of this provision if
95 the applicant or licensee has a financial interest in any organization, corporation,
96 or association which issues or conducts such advertising;

97 (5) Any conduct or practice which is or might be harmful or dangerous to
98 the mental or physical health of a patient or the public; or incompetency, gross
99 negligence, or repeated negligence in the performance of the functions or duties

100 of a physical therapist or physical therapist assistant. For the purposes of this
101 subdivision, "repeated negligence" means the failure, on more than one occasion,
102 to use that degree of skill and learning ordinarily used under the same or similar
103 circumstances by the member of the applicant's or licensee's profession;

104 (6) Violation of, or attempting to violate, directly or indirectly, or assisting
105 or enabling any person to violate, any provision of this chapter, or of any lawful
106 rule adopted under this chapter;

107 (7) Impersonation of any person licensed as a physical therapist or
108 physical therapist assistant or allowing any person to use his or her license or
109 diploma from any school;

110 (8) Revocation, suspension, restriction, modification, limitation,
111 reprimand, warning, censure, probation, or other final disciplinary action against
112 a physical therapist or physical therapist assistant for a license or other right to
113 practice as a physical therapist or physical therapist assistant by another state,
114 territory, federal agency or country, whether or not voluntarily agreed to by the
115 licensee or applicant, including but not limited to the denial of licensure,
116 surrender of the license, allowing the license to expire or lapse, or discontinuing
117 or limiting the practice of physical therapy while subject to an investigation or
118 while actually under investigation by any licensing authority, medical facility,
119 branch of the armed forces of the United States of America, insurance company,
120 court, agency of the state or federal government, or employer;

121 (9) A person is finally adjudged incapacitated or disabled by a court of
122 competent jurisdiction;

123 (10) Assisting or enabling any person to practice or offer to practice who
124 is not licensed and currently eligible to practice under this chapter; or knowingly
125 performing any act which in any way aids, assists, procures, advises, or
126 encourages any person to practice physical therapy who is not licensed and
127 currently eligible to practice under this chapter;

128 (11) Issuance of a license to practice as a physical therapist or physical
129 therapist assistant based upon a material mistake of fact;

130 (12) Failure to display a valid license pursuant to practice as a physical
131 therapist or physical therapist assistant;

132 (13) Knowingly making, or causing to be made, or aiding, or abetting in
133 the making of, a false statement in any document executed in connection with the
134 practice of physical therapy;

135 (14) Soliciting patronage in person or by agents or representatives, or by

136 any other means or manner, under the person's own name or under the name of
137 another person or concern, actual or pretended, in such a manner as to confuse,
138 deceive, or mislead the public as to the need or necessity for or appropriateness
139 of physical therapy services for all patients, or the qualifications of an individual
140 person or persons to render, or perform physical therapy services;

141 (15) Using, or permitting the use of, the person's name under the
142 designation of "physical therapist", "physiotherapist", "registered physical
143 therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical
144 therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation
145 with reference to the commercial exploitation of any goods, wares or merchandise;

146 (16) Knowingly making or causing to be made a false statement or
147 misrepresentation of a material fact, with intent to defraud, for payment under
148 chapter 208, RSMo, or chapter 630, RSMo, or for payment from Title XVIII or
149 Title XIX of the federal Medicare program;

150 (17) Failure or refusal to properly guard against contagious, infectious,
151 or communicable diseases or the spread thereof; maintaining an unsanitary
152 facility or performing professional services under unsanitary conditions; or failure
153 to report the existence of an unsanitary condition in any physical therapy facility
154 to the board, in writing, within thirty days after the discovery thereof;

155 (18) Any candidate for licensure or person licensed to practice as a
156 physical therapist or physical therapist assistant paying or offering to pay a
157 referral fee or, notwithstanding section 334.010 to the contrary, practicing or
158 offering to practice professional physical therapy independent of the prescription
159 and direction of a person licensed and registered as a physician and surgeon
160 under this chapter, as a physician assistant under this chapter, as a chiropractor
161 under chapter 331, RSMo, as a dentist under chapter 332, RSMo, as a podiatrist
162 under chapter 330, RSMo, **as an advanced practice registered nurse under**
163 **chapter 335**, or any licensed and registered physician, chiropractor, dentist, [or],
164 podiatrist, **or advanced practice registered nurse** practicing in another
165 jurisdiction, whose license is in good standing;

166 (19) Any candidate for licensure or person licensed to practice as a
167 physical therapist or physical therapist assistant treating or attempting to treat
168 ailments or other health conditions of human beings other than by professional
169 physical therapy and as authorized by sections 334.500 to 334.685;

170 (20) A pattern of personal use or consumption of any controlled substance
171 unless it is prescribed, dispensed, or administered by a physician who is

172 authorized by law to do so;

173 (21) Failing to maintain adequate patient records under 334.602;

174 (22) Attempting to engage in conduct that subverts or undermines the
175 integrity of the licensing examination or the licensing examination process,
176 including but not limited to utilizing in any manner recalled or memorized
177 licensing examination questions from or with any person or entity, failing to
178 comply with all test center security procedures, communicating or attempting to
179 communicate with any other examinees during the test, or copying or sharing
180 licensing examination questions or portions of questions;

181 (23) Any candidate for licensure or person licensed to practice as a
182 physical therapist or physical therapist assistant who requests, receives,
183 participates or engages directly or indirectly in the division, transferring,
184 assigning, rebating or refunding of fees received for professional services or
185 profits by means of a credit or other valuable consideration such as wages, an
186 unearned commission, discount or gratuity with any person who referred a
187 patient, or with any relative or business associate of the referring person;

188 (24) Being unable to practice as a physical therapist or physical therapist
189 assistant with reasonable skill and safety to patients by reasons of incompetency,
190 or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals,
191 or as a result of any mental or physical condition. The following shall apply to
192 this subdivision:

193 (a) In enforcing this subdivision the board shall, after a hearing by the
194 board, upon a finding of probable cause, require a physical therapist or physical
195 therapist assistant to submit to a reexamination for the purpose of establishing
196 his or her competency to practice as a physical therapist or physical therapist
197 assistant conducted in accordance with rules adopted for this purpose by the
198 board, including rules to allow the examination of the pattern and practice of
199 such physical therapist's or physical therapist assistant's professional conduct,
200 or to submit to a mental or physical examination or combination thereof by a
201 facility or professional approved by the board;

202 (b) For the purpose of this subdivision, every physical therapist and
203 physical therapist assistant licensed under this chapter is deemed to have
204 consented to submit to a mental or physical examination when directed in writing
205 by the board;

206 (c) In addition to ordering a physical or mental examination to determine
207 competency, the board may, notwithstanding any other law limiting access to

208 medical or other health data, obtain medical data and health records relating to
209 a physical therapist, physical therapist assistant or applicant without the
210 physical therapist's, physical therapist assistant's or applicant's consent;

211 (d) Written notice of the reexamination or the physical or mental
212 examination shall be sent to the physical therapist or physical therapist
213 assistant, by registered mail, addressed to the physical therapist or physical
214 therapist assistant at the physical therapist's or physical therapist assistant's
215 last known address. Failure of a physical therapist or physical therapist
216 assistant to submit to the examination when directed shall constitute an
217 admission of the allegations against the physical therapist or physical therapist
218 assistant, in which case the board may enter a final order without the
219 presentation of evidence, unless the failure was due to circumstances beyond the
220 physical therapist's or physical therapist assistant's control. A physical therapist
221 or physical therapist assistant whose right to practice has been affected under
222 this subdivision shall, at reasonable intervals, be afforded an opportunity to
223 demonstrate that the physical therapist or physical therapist assistant can
224 resume the competent practice as a physical therapist or physical therapist
225 assistant with reasonable skill and safety to patients;

226 (e) In any proceeding under this subdivision neither the record of
227 proceedings nor the orders entered by the board shall be used against a physical
228 therapist or physical therapist assistant in any other proceeding. Proceedings
229 under this subdivision shall be conducted by the board without the filing of a
230 complaint with the administrative hearing commission;

231 (f) When the board finds any person unqualified because of any of the
232 grounds set forth in this subdivision, it may enter an order imposing one or more
233 of the disciplinary measures set forth in subsection 3 of this section.

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

239 (1) Warn, censure or place the physical therapist or physical therapist
240 assistant named in the complaint on probation on such terms and conditions as
241 the board deems appropriate for a period not to exceed ten years;

242 (2) Suspend the physical therapist's or physical therapist assistant's
243 license for a period not to exceed three years;

244 (3) Restrict or limit the physical therapist's or physical therapist
245 assistant's license for an indefinite period of time;

246 (4) Revoke the physical therapist's or physical therapist assistant's
247 license;

248 (5) Administer a public or private reprimand;

249 (6) Deny the physical therapist's or physical therapist assistant's
250 application for a license;

251 (7) Permanently withhold issuance of a license;

252 (8) Require the physical therapist or physical therapist assistant to
253 submit to the care, counseling or treatment of physicians designated by the board
254 at the expense of the physical therapist or physical therapist assistant to be
255 examined;

256 (9) Require the physical therapist or physical therapist assistant to attend
257 such continuing educational courses and pass such examinations as the board
258 may direct.

259 4. In any order of revocation, the board may provide that the physical
260 therapist or physical therapist assistant shall not apply for reinstatement of the
261 physical therapist's or physical therapist assistant's license for a period of time
262 ranging from two to seven years following the date of the order of revocation. All
263 stay orders shall toll this time period.

264 5. Before restoring to good standing a license issued under this chapter
265 which has been in a revoked, suspended, or inactive state for any cause for more
266 than two years, the board may require the applicant to attend such continuing
267 medical education courses and pass such examinations as the board may direct.

268 6. In any investigation, hearing or other proceeding to determine a
269 physical therapist's, physical therapist assistant's or applicant's fitness to
270 practice, any record relating to any patient of the physical therapist, physical
271 therapist assistant, or applicant shall be discoverable by the board and
272 admissible into evidence, regardless of any statutory or common law privilege
273 which such physical therapist, physical therapist assistant, applicant, record
274 custodian, or patient might otherwise invoke. In addition, no such physical
275 therapist, physical therapist assistant, applicant, or record custodian may
276 withhold records or testimony bearing upon a physical therapist's, physical
277 therapist assistant's, or applicant's fitness to practice on the [ground] **grounds**
278 of privilege between such physical therapist, physical therapist assistant,
279 applicant, or record custodian and a patient.

**335.075. 1. Before hiring a registered nurse, licensed practical
2 nurse, or advanced practice registered nurse in Missouri, an employer
3 shall verify that the applicant has a current, valid license to practice
4 nursing under chapter 335. This section shall not apply for employment
5 which does not require the possession of a current, valid license to
6 practice nursing.**

**7 2. Employers shall have a process in place to verify licensure
8 status of each registered nurse, licensed practical nurse, or advanced
9 practice registered nurse coinciding with the license renewal.**

335.081. So long as the person involved does not represent or hold himself
2 or herself out as a nurse licensed to practice in this state, no provision of sections
3 335.011 to 335.096 shall be construed as prohibiting:

4 (1) The practice of any profession for which a license is required and
5 issued pursuant to the laws of this state by a person duly licensed to practice that
6 profession;

7 (2) The services rendered by technicians, nurses' aides or their equivalent
8 trained and employed in public or private hospitals and licensed long-term care
9 facilities except the services rendered in licensed long-term care facilities shall
10 be limited to administering medication, excluding injectable other than insulin;

11 (3) The providing of nursing care by friends or members of the family of
12 the person receiving such care;

13 (4) The incidental care of the sick, aged, or infirm by domestic servants
14 or persons primarily employed as housekeepers;

15 (5) The furnishing of nursing assistance in the case of an emergency
16 situation;

17 (6) The practice of nursing under proper supervision:

18 (a) As a part of the course of study by students enrolled in approved
19 schools of professional nursing or in schools of practical nursing;

20 (b) By graduates of accredited nursing programs pending the results of
21 the first licensing examination or ninety days after graduation, whichever first
22 occurs;

23 (c) A graduate nurse who is prevented from attending the first licensing
24 examination following graduation by reason of active duty in the military may
25 practice as a graduate nurse pending the results of the first licensing examination
26 scheduled by the board following the release of such graduate nurse from active
27 military duty or pending the results of the first licensing examination taken by

28 the graduate nurse while involved in active military service whichever comes
29 first;

30 (7) The practice of nursing in this state by any legally qualified nurse
31 duly licensed to practice in another state whose engagement requires such nurse
32 to accompany and care for a patient temporarily residing in this state for a period
33 not to exceed six months;

34 (8) The practice of any legally qualified nurse who is employed by the
35 government of the United States or any bureau, division or agency thereof, while
36 in the discharge of his or her official duties or to the practice of any legally
37 qualified nurse serving in the armed forces of the United States while stationed
38 within this state;

39 (9) Nonmedical nursing care of the sick with or without compensation
40 when done in connection with the practice of the religious tenets of any church
41 by adherents thereof, as long as they do not engage in the practice of nursing as
42 defined in sections 335.011 to 335.096;

43 **(10) The practice of any legally qualified and licensed nurse of**
44 **another state, territory, or foreign country whose responsibilities**
45 **include transporting patients into, out of, or through this state while**
46 **actively engaged in patient transport that does not exceed forty-eight**
47 **hours in this state.**

337.528. 1. If the committee finds merit to a complaint by an individual
2 incarcerated or under the care and control of the department of corrections **or by**
3 **an individual who has been ordered to be taken into custody, detained,**
4 **or held under sections 632.480 to 632.513** and takes further investigative
5 action, no documentation may appear on file or disciplinary action may be taken
6 in regards to the licensee's license unless the provisions of subsection 2 of section
7 337.525 have been violated. Any case file documentation that does not result in
8 the committee filing an action under subsection 2 of section 337.525 shall be
9 destroyed within three months after the final case disposition by the board. No
10 notification to any other licensing board in another state or any national registry
11 regarding any investigative action shall be made unless the provisions of
12 subsection 2 of section 337.525 have been violated.

13 2. Upon written request of the licensed professional counselor subject to
14 a complaint, prior to August 28, 2007, by an individual incarcerated or under the
15 care and control of the department of corrections **or prior to August 28, 2010,**
16 **by an individual who has been ordered to be taken into custody,**

17 **detained, or held under sections 632.480 to 632.513** that did not result in
18 the committee filing an action under subsection 2 of section 337.525, the
19 committee and the division of professional registration shall in a timely fashion:

20 (1) Destroy all documentation regarding the complaint;

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

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

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

337.600. As used in sections 337.600 to 337.689, the following terms
2 mean:

3 (1) "Advanced macro social worker", the applications of social work theory,
4 knowledge, methods, principles, values, and ethics; and the professional use of
5 self to community and organizational systems, systemic and macrocosm issues,
6 and other indirect nonclinical services; specialized knowledge and advanced
7 practice skills in case management, information and referral, nonclinical
8 assessments, counseling, outcome evaluation, mediation, nonclinical supervision,
9 nonclinical consultation, expert testimony, education, outcome evaluation,
10 research, advocacy, social planning and policy development, community
11 organization, and the development, implementation and administration of
12 policies, programs, and activities. A licensed advanced macro social worker may
13 not treat mental or emotional disorders or provide psychotherapy without the
14 direct supervision of a licensed clinical social worker, or diagnose a mental
15 disorder;

16 (2) "Clinical social work", the application of social work theory, knowledge,
17 values, methods, principles, and techniques of case work, group work,
18 client-centered advocacy, community organization, administration, planning,
19 evaluation, consultation, research, psychotherapy and counseling methods and
20 techniques to persons, families and groups in assessment, diagnosis, treatment,
21 prevention and amelioration of mental and emotional conditions;

22 (3) "Committee", the state committee for social workers established in
23 section 337.622;

24 (4) "Department", the Missouri department of insurance, financial
25 institutions and professional registration;

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

27 (6) "Division", the division of professional registration;

28 (7) "Independent practice", any practice of social workers outside of an
29 organized setting such as a social, medical, or governmental agency in which a
30 social worker assumes responsibility and accountability for services required;

31 (8) "Licensed advanced macro social worker", any person who offers to
32 render services to individuals, groups, families, couples, organizations,
33 institutions, communities, government agencies, corporations, or the general
34 public for a fee, monetary or otherwise, implying that the person is trained,
35 experienced, and licensed as an advanced macro social worker, and who holds a
36 current valid license to practice as an advanced macro social worker;

37 (9) "Licensed baccalaureate social worker", any person who offers to
38 render services to individuals, groups, organizations, institutions, corporations,
39 government agencies, or the general public for a fee, monetary or otherwise,
40 implying that the person is trained, experienced, and licensed as a baccalaureate
41 social worker, and who holds a current valid license to practice as a baccalaureate
42 social worker;

43 (10) "Licensed clinical social worker", any person who offers to render
44 services to individuals, groups, organizations, institutions, corporations,
45 government agencies, or the general public for a fee, monetary or otherwise,
46 implying that the person is trained, experienced, and licensed as a clinical social
47 worker, and who holds a current, valid license to practice as a clinical social
48 worker;

49 (11) "Licensed master social worker", any person who offers to render
50 services to individuals, groups, families, couples, organizations, institutions,
51 communities, government agencies, corporations, or the general public for a fee,
52 monetary or otherwise, implying that the person is trained, experienced, and
53 licensed as a master social worker, and who holds a current valid license to
54 practice as a master social worker. A licensed master social worker may not treat
55 mental or emotional disorders, provide psychotherapy without the direct
56 supervision of a licensed clinical social worker, or diagnose a mental disorder;

57 (12) "Master social work", the application of social work theory,

58 knowledge, methods, and ethics and the professional use of self to restore or
59 enhance social, psychosocial, or biopsychosocial functioning of individuals,
60 couples, families, groups, organizations, communities, institutions, government
61 agencies, or corporations. The practice includes the applications of specialized
62 knowledge and advanced practice skills in the areas of assessment, treatment
63 planning, implementation and evaluation, case management, mediation,
64 information and referral, counseling, client education, supervision, consultation,
65 education, research, advocacy, community organization and development,
66 planning, evaluation, implementation and administration of policies, programs,
67 and activities. Under supervision as provided in this section, the practice of
68 master social work may include the practices reserved to clinical social workers
69 or advanced macro social workers **for no more than forty-eight consecutive**
70 **calendar months for the purpose of obtaining licensure under section**
71 **337.615 or 337.645;**

72 (13) "Practice of advanced macro social work", rendering, offering to
73 render, or supervising those who render to individuals, couples, families, groups,
74 organizations, institutions, corporations, government agencies, communities, or
75 the general public any service involving the application of methods, principles,
76 and techniques of advanced practice macro social work;

77 (14) "Practice of baccalaureate social work", rendering, offering to render,
78 or supervising those who render to individuals, families, groups, organizations,
79 institutions, corporations, or the general public any service involving the
80 application of methods, principles, and techniques of baccalaureate social work;

81 (15) "Practice of clinical social work", rendering, offering to render, or
82 supervising those who render to individuals, couples, groups, organizations,
83 institutions, corporations, or the general public any service involving the
84 application of methods, principles, and techniques of clinical social work;

85 (16) "Practice of master social work", rendering, offering to render, or
86 supervising those who render to individuals, couples, families, groups,
87 organizations, institutions, corporations, government agencies, communities, or
88 the general public any service involving the application of methods, principles,
89 and techniques of master social work;

90 (17) ["Provisional licensed clinical social worker", any person who is a
91 graduate of an accredited school of social work and meets all requirements of a
92 licensed clinical social worker, other than the supervised clinical social work
93 experience prescribed by subdivision (2) of subsection 1 of section 337.615, and

94 who is supervised by a person who is qualified to practice clinical social work, as
95 defined by rule;

96 (18)] "Qualified advanced macro supervisor", any licensed social worker
97 who meets the qualifications of a qualified clinical supervisor or a licensed
98 advanced macro social worker who has:

99 (a) Practiced in the field **of social work as a licensed social worker**
100 for which he or she is supervising the applicant for a minimum [uninterrupted
101 period] of five years;

102 (b) Successfully completed a minimum of sixteen hours of supervisory
103 training from the Association of Social Work Boards, the National Association of
104 Social Workers, an accredited university, or a program approved by the state
105 committee for social workers. All organizations providing the supervisory
106 training shall adhere to the basic content and quality standards outlined by the
107 state committee on social work; and

108 (c) Met all the requirements of sections 337.600 to 337.689, and as defined
109 by rule by the state committee for social workers;

110 [(19)] (18) "Qualified baccalaureate supervisor", any licensed social
111 worker who meets the qualifications of a qualified clinical supervisor, qualified
112 master supervisor, qualified advanced macro supervisor, or a licensed
113 baccalaureate social worker who has:

114 (a) Practiced in the field **of social work as a licensed social worker**
115 for which he or she is supervising the applicant for a minimum [uninterrupted
116 period] of five years;

117 (b) Successfully completed a minimum of sixteen hours of supervisory
118 training from the Association of Social Work Boards, the National Association of
119 Social Workers, an accredited university, or a program approved by the state
120 committee for social workers. All organizations providing the supervisory
121 training shall adhere to the basic content and quality standards outlined by the
122 state committee on social workers; and

123 (c) Met all the requirements of sections 337.600 to 337.689, and as defined
124 by rule by the state committee for social workers;

125 [(20)] (19) "Qualified clinical supervisor", any licensed clinical social
126 worker who has:

127 (a) Practiced in the field **of social work as a licensed social worker**
128 for which he or she is supervising the applicant [uninterrupted since August 28,
129 2004, or] **for** a minimum of five years;

130 (b) Successfully completed a minimum of sixteen hours of supervisory
131 training from the Association of Social Work Boards, the National Association of
132 Social Workers, an accredited university, or a program approved by the state
133 committee for social workers. All organizations providing the supervisory
134 training shall adhere to the basic content and quality standards outlined by the
135 state committee on social work; and

136 (c) Met all the requirements of sections 337.600 to 337.689, and as defined
137 by rule by the state committee for social workers;

138 [(21)] **(20)** "Social worker", any individual that has:

139 (a) Received a baccalaureate or master's degree in social work from an
140 accredited social work program approved by the council on social work education;

141 (b) Received a doctorate or Ph.D. in social work; or

142 (c) A current social worker license as set forth in sections 337.600 to
143 337.689.

337.603. No person shall use the title of "licensed clinical social worker" [,]
2 or "clinical social worker" [or "provisional licensed clinical social worker"], or
3 engage in the practice of clinical social work in this state, unless the person is
4 licensed as required by the provisions of sections 337.600 to 337.689. Only
5 individuals who are licensed clinical social workers shall practice clinical social
6 work. Sections 337.600 to 337.689 shall not apply to:

7 (1) Any person registered, certificated, or licensed by this state, another
8 state, or any recognized national certification agent acceptable to the committee
9 to practice any other occupation or profession while rendering services similar in
10 nature to clinical social work in the performance of the occupation or profession
11 which the person is registered, certificated, or licensed; and

12 (2) The practice of any social worker who is employed by any agency or
13 department of the state of Missouri while discharging the person's duties in that
14 capacity.

337.615. 1. Each applicant for licensure as a clinical social worker shall
2 furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university
4 program of social work accredited by the council of social work education or a
5 doctorate degree from a school of social work acceptable to the committee;

6 (2) The applicant has completed three thousand hours of supervised
7 clinical experience with a qualified clinical supervisor, as defined in section
8 337.600, in no less than twenty-four months and no more than forty-eight

9 consecutive calendar months;

10 (3) The applicant has achieved a passing score, as defined by the
11 committee, on an examination approved by the committee. The eligibility
12 requirements for such examination shall be promulgated by rule of the committee;

13 (4) The applicant is at least eighteen years of age, is of good moral
14 character, is a United States citizen or has status as a legal resident alien, and
15 has not been convicted of a felony during the ten years immediately prior to
16 application for licensure.

17 2. Any person holding a current license, certificate of registration, or
18 permit from another state or territory of the United States or the District of
19 Columbia to practice clinical social work who has had no disciplinary action taken
20 against the license, certificate of registration, or permit for the preceding five
21 years may be granted a license to practice clinical social work in this state if the
22 person meets one of the following criteria:

23 (1) Has received a masters or doctoral degree from a college or university
24 program of social work accredited by the council of social work education and has
25 been licensed to practice clinical social work for the preceding five years; or

26 (2) Is currently licensed or certified as a clinical social worker in another
27 state, territory of the United States, or the District of Columbia having
28 substantially the same requirements as this state for clinical social workers.

29 3. The committee shall issue a license to each person who files an
30 application and fee as required by the provisions of sections 337.600 to 337.689
31 and who furnishes evidence satisfactory to the committee that the applicant has
32 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this
33 section or with the provisions of subsection 2 of this section. [The committee
34 shall issue a provisional clinical social worker license to any applicant who meets
35 all requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but
36 who has not completed the twenty-four months of supervised clinical experience
37 required by subdivision (2) of subsection 1 of this section, and such applicant may
38 reapply for licensure as a clinical social worker upon completion of the
39 twenty-four months of supervised clinical experience.]

337.618. Each license issued pursuant to the provisions of sections
2 337.600 to 337.689 shall expire on a renewal date established by the
3 director. The term of licensure shall be twenty-four months. The committee shall
4 require a minimum number of thirty clock hours of continuing education for
5 renewal of a license issued pursuant to sections 337.600 to 337.689. The

6 committee shall renew any license[, other than a provisional license,] upon
7 application for a renewal, completion of the required continuing education hours
8 and upon payment of the fee established by the committee pursuant to the
9 provisions of section 337.612. As provided by rule, the board may waive or extend
10 the time requirements for completion of continuing education for reasons related
11 to health, military service, foreign residency, or for other good cause. All requests
12 for waivers or extensions of time shall be made in writing and submitted to the
13 board before the renewal date.

337.643. 1. No person shall use the title of licensed master social worker
2 and engage in the practice of master social work in this state unless the person
3 is licensed as required by the provisions of this section and section 337.644.

4 2. A licensed master social worker shall be deemed qualified to practice
5 the applications of social work theory, knowledge, methods and ethics and the
6 professional use of self to restore or enhance social, psychosocial, or
7 biopsychosocial functioning of individuals, couples, families, groups,
8 organizations, and communities. "Master social work practice" includes the
9 applications of specialized knowledge and advanced practice skills in the
10 management, information and referral, counseling, supervision, consultation,
11 education, research, advocacy, community organization, and the development,
12 implementation, and administration of policies, programs, and activities. Under
13 supervision as provided in sections 337.600 to 337.689, the practice of master
14 social work may include the practices reserved to clinical social workers or
15 advanced macro social workers **for no more than forty-eight consecutive**
16 **calendar months for the purpose of obtaining licensure under section**
17 **337.615 or 337.645.**

337.700. As used in sections 337.700 to 337.739, the following terms
2 mean:

3 (1) "Committee", the state committee for [family and] marital **and family**
4 therapists;

5 (2) "Department", the Missouri department of insurance, financial
6 institutions and professional registration;

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

8 (4) "Division", the division of professional registration;

9 (5) "Fund", the marital and family therapists' fund created in section
10 337.712;

11 (6) "Licensed marital and family therapist", a person to whom a license

12 has been issued pursuant to the provisions of sections 337.700 to 337.739, whose
13 license is in force and not suspended or revoked;

14 (7) "Marital and family therapy", the use of scientific and applied
15 marriage and family theories, methods and procedures for the purpose of
16 describing, diagnosing, evaluating and modifying marital, family and individual
17 behavior within the context of marital and family systems, including the context
18 of marital formation and dissolution. Marriage and family therapy is based on
19 systems theories, marriage and family development, normal and dysfunctional
20 behavior, human sexuality and psychotherapeutic, marital and family therapy
21 theories and techniques and includes the use of marriage and family therapy
22 theories and techniques in the diagnosis, evaluation, assessment and treatment
23 of intrapersonal or interpersonal dysfunctions within the context of marriage and
24 family systems. Marriage and family therapy may also include clinical research
25 into more effective methods for the treatment and prevention of the above-named
26 conditions;

27 (8) "Practice of marital and family therapy", the rendering of professional
28 marital and family therapy services to individuals, family groups and marital
29 pairs, singly or in groups, whether such services are offered directly to the
30 general public or through organizations, either public or private, for a fee,
31 monetary or otherwise;

32 (9) **"Provisional licensed marital and family therapist", any**
33 **person who is a graduate of an acceptable education institution**
34 **described in subsection 1 of section 337.715 with at least a master's**
35 **degree in marital and family therapy, or its equivalent as defined by**
36 **state committee regulation, and meets all requirements of a licensed**
37 **marital and family therapist other than the supervised clinical**
38 **experience set forth in section 337.715, and who is supervised by a**
39 **person who is qualified to be a supervisor, as defined by state**
40 **committee regulation.**

337.703. No person shall use the title of "licensed marital and family
2 therapist", "marital and family therapist", "provisional **licensed** marital and
3 family therapist", or engage in the practice of marital and family therapy in this
4 state unless the person is licensed as required by the provisions of sections
5 337.700 to 337.739. Sections 337.700 to 337.739 shall not apply to:

6 (1) Any person registered, certificated or licensed by this state, another
7 state or any recognized national certification agent acceptable to the division to

8 practice any other occupation or profession while rendering services similar in
9 nature to marital and family therapy in the performance of the occupation or
10 profession in which the person is registered, certificated or licensed, so long as
11 the person does not use the title of "licensed marital and family therapist",
12 "marital and family therapist", or "provisional **licensed** marital and family
13 therapist";

14 (2) The practice of any marital and family therapist who is employed by
15 any political subdivision, school district, agency or department of the state of
16 Missouri while discharging the therapist's duties in that capacity; and

17 (3) Duly ordained ministers or clergy, religious workers and volunteers or
18 Christian Science Practitioners.

**337.705. No official, employee, board, commission, or agency of
2 the state of Missouri, any county, municipality, school district, or other
3 political subdivision of this state shall discriminate between persons
4 licensed under sections 337.700 to 337.739 when promulgating rules or
5 when requiring or recommending services that legally may be
6 performed by persons licensed under sections 337.700 to 337.739.**

337.706. 1. For a period of six months from September 1, 1995, a person
2 may apply for licensure without examination and shall be exempt from the
3 academic requirements of sections 337.700 to 337.739 if the division is satisfied
4 that the applicant:

5 (1) Has been a resident of the state of Missouri for at least the last six
6 months; and

7 (2) Holds a valid license as a marital and family therapist from another
8 state.

9 2. The division may determine by administrative rule the types of
10 documentation needed to verify that an applicant meets the qualifications
11 provided in subsection 1 of this section.

12 3. [After March 1, 1996,] No person may engage in marital and family
13 therapy for compensation or hold himself or herself out as a "licensed marital and
14 family therapist", "marital and family therapist", [or] "provisional **licensed**
15 marital and family therapist", or "**supervised marital and family therapist**"
16 unless the person complies with all educational and examination requirements
17 and is licensed in accordance with the provisions of sections 337.700 to 337.739.

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

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

8 (2) The applicant **for licensure as a marital and family therapist**
9 has twenty-four months of postgraduate supervised clinical experience acceptable
10 to the [division] **committee**, as the [division] **state committee** determines by
11 rule;

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

18 (4) Upon examination, the applicant is possessed of requisite knowledge
19 of the profession, including techniques and applications research and its
20 interpretation and professional affairs and ethics;

21 (5) The applicant is at least eighteen years of age, is of good moral
22 character, is a United States citizen or has status as a legal resident alien, and
23 has not been convicted of a felony during the ten years immediately prior to
24 application for licensure.

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

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

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

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

38 3. The state committee shall issue a license to each person who files an

39 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
2 337.700 to 337.739 shall expire on a renewal date established by the
3 director. The term of licensure shall be twenty-four months; however, the director
4 may establish a shorter term for the first licenses issued pursuant to sections
5 337.700 to 337.739. The division shall renew any license upon application for a
6 renewal and upon payment of the fee established by the division pursuant to the
7 provisions of section 337.712. Effective August 28, 2008, as a prerequisite for
8 renewal, each [licensee] **licensed marital and family therapist** shall furnish
9 to the committee satisfactory evidence of the completion of the requisite number
10 of hours of continuing education as defined by rule, which shall be no more than
11 forty contact hours biennially. The continuing education requirements may be
12 waived by the committee upon presentation to the committee of satisfactory
13 evidence of illness or for other good cause.

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

337.727. The committee shall promulgate rules and regulations pertaining
2 to:

3 (1) The form and content of license applications required by the provisions
4 of sections 337.700 to 337.739 and the procedures for filing an application for an
5 initial or renewal license in this state;

6 (2) Fees required by the provisions of sections 337.700 to 337.739;

7 (3) The content, conduct and administration of the licensing examination
8 required by section 337.715;

9 (4) The characteristics of supervised clinical experience as that term is
10 used in section 337.715;

11 (5) The equivalent of the basic educational requirements set forth in
12 section 337.715;

13 (6) The standards and methods to be used in assessing competency as a
14 [licensed] marital and family therapist;

15 (7) Establishment and promulgation of procedures for investigating,
16 hearing and determining grievances and violations occurring under the provisions
17 of sections 337.700 to 337.739;

18 (8) Development of an appeal procedure for the review of decisions and
19 rules of administrative agencies existing under the constitution or laws of this
20 state;

21 (9) Establishment of a policy and procedure for reciprocity with other
22 states, including states which do not have marital and family therapist licensing
23 laws or states whose licensing laws are not substantially the same as those of this
24 state; and

25 (10) Any other policies or procedures necessary to the fulfillment of the
26 requirements of sections 337.700 to 337.739.

 337.739. 1. There is created and established the "State Committee of
2 Marital and Family Therapists" which shall consist of four family and marital
3 therapists and two voting public members. The committee shall be appointed by
4 the governor with the advice and consent of the senate. Committee members
5 shall serve for a term of five years, except for the members first appointed, one
6 public member and one other member shall be appointed for five years, two
7 members shall be appointed for four years, the other public member and one
8 other member appointed for three years. No person shall be eligible for
9 appointment to the committee who has served as a member of the committee for
10 a total of ten years. Members shall be appointed to represent a diversity in
11 gender, race and ethnicity. No more than three members shall be from the same
12 political party.

13 2. Each nonpublic committee member shall be a resident of the state of
14 Missouri for one year, shall be a United States citizen, and shall meet all the
15 requirements for licensing enumerated in sections 337.700 to 337.739, shall be
16 licensed [pursuant to] **as a licensed marital and family therapist under**
17 sections 337.700 to 337.739, except the members of the first committee, who shall
18 be licensed within six months of their appointment, and are actively engaged in
19 the practice of marital and family therapy. If a member of the committee shall,
20 during the member's term as a committee member, remove the member's domicile
21 from the state of Missouri, then the committee shall immediately notify the
22 governor, and the seat of that committee member shall be declared vacant. All
23 such vacancies shall be filled by appointment as in the same manner as the first
24 appointment, and the member so appointed shall serve for the unexpired term of
25 the member whose seat has been declared vacant. The public members shall be
26 at the time of each member's appointment a citizen of the United States; a
27 resident of this state for a period of one year and a registered voter; a person who
28 is not and never was a member of any profession licensed or regulated pursuant
29 to this chapter or the spouse of such person; a person who does not have and
30 never has had a material, financial interest in either the provision of the

31 professional services regulated by this chapter, or an activity or organization
32 directly related to any profession licensed or regulated pursuant to this chapter.

33 3. The committee shall hold a regular annual meeting at which it shall
34 select from among its members a chairman and a secretary. A quorum of the
35 committee shall consist of a majority of its members. In the absence of the
36 chairman, the secretary shall conduct the office of the chairman.

37 4. No member of the committee shall receive any compensation for the
38 performance of the member's official duties but shall be entitled to
39 reimbursement for necessary and actual expenses incurred in the performance of
40 the member's duties. The committee shall share resources and facilities with the
41 office for the committee for professional counselors provided for in sections
42 337.500 to 337.540. All staff for the committee shall be provided by the director
43 of the division of professional registration.

44 5. The governor may remove any member of the committee for misconduct,
45 inefficiency, incompetency or neglect of office.

338.333. 1. No person or distribution outlet shall act as a wholesale drug
2 distributor or pharmacy distributor without first obtaining license to do so from
3 the Missouri board of pharmacy and paying the required fee. The board may
4 grant temporary licenses when the wholesale drug distributor or pharmacy
5 distributor first applies for a license to operate within the state. Temporary
6 licenses shall remain valid until such time as the board shall find that the
7 applicant meets or fails to meet the requirements for regular licensure. No
8 license shall be issued or renewed for a wholesale drug distributor or pharmacy
9 distributor to operate unless the same shall be operated in a manner prescribed
10 by law and according to the rules and regulations promulgated by the board of
11 pharmacy with respect thereto. Separate licenses shall be required for each
12 distribution site owned or operated by a wholesale drug distributor or pharmacy
13 distributor, **unless such drug distributor or pharmacy distributor meets**
14 **the requirements of section 338.335.**

15 2. An agent or employee of any licensed or registered wholesale drug
16 distributor or pharmacy distributor need not seek licensure under this section
17 and may lawfully possess pharmaceutical drugs, if he is acting in the usual
18 course of his business or employment.

19 3. The board may permit out-of-state wholesale drug distributors or
20 out-of-state pharmacy distributors to be licensed as required by sections 338.210
21 to 338.370 on the basis of reciprocity to the extent that an out-of-state wholesale

22 drug distributor or out-of-state pharmacy distributor both:

23 (1) Possesses a valid license granted by another state pursuant to legal
24 standards comparable to those which must be met by a wholesale drug distributor
25 or pharmacy distributor of this state as prerequisites for obtaining a license
26 under the laws of this state; and

27 (2) Distributes into Missouri from a state which would extend reciprocal
28 treatment under its own laws to a wholesale drug distributor or pharmacy
29 distributor of this state.

338.335. 1. Separate licenses shall be required for each distribution site
2 owned or operated by a wholesale drug distributor or pharmacy distributor unless
3 drugs are delivered only on a consignment basis as defined by the board, **or the**
4 **entity meets the requirements of subsection 2 of this section.**

5 2. **A wholesale drug distributor distributing drug-related devices**
6 **in Missouri is not required to obtain a license from the board for out-of-**
7 **state distribution sites owned by the wholesale drug distributor if:**

8 (1) **The wholesale drug distributor has one or more distribution**
9 **sites located in Missouri, and all such in-state distribution sites**
10 **receiving shipments of drug-related devices are licensed by the board**
11 **as a distributor;**

12 (2) **The wholesale drug distributor's out-of-state distribution**
13 **sites shipping to the in-state distribution site are in compliance with**
14 **their respective state's licensing laws;**

15 (3) **The wholesale drug distributor's out-of-state distribution**
16 **sites that deliver drug-related devices regulated by the board into**
17 **Missouri for patient use, deliver such devices only to the licensed**
18 **wholesale drug distributor's in-state distribution site.**

19 3. **A Missouri wholesale drug distributor receiving shipments of**
20 **drug-related devices from an out-of-state facility that is not required**
21 **to be licensed as a distributor pursuant to subsection 2 of this section**
22 **shall be responsible for all shipments received.**

338.337. It shall be unlawful for any out-of-state wholesale drug
2 distributor or out-of-state pharmacy acting as a distributor to do business in this
3 state without first obtaining a license to do so from the board of pharmacy and
4 paying the required fee, **except as otherwise provided by section 338.335**
5 **and this section.** Application for an out-of-state wholesale drug distributor's
6 license under this section shall be made on a form furnished by the board. The

7 issuance of a license under sections 338.330 to 338.370 shall not change or affect
8 tax liability imposed by the Missouri department of revenue on any out-of-state
9 wholesale drug distributor or out-of-state pharmacy. Any out-of-state wholesale
10 drug distributor that is a drug manufacturer and which produces and distributes
11 from a facility which has been inspected and approved by the Food and Drug
12 Administration, maintains current approval by the federal Food and Drug
13 Administration, and has provided a copy of the most recent Food and Drug
14 Administration Establishment Inspection Report to the board, and which is
15 licensed by the state in which the distribution facility is located, or, if located
16 within a foreign jurisdiction, is authorized and in good standing to operate as a
17 drug manufacturer within such jurisdiction, need not be licensed as provided in
18 this section but such out-of-state distributor shall register its business name and
19 address with the board of pharmacy and pay a filing fee in an amount established
20 by the board.

383.130. As used in sections 383.130 and 383.133, the following terms
2 shall mean:

3 (1) "Disciplinary action", any final action taken by the board of trustees
4 or similarly empowered officials of a hospital [or], ambulatory surgical center,
5 [or] owner or operator of a temporary nursing staffing agency, **home health**
6 **agency, nursing home or any nursing facility as such term is defined in**
7 **chapter 198, or any entity that employs or contracts with licensed**
8 **health care professionals to provide healthcare services to individuals**
9 to reprimand, discipline or restrict the practice of a health care
10 professional. Only such reprimands, discipline, or restrictions in response to
11 activities which are also grounds for disciplinary actions according to the
12 professional licensing law for that health care professional shall be considered
13 disciplinary actions for the purposes of this definition;

14 (2) "Health care professional", a physician or surgeon licensed under the
15 provisions of chapter 334, RSMo, a dentist licensed under the provisions of
16 chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330,
17 RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, a
18 psychologist licensed under the provisions of chapter 337, RSMo, or a nurse
19 licensed under the provisions of chapter 335, RSMo, while acting within their
20 scope of practice;

21 (3) "Hospital", a place devoted primarily to the maintenance and operation
22 of facilities for the diagnosis, treatment or care for not less than twenty-four

23 hours in any week of three or more nonrelated individuals suffering from illness,
24 disease, injury, deformity or other abnormal physical conditions; or a place
25 devoted primarily to provide for not less than twenty-four hours in any week
26 medical or nursing care for three or more nonrelated individuals. The term
27 "hospital" does not include convalescent, nursing, shelter or boarding homes as
28 defined in chapter 198, RSMo;

29 (4) "Licensing authority", the appropriate board or authority which is
30 responsible for the licensing or regulation of the health care professional;

31 (5) "Temporary nursing staffing agency", any person, firm, partnership,
32 or corporation doing business within the state that supplies, on a temporary
33 basis, registered nurses, licensed practical nurses to a hospital, nursing home, or
34 other facility requiring the services of those persons.

383.133. 1. The chief executive office or similarly empowered official of
2 any hospital, ambulatory surgical center, as such terms are defined in chapter
3 197, RSMo, [or] temporary nursing staffing agency, **nursing home, any**
4 **nursing facility as such term is defined in chapter 198, or any entity**
5 **that employs or contracts with licensed health care professionals to**
6 **provide healthcare services to individuals** shall report to the appropriate
7 health care professional licensing authority any disciplinary action against any
8 health care professional or the voluntary resignation of any health care
9 professional against whom any complaints or reports have been made which
10 might have led to disciplinary action.

11 2. All reports required by this section shall be submitted within fifteen
12 days of the final disciplinary action and shall contain, but need not be limited to,
13 the following information:

14 (1) The name, address and telephone number of the person making the
15 report;

16 (2) The name, address and telephone number of the person who is the
17 subject of the report;

18 (3) A description of the facts, including as much detail and information
19 as possible, which gave rise to the issuance of the report, including the dates of
20 occurrence deemed to necessitate the filing of the report;

21 (4) If court action is involved and known to the reporting agent, the
22 identity of the court, including the date of filing and the docket number of the
23 action.

24 3. Upon request, the licensing authority may furnish a report of any

25 disciplinary action received by it under the provisions of this section to any entity
26 required to report under this section. Such licensing authority may also furnish,
27 upon request, a report of disciplinary action taken by the licensing authority to
28 any other administrative or law enforcement agency acting within the scope of its
29 statutory authority.

30 4. There shall be no liability on the part of, and no cause of action of any
31 nature shall arise against any health care professional licensing authority or any
32 entity required to report under this section, or any of their agents or employees
33 for any action taken in good faith and without malice in carrying out the
34 provisions of this section.

35 5. Neither a report required to be filed under subsection 2 of this section
36 nor the record of any proceeding shall be used against a health care professional
37 in any other administrative or judicial proceeding.

38 6. Violation of any provision of this section is an infraction.

**Section 1. In its application for licensure pursuant to sections
2 197.100 to 197.120, a hospital shall identify the premises of its hospital
3 base. Any other buildings or facilities located within one thousand
4 yards of the hospital base and operated or maintained by the applicant
5 to support the hospital base or to provide hospital-based inpatient,
6 outpatient, or ancillary services shall, upon application of the
7 applicant, be included in the hospital's license, provided the remote
8 location meets departmental regulations applicable to hospital
9 construction and operational standards.**

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