

FIRST REGULAR SESSION

# SENATE BILL NO. 72

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0215S.011

## AN ACT

To repeal sections 330.160, 332.321, 334.100, and 335.066, RSMo, and to enact in lieu thereof four new sections relating to requirements for prescribing opioids for chronic pain.

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

Section A. Sections 330.160, 332.321, 334.100, and 335.066, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 330.160, 332.321, 334.100, and 335.066, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (14) Use of any advertisement or solicitation which is false, misleading or  
55 deceptive to the general public or persons to whom the advertisement or  
56 solicitation is primarily directed. False, misleading or deceptive advertisements  
57 or solicitations shall include, but not be limited to:

58 (a) Promises of cure, relief from pain or other physical or mental  
59 condition, or improved physical or mental health;

60 (b) Any self-laudatory statement;

61 (c) Any misleading or deceptive statement offering or promising a free  
62 service. Nothing in this paragraph shall be construed to make it unlawful to offer  
63 a service for no charge if the offer is announced as part of a full disclosure of  
64 routine fees including consultation fees;

65 (d) Any misleading or deceptive claims of patient cure, relief or improved  
66 condition; superiority in service, treatment or materials; new or improved service,  
67 treatment or material; or reduced costs or greater savings. Nothing in this  
68 paragraph shall be construed to make it unlawful to use any such claim if it is  
69 readily verifiable by existing documentation, data or other substantial  
70 evidence. Any claim which exceeds or exaggerates the scope of its supporting  
71 documentation, data or evidence is misleading or deceptive;

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

74 (16) Failure or refusal to properly guard against contagious, infectious or  
75 communicable diseases or the spread thereof;

76 **(17) Failure to follow the Centers for Disease Control and**  
77 **Prevention Guideline for Prescribing Opioids for Chronic Pain - United**  
78 **States, 2016, as published in the Morbidity and Mortality Weekly**  
79 **Report, March 18, 2016, and any updates of such, and failure to**  
80 **document in the patient's medical record that the guideline was**  
81 **followed; in order to comply with this subdivision, a licensee shall**  
82 **perform the acts the guideline says clinicians should perform.**

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

90 of registration or authority, permit, or license.

91 4. In any order of revocation, the board may provide that the person may  
92 not apply for reinstatement of the person's certificate of registration or authority,  
93 permit, or license for a period of time ranging from two to seven years following  
94 the date of the order of revocation. All stay orders shall toll this time period.

95 5. Before restoring to good standing a certificate of registration or  
96 authority, permit, or license that has been revoked, suspended, or inactive for any  
97 cause more than two years, the board may require the applicant to attend such  
98 continuing medical education courses and pass such examinations as the board  
99 may direct.

332.321. 1. The board may refuse to issue or renew a permit or license  
2 required pursuant to this chapter for one or any combination of causes stated in  
3 subsection 2 of this section or the board may, as a condition to issuing or  
4 renewing any such permit or license, require a person to submit himself or herself  
5 for identification, intervention, treatment or rehabilitation by the well-being  
6 committee as provided in section 332.327. The board shall notify the applicant  
7 in writing of the reasons for the refusal and shall advise the applicant of his or  
8 her right to file a complaint with the administrative hearing commission as  
9 provided by chapter 621.

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

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

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

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any  
26 permit or license issued pursuant to this chapter or in obtaining permission to

27 take any examination given or required pursuant to this chapter;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
29 compensation by fraud, deception or misrepresentation; or increasing charges  
30 when a patient utilizes a third-party payment program; or for repeated  
31 irregularities in billing a third party for services rendered to a patient. For the  
32 purposes of this subdivision, irregularities in billing shall include:

33 (a) Reporting charges for the purpose of obtaining a total payment in  
34 excess of that usually received by the dentist for the services rendered;

35 (b) Reporting incorrect treatment dates for the purpose of obtaining  
36 payment;

37 (c) Reporting charges for services not rendered;

38 (d) Incorrectly reporting services rendered for the purpose of obtaining  
39 payment that is greater than that to which the person is entitled;

40 (e) Abrogating the co-payment or deductible provisions of a third-party  
41 payment contract. Provided, however, that this paragraph shall not prohibit a  
42 discount, credit or reduction of charges provided under an agreement between the  
43 licensee and an insurance company, health service corporation or health  
44 maintenance organization licensed pursuant to the laws of this state; or  
45 governmental third-party payment program; or self-insurance program organized,  
46 managed or funded by a business entity for its own employees or labor  
47 organization for its members;

48 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
49 or dishonesty in the performance of, or relating to one's ability to perform, the  
50 functions or duties of any profession licensed or regulated by this chapter;

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

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

56 (8) Disciplinary action against the holder of a license or other right to  
57 practice any profession regulated by this chapter imposed by another state,  
58 province, territory, federal agency or country upon grounds for which discipline  
59 is authorized in this state;

60 (9) A person is finally adjudicated incapacitated or disabled by a court of  
61 competent jurisdiction;

62 (10) Assisting or enabling any person to practice or offer to practice, by

63 lack of supervision or in any other manner, any profession licensed or regulated  
64 by this chapter who is not registered and currently eligible to practice pursuant  
65 to this chapter;

66 (11) Issuance of a permit or license based upon a material mistake of fact;

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

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

70 (14) Use of any advertisement or solicitation that is false, misleading or  
71 deceptive to the general public or persons to whom the advertisement or  
72 solicitation is primarily directed. False, misleading or deceptive advertisements  
73 or solicitations shall include, but not be limited to:

74 (a) Promises of cure, relief from pain or other physical or mental  
75 condition, or improved physical or mental health;

76 (b) Any misleading or deceptive statement offering or promising a free  
77 service. Nothing herein shall be construed to make it unlawful to offer a service  
78 for no charge if the offer is announced as part of a full disclosure of routine fees  
79 including consultation fees;

80 (c) Any misleading or deceptive claims of patient cure, relief or improved  
81 condition; superiority in service, treatment or materials; new or improved service,  
82 treatment or material; or reduced costs or greater savings. Nothing herein shall  
83 be construed to make it unlawful to use any such claim if it is readily verifiable  
84 by existing documentation, data or other substantial evidence. Any claim that  
85 exceeds or exaggerates the scope of its supporting documentation, data or  
86 evidence is misleading or deceptive;

87 (d) Any announced fee for a specified service where that fee does not  
88 include the charges for necessary related or incidental services, or where the  
89 actual fee charged for that specified service may exceed the announced fee, but  
90 it shall not be unlawful to announce only the maximum fee that can be charged  
91 for the specified service, including all related or incidental services, modified by  
92 the term "up to" if desired;

93 (e) Any announcement in any form including the term "specialist" or the  
94 phrase "limited to the specialty of" unless each person named in conjunction with  
95 the term or phrase, or responsible for the announcement, holds a valid Missouri  
96 certificate and license evidencing that the person is a specialist in that area;

97 (f) Any announcement containing any of the terms denoting recognized  
98 specialties, or other descriptive terms carrying the same meaning, unless the

99 announcement clearly designates by list each dentist not licensed as a specialist  
100 in Missouri who is sponsoring or named in the announcement, or employed by the  
101 entity sponsoring the announcement, after the following clearly legible or audible  
102 statement: "Notice: the following dentist(s) in this practice is (are) not licensed  
103 in Missouri as specialists in the advertised dental specialty(s) of \_\_\_\_\_";

104 (g) Any announcement containing any terms denoting or implying  
105 specialty areas that are not recognized by the American Dental Association;

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

108 (16) Failure or refusal to properly guard against contagious, infectious or  
109 communicable diseases or the spread thereof;

110 (17) Failing to maintain his or her office or offices, laboratory, equipment  
111 and instruments in a safe and sanitary condition;

112 (18) Accepting, tendering or paying "rebates" to or "splitting fees" with  
113 any other person; provided, however, that nothing herein shall be so construed  
114 as to make it unlawful for a dentist practicing in a partnership or as a  
115 corporation organized pursuant to the provisions of chapter 356 to distribute  
116 profits in accordance with his or her stated agreement;

117 (19) Administering, or causing or permitting to be administered, nitrous  
118 oxide gas in any amount to himself or herself, or to another unless as an  
119 adjunctive measure to patient management;

120 (20) Being unable to practice as a dentist, specialist or hygienist with  
121 reasonable skill and safety to patients by reasons of professional incompetency,  
122 or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals,  
123 or as a result of any mental or physical condition. In enforcing this subdivision  
124 the board shall, after a hearing before the board, upon a finding of probable  
125 cause, require the dentist or specialist or hygienist to submit to a reexamination  
126 for the purpose of establishing his or her competency to practice as a dentist,  
127 specialist or hygienist, which reexamination shall be conducted in accordance  
128 with rules adopted for this purpose by the board, including rules to allow the  
129 examination of the dentist's, specialist's or hygienist's professional competence  
130 by at least three dentists or fellow specialists, or to submit to a mental or  
131 physical examination or combination thereof by at least three physicians. One  
132 examiner shall be selected by the dentist, specialist or hygienist compelled to take  
133 examination, one selected by the board, and one shall be selected by the two  
134 examiners so selected. Notice of the physical or mental examination shall be

135 given by personal service or registered mail. Failure of the dentist, specialist or  
136 hygienist to submit to the examination when directed shall constitute an  
137 admission of the allegations against him or her, unless the failure was due to  
138 circumstances beyond his or her control. A dentist, specialist or hygienist whose  
139 right to practice has been affected pursuant to this subdivision shall, at  
140 reasonable intervals, be afforded an opportunity to demonstrate that he or she  
141 can resume competent practice with reasonable skill and safety to patients.

142 (a) In any proceeding pursuant to this subdivision, neither the record of  
143 proceedings nor the orders entered by the board shall be used against a dentist,  
144 specialist or hygienist in any other proceeding. Proceedings pursuant to this  
145 subdivision shall be conducted by the board without the filing of a complaint with  
146 the administrative hearing commission;

147 (b) When the board finds any person unqualified because of any of the  
148 grounds set forth in this subdivision, it may enter an order imposing one or more  
149 of the following: denying his or her application for a license; permanently  
150 withholding issuance of a license; administering a public or private reprimand;  
151 placing on probation, suspending or limiting or restricting his or her license to  
152 practice as a dentist, specialist or hygienist for a period of not more than five  
153 years; revoking his or her license to practice as a dentist, specialist or hygienist;  
154 requiring him or her to submit to the care, counseling or treatment of physicians  
155 designated by the dentist, specialist or hygienist compelled to be treated; or  
156 requiring such person to submit to identification, intervention, treatment or  
157 rehabilitation by the well-being committee as provided in section 332.327. For  
158 the purpose of this subdivision, "license" includes the certificate of registration,  
159 or license, or both, issued by the board;

160 **(21) Failure to follow the Centers for Disease Control and**  
161 **Prevention Guideline for Prescribing Opioids for Chronic Pain - United**  
162 **States, 2016, as published in the Morbidity and Mortality Weekly**  
163 **Report, March 18, 2016, and any updates of such, and failure to**  
164 **document in the patient's medical record that the guideline was**  
165 **followed; in order to comply with this subdivision, a licensee shall**  
166 **perform the acts the guideline says clinicians should perform.**

167 3. After the filing of such complaint, the proceedings shall be conducted  
168 in accordance with the provisions of chapter 621. Upon a finding by the  
169 administrative hearing commission that the grounds, provided in subsection 2 of  
170 **this section**, for disciplinary action are met, the board may, singly or in



171 combination:

172 (1) Censure or place the person or firm named in the complaint on  
173 probation on such terms and conditions as the board deems appropriate for a  
174 period not to exceed five years; or

175 (2) Suspend the license, certificate or permit for a period not to exceed  
176 three years; or

177 (3) Revoke the license, certificate, or permit. In any order of revocation,  
178 the board may provide that the person shall not apply for licensure for a period  
179 of not less than one year following the date of the order of revocation; or

180 (4) Cause the person or firm named in the complaint to make restitution  
181 to any patient, or any insurer or third-party payer who shall have paid in whole  
182 or in part a claim or payment for which they should be reimbursed, where  
183 restitution would be an appropriate remedy, including the reasonable cost of  
184 follow-up care to correct or complete a procedure performed or one that was to be  
185 performed by the person or firm named in the complaint; or

186 (5) Request the attorney general to bring an action in the circuit court of  
187 competent jurisdiction to recover a civil penalty on behalf of the state in an  
188 amount to be assessed by the court.

189 4. If the board concludes that a dentist or dental hygienist has committed  
190 an act or is engaging in a course of conduct that would be grounds for disciplinary  
191 action and constitutes a clear and present danger to the public health and safety,  
192 the board may file a complaint before the administrative hearing commission  
193 requesting an expedited hearing and specifying the conduct that gives rise to the  
194 danger and the nature of the proposed restriction or suspension of the dentist's  
195 or dental hygienist's license. Within fifteen days after service of the complaint  
196 on the dentist or dental hygienist, the administrative hearing commission shall  
197 conduct a preliminary hearing to determine whether the alleged conduct of the  
198 dentist or dental hygienist appears to constitute a clear and present danger to the  
199 public health and safety that justifies that the dentist's or dental hygienist's  
200 license be immediately restricted or suspended. The burden of proving that a  
201 dentist or dental hygienist is a clear and present danger to the public health and  
202 safety shall be upon the Missouri dental board. The administrative hearing  
203 commission shall issue its decision immediately after the hearing and shall either  
204 grant to the board the authority to suspend or restrict the license or dismiss the  
205 action.

206 5. If the administrative hearing commission grants temporary authority

207 to the board to restrict or suspend a dentist's or dental hygienist's license, the  
208 dentist or dental hygienist named in the complaint may request a full hearing  
209 before the administrative hearing commission. A request for a full hearing shall  
210 be made within thirty days after the administrative hearing commission issues  
211 a decision. The administrative hearing commission shall, if requested by a  
212 dentist or dental hygienist named in the complaint, set a date to hold a full  
213 hearing under chapter 621 regarding the activities alleged in the initial complaint  
214 filed by the board. The administrative hearing commission shall set the date for  
215 full hearing within ninety days from the date its decision was issued. Either  
216 party may request continuances, which shall be granted by the administrative  
217 hearing commission upon a showing of good cause by either party or consent of  
218 both parties. If a request for a full hearing is not made within thirty days, the  
219 authority to impose discipline becomes final and the board shall set the matter  
220 for hearing in accordance with section 621.110.

221           6. If the administrative hearing commission dismisses without prejudice  
222 the complaint filed by the board under subsection 4 of this section or dismisses  
223 the action based on a finding that the board did not meet its burden of proof  
224 establishing a clear and present danger, such dismissal shall not bar the board  
225 from initiating a subsequent action on the same grounds in accordance with this  
226 chapter and chapters 536 and 621.

227           7. Notwithstanding any other provisions of section 332.071 or of this  
228 section, a currently licensed dentist in Missouri may enter into an agreement  
229 with individuals and organizations to provide dental health care, provided such  
230 agreement does not permit or compel practices that violate any provision of this  
231 chapter.

232           8. At all proceedings for the enforcement of these or any other provisions  
233 of this chapter the board shall, as it deems necessary, select, in its discretion,  
234 either the attorney general or one of the attorney general's assistants designated  
235 by the attorney general or other legal counsel to appear and represent the board  
236 at each stage of such proceeding or trial until its conclusion.

237           9. If at any time when any discipline has been imposed pursuant to this  
238 section or pursuant to any provision of this chapter, the licensee removes himself  
239 or herself from the state of Missouri, ceases to be currently licensed pursuant to  
240 the provisions of this chapter, or fails to keep the Missouri dental board advised  
241 of his or her current place of business and residence, the time of his or her  
242 absence, or unlicensed status, or unknown whereabouts shall not be deemed or

243 taken as any part of the time of discipline so imposed.

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. As an alternative to a refusal  
7 to issue or renew any certificate, registration or authority, the board may, at its  
8 discretion, issue a license which is subject to probation, restriction or limitation  
9 to an applicant for licensure for any one or any combination of causes stated in  
10 subsection 2 of this section. The board's order of probation, limitation or  
11 restriction shall contain a statement of the discipline imposed, the basis therefor,  
12 the date such action shall become effective, and a statement that the applicant  
13 has thirty days to request in writing a hearing before the administrative hearing  
14 commission. If the board issues a probationary, limited or restricted license to  
15 an applicant for licensure, either party may file a written petition with the  
16 administrative hearing commission within thirty days of the effective date of the  
17 probationary, limited or restricted license seeking review of the board's  
18 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 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, or alcoholic  
28 beverage to an extent that such use impairs a person's ability to perform the work  
29 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 involving fraud, dishonesty or an act of  
35 violence, or for any offense involving moral turpitude, whether or not sentence is

36 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 including failing to establish a valid  
73 physician-patient relationship pursuant to section 334.108, or for other than  
74 medically accepted therapeutic or experimental or investigative purposes duly  
75 authorized by a state or federal agency, or not in the course of professional  
76 practice, or not in good faith to relieve pain and suffering, or not to cure an  
77 ailment, physical infirmity or disease, except as authorized in section 334.104;

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

80 (j) Being listed on any state or federal sexual offender registry;

81 (k) Terminating the medical care of a patient without adequate notice or  
82 without making other arrangements for the continued care of the patient;

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

86 (m) Failure of any applicant or licensee to cooperate with the board during  
87 any investigation;

88 (n) Failure to comply with any subpoena or subpoena duces tecum from  
89 the board or an order of the board;

90 (o) Failure to timely pay license renewal fees specified in this chapter;

91 (p) Violating a probation agreement, order, or other settlement agreement  
92 with this board or any other licensing agency;

93 (q) Failing to inform the board of the physician's current residence and  
94 business address;

95 (r) Advertising by an applicant or licensee which is false or misleading,  
96 or which violates any rule of the board, or which claims without substantiation  
97 the positive cure of any disease, or professional superiority to or greater skill  
98 than that possessed by any other physician. An applicant or licensee shall also  
99 be in violation of this provision if the applicant or licensee has a financial interest  
100 in any organization, corporation or association which issues or conducts such  
101 advertising;

102 (s) Any other conduct that is unethical or unprofessional involving a  
103 minor;

104 (5) Any conduct or practice which is or might be harmful or dangerous to  
105 the mental or physical health of a patient or the public; or incompetency, gross  
106 negligence or repeated negligence in the performance of the functions or duties  
107 of any profession licensed or regulated by this chapter. For the purposes of this

108 subdivision, "repeated negligence" means the failure, on more than one occasion,  
109 to use that degree of skill and learning ordinarily used under the same or similar  
110 circumstances by the member of the applicant's or licensee's profession;

111 (6) Violation of, or attempting to violate, directly or indirectly, or assisting  
112 or enabling any person to violate, any provision of this chapter or chapter 324, or  
113 of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

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

117 (8) Revocation, suspension, restriction, modification, limitation,  
118 reprimand, warning, censure, probation or other final disciplinary action against  
119 the holder of or applicant for a license or other right to practice any profession  
120 regulated by this chapter by another state, territory, federal agency or country,  
121 whether or not voluntarily agreed to by the licensee or applicant, including, but  
122 not limited to, the denial of licensure, surrender of the license, allowing the  
123 license to expire or lapse, or discontinuing or limiting the practice of medicine  
124 while subject to an investigation or while actually under investigation by any  
125 licensing authority, medical facility, branch of the Armed Forces of the United  
126 States of America, insurance company, court, agency of the state or federal  
127 government, or employer;

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

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

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

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

142 (13) Violation of the drug laws or rules and regulations of this state,  
143 including but not limited to any provision of chapter 195, any other state, or the

144 federal government;

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

148 (15) Knowingly making a false statement, orally or in writing to the  
149 board;

150 (16) Soliciting patronage in person or by agents or representatives, or by  
151 any other means or manner, under the person's own name or under the name of  
152 another person or concern, actual or pretended, in such a manner as to confuse,  
153 deceive, or mislead the public as to the need or necessity for or appropriateness  
154 of health care services for all patients, or the qualifications of an individual  
155 person or persons to diagnose, render, or perform health care services;

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

159 (18) Knowingly making or causing to be made a false statement or  
160 misrepresentation of a material fact, with intent to defraud, for payment  
161 pursuant to the provisions of chapter 208 or chapter 630 or for payment from  
162 Title XVIII or Title XIX of the federal Medicare program;

163 (19) Failure or refusal to properly guard against contagious, infectious or  
164 communicable diseases or the spread thereof; maintaining an unsanitary office  
165 or performing professional services under unsanitary conditions; or failure to  
166 report the existence of an unsanitary condition in the office of a physician or in  
167 any health care facility to the board, in writing, within thirty days after the  
168 discovery thereof;

169 (20) Any candidate for licensure or person licensed to practice as a  
170 physical therapist, paying or offering to pay a referral fee or, notwithstanding  
171 section 334.010 to the contrary, practicing or offering to practice professional  
172 physical therapy independent of the prescription and direction of a person  
173 licensed and registered as a physician and surgeon pursuant to this chapter, as  
174 a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an  
175 advanced practice registered nurse under chapter 335, or any licensed and  
176 registered physician, dentist, podiatrist, or advanced practice registered nurse  
177 practicing in another jurisdiction, whose license is in good standing;

178 (21) Any candidate for licensure or person licensed to practice as a  
179 physical therapist, treating or attempting to treat ailments or other health

180 conditions of human beings other than by professional physical therapy and as  
181 authorized by sections 334.500 to 334.620;

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

196 (23) A pattern of personal use or consumption of any controlled substance  
197 unless it is prescribed, dispensed or administered by another physician who is  
198 authorized by law to do so;

199 (24) Habitual intoxication or dependence on alcohol, evidence of which  
200 may include more than one alcohol-related enforcement contact as defined by  
201 section 302.525;

202 (25) Failure to comply with a treatment program or an aftercare program  
203 entered into as part of a board order, settlement agreement or licensee's  
204 professional health program;

205 (26) Revocation, suspension, limitation, probation, or restriction of any  
206 kind whatsoever of any controlled substance authority, whether agreed to  
207 voluntarily or not, or voluntary termination of a controlled substance authority  
208 while under investigation;

209 (27) For a physician to operate, conduct, manage, or establish an abortion  
210 facility, or for a physician to perform an abortion in an abortion facility, if such  
211 facility comes under the definition of an ambulatory surgical center pursuant to  
212 sections 197.200 to 197.240, and such facility has failed to obtain or renew a  
213 license as an ambulatory surgical center;

214 (28) **Failure to follow the Centers for Disease Control and**  
215 **Prevention Guideline for Prescribing Opioids for Chronic Pain - United**



216 **States, 2016, as published in the Morbidity and Mortality Weekly**  
217 **Report, March 18, 2016, and any updates of such, and failure to**  
218 **document in the patient's medical record that the guideline was**  
219 **followed; in order to comply with this subdivision, a licensee shall**  
220 **perform the acts the guideline says clinicians should perform.**

221           3. Collaborative practice arrangements, protocols and standing orders  
222 shall be in writing and signed and dated by a physician prior to their  
223 implementation.

224           4. After the filing of such complaint before the administrative hearing  
225 commission, the proceedings shall be conducted in accordance with the provisions  
226 of chapter 621. Upon a finding by the administrative hearing commission that  
227 the grounds, provided in subsection 2 of this section, for disciplinary action are  
228 met, the board may, singly or in combination, warn, censure or place the person  
229 named in the complaint on probation on such terms and conditions as the board  
230 deems appropriate for a period not to exceed ten years, or may suspend the  
231 person's license, certificate or permit for a period not to exceed three years, or  
232 restrict or limit the person's license, certificate or permit for an indefinite period  
233 of time, or revoke the person's license, certificate, or permit, or administer a  
234 public or private reprimand, or deny the person's application for a license, or  
235 permanently withhold issuance of a license or require the person to submit to the  
236 care, counseling or treatment of physicians designated by the board at the  
237 expense of the individual to be examined, or require the person to attend such  
238 continuing educational courses and pass such examinations as the board may  
239 direct.

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

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

249           7. In any investigation, hearing or other proceeding to determine a  
250 licensee's or applicant's fitness to practice, any record relating to any patient of  
251 the licensee or applicant shall be discoverable by the board and admissible into

252 evidence, regardless of any statutory or common law privilege which such  
253 licensee, applicant, record custodian or patient might otherwise invoke. In  
254 addition, no such licensee, applicant, or record custodian may withhold records  
255 or testimony bearing upon a licensee's or applicant's fitness to practice on the  
256 ground of privilege between such licensee, applicant or record custodian and a  
257 patient.

335.066. 1. The board may refuse to issue or reinstate any certificate of  
2 registration or authority, permit or license required pursuant to chapter 335 for  
3 one or any combination of causes stated in subsection 2 of this section or the  
4 board may, as a condition to issuing or reinstating any such permit or license,  
5 require a person to submit himself or herself for identification, intervention,  
6 treatment, or rehabilitation by the impaired nurse program as provided in section  
7 335.067. The board shall notify the applicant in writing of the reasons for the  
8 refusal and shall advise the applicant of his or her right to file a complaint with  
9 the administrative hearing commission as provided by chapter 621.

10 2. The board may cause a complaint to be filed with the administrative  
11 hearing commission as provided by chapter 621 against any holder of any  
12 certificate of registration or authority, permit or license required by sections  
13 335.011 to 335.096 or any person who has failed to renew or has surrendered his  
14 or her certificate of registration or authority, permit or license for any one or any  
15 combination of the following causes:

16 (1) Use or unlawful possession of any controlled substance, as defined in  
17 chapter 195, or alcoholic beverage to an extent that such use impairs a person's  
18 ability to perform the work of any profession licensed or regulated by sections  
19 335.011 to 335.096;

20 (2) The person has been finally adjudicated and found guilty, or entered  
21 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws  
22 of any state or of the United States, for any offense reasonably related to the  
23 qualifications, functions or duties of any profession licensed or regulated  
24 pursuant to sections 335.011 to 335.096, for any offense an essential element of  
25 which is fraud, dishonesty or an act of violence, or for any offense involving moral  
26 turpitude, whether or not sentence is imposed;

27 (3) Use of fraud, deception, misrepresentation or bribery in securing any  
28 certificate of registration or authority, permit or license issued pursuant to  
29 sections 335.011 to 335.096 or in obtaining permission to take any examination  
30 given or required pursuant to sections 335.011 to 335.096;

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

33 (5) Incompetency, gross negligence, or repeated negligence in the  
34 performance of the functions or duties of any profession licensed or regulated by  
35 chapter 335. For the purposes of this subdivision, "repeated negligence" means  
36 the failure, on more than one occasion, to use that degree of skill and learning  
37 ordinarily used under the same or similar circumstances by the member of the  
38 applicant's or licensee's profession;

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

43 (a) Willfully and continually overcharging or overtreating patients; or  
44 charging for visits which did not occur unless the services were contracted for in  
45 advance, or for services which were not rendered or documented in the patient's  
46 records;

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

50 (c) Willfully and continually performing inappropriate or unnecessary  
51 treatment, diagnostic tests, or nursing services;

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

55 (e) Performing nursing services beyond the authorized scope of practice  
56 for which the individual is licensed in this state;

57 (f) Exercising influence within a nurse-patient relationship for purposes  
58 of engaging a patient in sexual activity;

59 (g) Being listed on any state or federal sexual offender registry;

60 (h) Failure of any applicant or licensee to cooperate with the board during  
61 any investigation;

62 (i) Failure to comply with any subpoena or subpoena duces tecum from the  
63 board or an order of the board;

64 (j) Failure to timely pay license renewal fees specified in this chapter;

65 (k) Violating a probation agreement, order, or other settlement agreement  
66 with this board or any other licensing agency;

- 67 (l) Failing to inform the board of the nurse's current residence;
- 68 (m) Any other conduct that is unethical or unprofessional involving a  
69 minor;
- 70 (7) Violation of, or assisting or enabling any person to violate, any  
71 provision of sections 335.011 to 335.096, or of any lawful rule or regulation  
72 adopted pursuant to sections 335.011 to 335.096;
- 73 (8) Impersonation of any person holding a certificate of registration or  
74 authority, permit or license or allowing any person to use his or her certificate of  
75 registration or authority, permit, license or diploma from any school;
- 76 (9) Disciplinary action against the holder of a license or other right to  
77 practice any profession regulated by sections 335.011 to 335.096 granted by  
78 another state, territory, federal agency or country upon grounds for which  
79 revocation or suspension is authorized in this state;
- 80 (10) A person is finally adjudged insane or incompetent by a court of  
81 competent jurisdiction;
- 82 (11) Assisting or enabling any person to practice or offer to practice any  
83 profession licensed or regulated by sections 335.011 to 335.096 who is not  
84 registered and currently eligible to practice pursuant to sections 335.011 to  
85 335.096;
- 86 (12) Issuance of a certificate of registration or authority, permit or license  
87 based upon a material mistake of fact;
- 88 (13) Violation of any professional trust or confidence;
- 89 (14) Use of any advertisement or solicitation which is false, misleading or  
90 deceptive to the general public or persons to whom the advertisement or  
91 solicitation is primarily directed;
- 92 (15) Violation of the drug laws or rules and regulations of this state, any  
93 other state or the federal government;
- 94 (16) Placement on an employee disqualification list or other related  
95 restriction or finding pertaining to employment within a health-related profession  
96 issued by any state or federal government or agency following final disposition by  
97 such state or federal government or agency;
- 98 (17) Failure to successfully complete the impaired nurse program;
- 99 (18) Knowingly making or causing to be made a false statement or  
100 misrepresentation of a material fact, with intent to defraud, for payment  
101 pursuant to the provisions of chapter 208 or chapter 630, or for payment from  
102 Title XVIII or Title XIX of the federal Medicare program;

103 (19) Failure or refusal to properly guard against contagious, infectious,  
104 or communicable diseases or the spread thereof; maintaining an unsanitary office  
105 or performing professional services under unsanitary conditions; or failure to  
106 report the existence of an unsanitary condition in the office of a physician or in  
107 any health care facility to the board, in writing, within thirty days after the  
108 discovery thereof;

109 (20) A pattern of personal use or consumption of any controlled substance  
110 unless it is prescribed, dispensed, or administered by a provider who is  
111 authorized by law to do so;

112 (21) Habitual intoxication or dependence on alcohol, evidence of which  
113 may include more than one alcohol-related enforcement contact as defined by  
114 section 302.525;

115 (22) Failure to comply with a treatment program or an aftercare program  
116 entered into as part of a board order, settlement agreement, or licensee's  
117 professional health program;

118 **(23) Failure to follow the Centers for Disease Control and**  
119 **Prevention Guideline for Prescribing Opioids for Chronic Pain - United**  
120 **States, 2016, as published in the Morbidity and Mortality Weekly**  
121 **Report, March 18, 2016, and any updates of such, and failure to**  
122 **document in the patient's medical record that the guideline was**  
123 **followed; in order to comply with this subdivision, a licensee shall**  
124 **perform the acts the guideline says clinicians should perform.**

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

133 4. For any hearing before the full board, the board shall cause the notice  
134 of the hearing to be served upon such licensee in person or by certified mail to the  
135 licensee at the licensee's last known address. If service cannot be accomplished  
136 in person or by certified mail, notice by publication as described in subsection 3  
137 of section 506.160 shall be allowed; any representative of the board is authorized  
138 to act as a court or judge would in that section; any employee of the board is

139 authorized to act as a clerk would in that section.

140           5. An individual whose license has been revoked shall wait one year from  
141 the date of revocation to apply for relicensure. Relicensure shall be at the  
142 discretion of the board after compliance with all the requirements of sections  
143 335.011 to 335.096 relative to the licensing of an applicant for the first time.

144           6. The board may notify the proper licensing authority of any other state  
145 concerning the final disciplinary action determined by the board on a license in  
146 which the person whose license was suspended or revoked was also licensed of the  
147 suspension or revocation.

148           7. Any person, organization, association or corporation who reports or  
149 provides information to the board of nursing pursuant to the provisions of  
150 sections 335.011 to 335.259 and who does so in good faith shall not be subject to  
151 an action for civil damages as a result thereof.

152           8. The board may apply to the administrative hearing commission for an  
153 emergency suspension or restriction of a license for the following causes:

154           (1) Engaging in sexual conduct as defined in section 566.010, with a  
155 patient who is not the licensee's spouse, regardless of whether the patient  
156 consented;

157           (2) Engaging in sexual misconduct with a minor or person the licensee  
158 believes to be a minor. "Sexual misconduct" means any conduct of a sexual  
159 nature which would be illegal under state or federal law;

160           (3) Possession of a controlled substance in violation of chapter 195 or any  
161 state or federal law, rule, or regulation, excluding record-keeping violations;

162           (4) Use of a controlled substance without a valid prescription;

163           (5) The licensee is adjudicated incapacitated or disabled by a court of  
164 competent jurisdiction;

165           (6) Habitual intoxication or dependence upon alcohol or controlled  
166 substances or failure to comply with a treatment or aftercare program entered  
167 into pursuant to a board order, settlement agreement, or as part of the licensee's  
168 professional health program;

169           (7) A report from a board-approved facility or a professional health  
170 program stating the licensee is not fit to practice. For purposes of this section,  
171 a licensee is deemed to have waived all objections to the admissibility of  
172 testimony from the provider of the examination and admissibility of the  
173 examination reports. The licensee shall sign all necessary releases for the board  
174 to obtain and use the examination during a hearing; or

175 (8) Any conduct for which the board may discipline that constitutes a  
176 serious danger to the health, safety, or welfare of a patient or the public.

177 9. The board shall submit existing affidavits and existing certified court  
178 records together with a complaint alleging the facts in support of the board's  
179 request for an emergency suspension or restriction to the administrative hearing  
180 commission and shall supply the administrative hearing commission with the last  
181 home or business addresses on file with the board for the licensee. Within one  
182 business day of the filing of the complaint, the administrative hearing commission  
183 shall return a service packet to the board. The service packet shall include the  
184 board's complaint and any affidavits or records the board intends to rely on that  
185 have been filed with the administrative hearing commission. The service packet  
186 may contain other information in the discretion of the administrative hearing  
187 commission. Within twenty-four hours of receiving the packet, the board shall  
188 either personally serve the licensee or leave a copy of the service packet at all of  
189 the licensee's current addresses on file with the board. Prior to the hearing, the  
190 licensee may file affidavits and certified court records for consideration by the  
191 administrative hearing commission.

192 10. Within five days of the board's filing of the complaint, the  
193 administrative hearing commission shall review the information submitted by the  
194 board and the licensee and shall determine based on that information if probable  
195 cause exists pursuant to subsection 8 of this section and shall issue its findings  
196 of fact and conclusions of law. If the administrative hearing commission finds  
197 that there is probable cause, the administrative hearing commission shall enter  
198 the order requested by the board. The order shall be effective upon personal  
199 service or by leaving a copy at all of the licensee's current addresses on file with  
200 the board.

201 11. (1) The administrative hearing commission shall hold a hearing  
202 within forty-five days of the board's filing of the complaint to determine if cause  
203 for discipline exists. The administrative hearing commission may grant a request  
204 for a continuance, but shall in any event hold the hearing within one hundred  
205 twenty days of the board's initial filing. The board shall be granted leave to  
206 amend its complaint if it is more than thirty days prior to the hearing. If less  
207 than thirty days, the board may be granted leave to amend if public safety  
208 requires.

209 (2) If no cause for discipline exists, the administrative hearing commission  
210 shall issue findings of fact, conclusions of law, and an order terminating the

211 emergency suspension or restriction.

212 (3) If cause for discipline exists, the administrative hearing commission  
213 shall issue findings of fact and conclusions of law and order the emergency  
214 suspension or restriction to remain in full force and effect pending a disciplinary  
215 hearing before the board. The board shall hold a hearing following the  
216 certification of the record by the administrative hearing commission and may  
217 impose any discipline otherwise authorized by state law.

218 12. Any action under this section shall be in addition to and not in lieu  
219 of any discipline otherwise in the board's power to impose and may be brought  
220 concurrently with other actions.

221 13. If the administrative hearing commission does not find probable cause  
222 and does not grant the emergency suspension or restriction, the board shall  
223 remove all reference to such emergency suspension or restriction from its public  
224 records. Records relating to the suspension or restriction shall be maintained in  
225 the board's files. The board or licensee may use such records in the course of any  
226 litigation to which they are both parties. Additionally, such records may be  
227 released upon a specific, written request of the licensee.

228 14. If the administrative hearing commission grants temporary authority  
229 to the board to restrict or suspend the nurse's license, such temporary authority  
230 of the board shall become final authority if there is no request by the nurse for  
231 a full hearing within thirty days of the preliminary hearing. The administrative  
232 hearing commission shall, if requested by the nurse named in the complaint, set  
233 a date to hold a full hearing under the provisions of chapter 621 regarding the  
234 activities alleged in the initial complaint filed by the board.

235 15. If the administrative hearing commission refuses to grant temporary  
236 authority to the board [or] to restrict or suspend the nurse's license under  
237 subsection 8 of this section, such dismissal shall not bar the board from initiating  
238 a subsequent disciplinary action on the same grounds.

239 16. (1) The board may initiate a hearing before the board for discipline  
240 of any licensee's license or certificate upon receipt of one of the following:

241 (a) Certified court records of a finding of guilt or plea of guilty or nolo  
242 contendere in a criminal prosecution under the laws of any state or of the United  
243 States for any offense involving the qualifications, functions, or duties of any  
244 profession licensed or regulated under this chapter, for any offense involving  
245 fraud, dishonesty, or an act of violence, or for any offense involving moral  
246 turpitude, whether or not sentence is imposed;



247 (b) Evidence of final disciplinary action against the licensee's license,  
248 certification, or registration issued by any other state, by any other agency or  
249 entity of this state or any other state, or the United States or its territories, or  
250 any other country;

251 (c) Evidence of certified court records finding the licensee has been judged  
252 incapacitated or disabled under Missouri law or under the laws of any other state  
253 or of the United States or its territories.

254 (2) The board shall provide the licensee not less than ten days' notice of  
255 any hearing held pursuant to chapter 536.

256 (3) Upon a finding that cause exists to discipline a licensee's license, the  
257 board may impose any discipline otherwise available.

✓

Bill

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