

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1719
99TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, May 3, 2018, with recommendation that the Senate Committee Substitute do pass.

4489S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 209.297, 256.468, 317.006, 324.071, 324.136, 324.200, 324.205, 324.210, 324.212, 324.265, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.487, 324.522, 324.920, 324.925, 324.1108, 325.025, 326.286, 327.141, 327.221, 327.231, 327.241, 327.312, 327.313, 327.321, 327.615, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.181, 332.241, 333.031, 334.090, 334.404, 334.530, 334.580, 334.655, 334.710, 334.738, 334.870, 335.036, 335.046, 335.066, 335.067, 336.030, 336.060, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.013, 338.035, 338.070, 338.220, 338.333, 339.513, 340.232, 340.302, 344.030, 345.050, 374.715, 374.784, 436.239, and 632.005, RSMo, and to enact in lieu thereof one hundred twenty-one new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 209.297, 256.468, 317.006, 324.071, 324.136, 324.200,
2 324.205, 324.210, 324.212, 324.265, 324.406, 324.409, 324.412, 324.415, 324.421,
3 324.424, 324.427, 324.430, 324.436, 324.487, 324.522, 324.920, 324.925, 324.1108,
4 325.025, 326.286, 327.141, 327.221, 327.231, 327.241, 327.312, 327.313, 327.321,
5 327.615, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080,
6 329.085, 329.130, 330.030, 331.030, 332.131, 332.181, 332.241, 333.031, 334.090,
7 334.404, 334.530, 334.580, 334.655, 334.710, 334.738, 334.870, 335.036, 335.046,
8 335.066, 335.067, 336.030, 336.060, 337.020, 337.025, 337.029, 337.033, 337.315,

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

9 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.013,
10 338.035, 338.070, 338.220, 338.333, 339.513, 340.232, 340.302, 344.030, 345.050,
11 374.715, 374.784, 436.239, and 632.005, RSMo, are repealed and one hundred
12 twenty-one new sections enacted in lieu thereof, to be known as sections 209.297,
13 256.468, 285.700, 285.705, 285.710, 285.715, 285.720, 285.725, 285.730, 285.740,
14 285.750, 317.006, 324.005, 324.013, 324.046, 324.047, 324.071, 324.136, 324.200,
15 324.205, 324.210, 324.212, 324.265, 324.406, 324.409, 324.412, 324.415, 324.421,
16 324.424, 324.427, 324.430, 324.436, 324.487, 324.522, 324.920, 324.925, 324.1108,
17 325.025, 326.286, 327.141, 327.221, 327.231, 327.241, 327.312, 327.313, 327.321,
18 327.615, 328.025, 328.080, 329.010, 329.032, 329.033, 329.040, 329.050, 329.060,
19 329.070, 329.080, 329.085, 329.130, 329.275, 330.030, 331.030, 332.131, 332.181,
20 332.241, 333.031, 334.090, 334.404, 334.530, 334.580, 334.655, 334.710, 334.738,
21 334.870, 335.036, 335.046, 335.066, 335.067, 336.030, 336.060, 337.020, 337.025,
22 337.029, 337.033, 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130,
23 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, 337.165, 337.315, 337.320,
24 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.013, 338.035,
25 338.070, 338.220, 338.333, 339.513, 340.232, 340.302, 344.030, 345.050, 374.715,
26 374.784, 436.239, and 632.005, to read as follows:

209.297. 1. Applications for certification as an interpreter:

2 (1) Shall be submitted in writing to the commission on forms prescribed
3 by the commission and furnished to the applicant;

4 (2) Shall satisfactorily evidence the applicant's education, training,
5 experiences, certification, at the time of application, the applicant is eighteen
6 years of age or older and other information as the commission may require;

7 (3) Shall contain a statement that it is made under oath or affirmation
8 and that the information contained therein is true and correct to the best
9 knowledge and belief of the applicant and that the applicant is subject to the
10 penalties for making a false affidavit or declaration[;

11 (4) Shall be accompanied by the required application fee, submitted in a
12 manner as required by the commission and shall not be refundable]. **The**
13 **commission shall not charge an application fee until such time that the**
14 **application has been approved. In the event that an application is**
15 **denied or rejected, no application fee shall be charged.**

16 2. When the commission receives the application, the coordinator hired
17 pursuant to section 209.289 shall notify the applicant of the earliest and most
18 appropriate date for the applicant to be evaluated or converted.

256.468. 1. An applicant for certification as a registered geologist shall
2 complete and sign a personal data form, prescribed and furnished by the board[,
3 and shall provide the appropriate application fee]. The personal data of an
4 individual shall be considered confidential information. **No application fee
5 shall be charged until such time that the application has been
6 approved. In the event an application is denied or rejected, no
7 application fee shall be charged.**

8 2. The applicant shall have graduated from a course of study satisfactory
9 to the board and which includes at least thirty semester or forty-five quarter
10 hours of credit in geology.

11 3. The applicant shall provide to the board a detailed summary of actual
12 geologic work, documenting that the applicant meets the minimum requirements
13 for registration as a geologist, including a demonstration that the applicant has
14 at least three years of postbaccalaureate experience in the practice of geology.

15 4. Except as provided in this section, no applicant shall be certified unless
16 he or she shall have passed an examination covering the fundamentals, principles
17 and practices of geology prescribed or accepted by the board.

18 5. Any person, upon application to the board and demonstration that the
19 person meets the requirements of subsections 1 and 2 of this section and has
20 passed that portion of the professional examination covering the fundamentals
21 of geology, shall be awarded the geologist-registrant in-training certificate. The
22 geologist then may use the title "geologist-registrant in-training" subject to the
23 limitations of sections 256.450 to 256.483.

24 6. The board shall deny registration to an applicant who fails to satisfy
25 the requirements of this section. The board shall not issue a certificate of
26 registration pending the disposition in this or another state of any complaint
27 alleging a violation of this chapter or the laws, rules, regulations and code of
28 professional conduct applicable to registered geologists and regulated geologic
29 work of which violation the board has notice. An applicant who is denied
30 registration shall be notified in writing within thirty days of the board's decision
31 and the notice shall state the reason for denial of registration. Any person
32 aggrieved by a final decision of the board on an application for registration may
33 appeal that decision to the administrative hearing commission in the manner
34 provided in section 621.120.

35 7. The board shall issue an appropriate certificate evidencing the issuance
36 of the certificate of registration upon payment of the applicable registration fee

37 to any applicant who has satisfactorily met all the requirements of this section
38 for registration as a geologist. Such certificate shall show the full name of the
39 registrant, shall have a serial number, and shall be dated and signed by an
40 appropriate officer of the board under the seal of the board.

41 8. The certificate seal shall be prima facie evidence that the person named
42 therein is entitled to all rights and privileges of a registered geologist under
43 sections 256.450 to 256.483 and to practice geology as an individual, firm or
44 corporation while such certificate remains unrevoked or unexpired.

45 9. The board may issue a certificate of registration to any individual who
46 has made application and provided proof of certification of registration from
47 another state nongovernmental or governmental organization, or country,
48 approved by the board, provided that the registration or licensing requirements
49 are substantially similar to the requirements of this section and the necessary
50 fees have been paid. The board may require, by examination or other procedures,
51 demonstration of competency pertaining to geologic conditions in Missouri.

52 10. The board shall reissue the certificate of registration of any registrant
53 who, before the expiration date of the certificate and within a period of time and
54 procedures established by the board, submits the required renewal application
55 and fee.

56 11. The board, by rule, may establish conditions and fees for the reissuing
57 of certificates of registration which have lapsed, expired, or have been suspended
58 or revoked.

59 12. Registered geologists may purchase from the board, or other approved
60 sources, a seal bearing the registered geologist's name, registration number, and
61 the legend "Registered Geologist".

**285.700. 1. Sections 285.700 to 285.750 shall be known and may
2 be cited as the "Professional Employer Organization Act".**

**3 2. The secretary of state or any person designated by the
4 secretary of state may enforce the provisions of sections 285.700 to
5 285.750.**

**285.705. As used in sections 285.700 to 285.750, the following
2 terms mean:**

**3 (1) "Client", any person who enters into a professional employer
4 agreement with a PEO;**

5 (2) "Coemployer", either a PEO or a client;

6 (3) "Coemployment relationship", a relationship that is intended

7 to be an ongoing relationship rather than a temporary or project-
8 specific relationship, wherein the rights, duties, and obligations of an
9 employer that arise out of an employment relationship have been
10 allocated between coemployers pursuant to a professional employer
11 agreement and sections 285.700 to 285.750. In such a coemployment
12 relationship:

13 (a) The PEO is entitled to enforce only such employer rights and
14 is subject to only those obligations specifically allocated to the PEO by
15 the professional employer agreement or sections 285.700 to 285.750;

16 (b) The client is entitled to enforce those rights and obligated to
17 provide and perform those employer obligations allocated to such client
18 by the professional employer agreement and sections 285.700 to 285.750;
19 and

20 (c) The client is entitled to enforce any right and obligated to
21 perform any obligation of an employer not specifically allocated to the
22 PEO by the professional employer agreement or sections 285.700 to
23 285.750;

24 (4) "Covered employee", an individual having a coemployment
25 relationship with a PEO and a client who meets the following criteria:

26 (a) The individual has received written notice of coemployment
27 with the PEO; and

28 (b) The individual's coemployment relationship is pursuant to a
29 professional employer agreement subject to sections 285.700 to 285.750.
30 Individuals who are officers, directors, shareholders, partners, and
31 managers of the client will be covered employees, except to the extent
32 the PEO and the client have expressly agreed in the professional
33 employer agreement that such individuals would not be covered
34 employees, provided such individuals meet the criteria of this
35 subdivision and act as operational managers or perform day-to-day
36 operational services for the client;

37 (5) "PEO group", any two or more PEOs that are majority owned
38 or commonly controlled by the same entity, parent, or controlling
39 person;

40 (6) "Person", any individual, partnership, corporation, limited
41 liability company, association, or any other form of legally recognized
42 entity;

43 (7) "Professional employer agreement", a written contract by and

44 **between a client and a PEO that provides:**

45 **(a) For the coemployment of covered employees;**

46 **(b) For the allocation of employer rights and obligations between**
47 **the client and the PEO with respect to the covered employees; and**

48 **(c) That the PEO and the client assume the responsibilities**
49 **required under sections 285.700 to 285.750;**

50 **(8) "Professional employer organization" or "PEO", any person**
51 **engaged in the business of providing professional employer services.**

52 **A person engaged in the business of providing professional employer**
53 **services shall be subject to registration and regulation under sections**
54 **285.700 to 285.750 regardless of its use of the term or conducting**
55 **business as a professional employer organization, staff leasing**
56 **company, registered staff leasing company, employee leasing company,**
57 **administrative employer, or any other name. The following shall not**
58 **be deemed to be professional employer organizations or the providing**
59 **of professional employment services for the purposes of sections**
60 **285.700 to 285.750:**

61 **(a) Arrangements wherein a person, whose principal business**
62 **activity is not entering into professional employer arrangements and**
63 **does not hold itself out as a PEO, shares employees with a commonly**
64 **owned company within the meaning of Section 414(b) and (c) of the**
65 **Internal Revenue Code of 1986, as amended;**

66 **(b) Independent contractor arrangements by which a person**
67 **assumes responsibility for the product produced or service performed**
68 **by such person or his or her agents and retains and exercises primary**
69 **direction and control over the work performed by the individuals**
70 **whose services are supplied under such arrangements; and**

71 **(c) Providing temporary help services;**

72 **(9) "Professional employer services", the service of entering into**
73 **coemployment relationships under sections 285.700 to 285.750 in which**
74 **all or a majority of the employees providing services to a client or to**
75 **a division or work unit of a client are covered employees;**

76 **(10) "Registrant", a PEO registered under sections 285.700 to**
77 **285.750;**

78 **(11) "Temporary help services", services consisting of a person:**

79 **(a) Recruiting and hiring its own employees;**

80 **(b) Finding other organizations that need the services of those**

81 **employees;**

82 **(c) Assigning those employees to perform work at or services for**
83 **the other organizations to support or supplement the other**
84 **organizations' workforces, or to provide assistance in special work**
85 **situations including, but not limited to, employee absences, skill**
86 **shortages, seasonal workloads, or to perform special assignments or**
87 **projects; and**

88 **(d) Customarily attempting to reassign the employees to other**
89 **organizations when they finish each assignment.**

2085.710. 1. **Nothing contained in sections 285.700 to 285.750 or in**
2 **any professional employer agreement shall affect, modify, or amend any**
3 **collective bargaining agreement or the rights or obligations of any**
4 **client, PEO, or covered employee under the federal National Labor**
5 **Relations Act, the federal Railway Labor Act, or sections 105.500 to**
6 **105.530.**

7 2. **Nothing in sections 285.700 to 285.750 or in any professional**
8 **employer agreement shall:**

9 **(1) Diminish, abolish, or remove rights of covered employees to**
10 **a client or obligations of such client to a covered employee existing**
11 **prior to the effective date of a professional employer agreement;**

12 **(2) Affect, modify, or amend any contractual relationship or**
13 **restrictive covenant between a covered employee and any client in**
14 **effect at the time a professional employer agreement becomes effective.**
15 **A professional employer agreement shall also not prohibit or amend**
16 **any contractual relationship or restrictive covenant that is entered into**
17 **subsequently between a client or a covered employee. A PEO shall have**
18 **no responsibility or liability in connection with, or arising out of, any**
19 **such existing or new contractual relationship or restrictive covenant**
20 **unless the PEO has specifically agreed otherwise in writing; or**

21 **(3) Create any new or additional enforceable right of a covered**
22 **employee against a PEO that is not specifically provided by the**
23 **professional employer agreement or sections 285.700 to 285.750.**

24 3. **Nothing contained in sections 285.700 to 285.750 or any**
25 **professional employer agreement shall affect, modify, or amend any**
26 **state, local, or federal licensing, registration, or certification**
27 **requirement applicable to any client or covered employee.**

28 4. **A covered employee who shall be licensed, registered, or**

29 certified according to law or regulation is deemed solely an employee
30 of the client for purposes of any such license, registration, or
31 certification requirement.

32 5. A PEO shall not be deemed to engage in any occupation, trade,
33 profession, or other activity that is subject to licensing, registration, or
34 certification requirements, or is otherwise regulated by a governmental
35 entity solely by entering into and maintaining a coemployment
36 relationship with a covered employee who is subject to such
37 requirements or regulation.

38 6. A client shall have the sole right of direction and control of
39 the professional or licensed activities of covered employees and of the
40 client's business. Such covered employees and clients shall remain
41 subject to regulation by the regulatory or governmental entity
42 responsible for licensing, registration, or certification of such covered
43 employees or clients.

44 7. For purposes of the determination of tax credits, economic
45 incentives, or other benefits provided by this state or any other
46 government entity and based on employment, covered employees shall
47 be deemed employees solely of the client. A client shall be entitled to
48 the benefit of any tax credit, economic incentive, or other benefit
49 arising as the result of the employment of covered employees of such
50 client. Notwithstanding that the PEO is the W-2 reporting employer,
51 the client shall continue to qualify for such benefit, incentive, or credit.
52 If the grant or amount of any such benefit, incentive, or credit is based
53 on the number of employees, then each client shall be treated as
54 employing only those covered employees coemployed by the
55 client. Covered employees working for other clients of the PEO shall
56 not be counted. Each PEO shall provide, upon request by a client or an
57 agency or department of this state, employment information reasonably
58 required by any agency or department of this state responsible for
59 administration of any such tax credit, economic incentive, or other
60 benefit that is necessary to support any request, claim, application, or
61 other action by a client seeking any such tax credit, economic
62 incentive, or other benefit.

63 8. With respect to a bid, contract, purchase order, or agreement
64 entered into with the state or a political subdivision of the state, a
65 client company's status or certification as a minority business

66 enterprise or a women's business enterprise, as those terms are defined
67 in section 37.020, shall not be affected because the client company has
68 entered into an agreement with a PEO or uses the services of a PEO.

285.715. 1. Except as otherwise provided in sections 285.700 to
2 285.750, no person shall provide, advertise, or otherwise hold itself out
3 as providing professional employer services in this state, unless such
4 person is registered under sections 285.700 to 285.750.

5 2. Each applicant for registration under sections 285.700 to
6 285.750 shall provide the secretary of state with the following
7 information:

8 (1) The name or names under which the PEO conducts business;

9 (2) The address of the principal place of business of the PEO and
10 the address of each office it maintains in this state;

11 (3) The PEO's taxpayer or employer identification number;

12 (4) A list by jurisdiction of each name under which the PEO has
13 operated in the preceding five years, including any alternative names,
14 names of predecessors, and, if known, successor business entities;

15 (5) A statement of ownership, which shall include the name and
16 evidence of the business experience of any person that, individually or
17 acting in concert with one or more other persons, owns or controls,
18 directly or indirectly, twenty-five percent or more of the equity
19 interests of the PEO;

20 (6) A statement of management, which shall include the name
21 and evidence of the business experience of any person who serves as
22 president, chief executive officer, or otherwise has the authority to act
23 as senior executive officer of the PEO; and

24 (7) A financial statement setting forth the financial condition of
25 the PEO or PEO group. At the time of application for a new license, the
26 applicant shall submit the most recent audit of the applicant, which
27 shall not be older than thirteen months. Thereafter, a PEO or PEO
28 group shall file on an annual basis, within one hundred eighty days
29 after the end of the PEO's or PEO group's fiscal year, a succeeding
30 audit. An applicant may apply for an extension with the secretary of
31 state, but any such request shall be accompanied by a letter from the
32 auditors stating the reasons for the delay and the anticipated audit
33 completion date. The financial statement shall be prepared in
34 accordance with generally accepted accounting principles and audited

35 by an independent certified public accountant licensed to practice in
36 the jurisdiction in which such accountant is located and shall be
37 without qualification as to the going concern status of the PEO. A PEO
38 or PEO group may submit combined or consolidated audited financial
39 statements to meet the requirements of this section. A PEO that has
40 not had sufficient operating history to have audited financials based
41 upon at least twelve months of operating history shall meet the
42 financial capacity requirements of sections 285.700 to 285.750 and
43 present financial statements reviewed by a certified public accountant.

44 3. (1) Each PEO operating within this state as of the effective
45 date of sections 285.700 to 285.750 shall complete its initial registration
46 not later than one hundred eighty days after the effective date of
47 sections 285.700 to 285.750. Such initial registration shall be valid until
48 one hundred eighty days from the end of the PEO's first fiscal year that
49 is more than one year after the effective date of sections 285.700 to
50 285.750.

51 (2) Each PEO not operating within this state as of the effective
52 date of sections 285.700 to 285.750 shall complete its initial registration
53 prior to initiating operations within this state. In the event a PEO not
54 registered in this state becomes aware that an existing client not based
55 in this state has employees and operations in this state, the PEO shall
56 either decline to provide PEO services for those employees or notify the
57 secretary of state within five business days of its knowledge of this fact
58 and file a limited registration application under subsection 6 of this
59 section or a full business registration if there are more than fifty
60 covered employees. The secretary of state may issue an interim
61 operating permit for the period the registration applications are
62 pending if the PEO is currently registered or licensed by another state
63 and the secretary of state determines it to be in the best interest of the
64 potential covered employees.

65 4. Within one hundred eighty days after the end of a
66 registration's fiscal year, such registrant shall renew its registration by
67 notifying the secretary of state of any changes in the information
68 provided in such registration's most recent registration or renewal. A
69 registrant's existing registration shall remain in effect during the
70 pendency of a renewal application.

71 5. PEOs in a PEO group may satisfy the reporting and financial

72 requirements of sections 285.700 to 285.750 on a combined or
73 consolidated basis, provided that each member of the PEO group
74 guarantees the financial capacity obligations under sections 285.700 to
75 285.750 of each other member of the PEO group. In the case of a PEO
76 or PEO group that submits a combined or consolidated audited
77 financial statement including entities that are not PEOs or that are not
78 in the PEO group, the controlling entity of the PEO group under the
79 consolidated or combined statement shall guarantee the obligations of
80 the PEOs in the PEO group.

81 6. (1) A PEO is eligible for a limited registration under sections
82 285.700 to 285.750 if such PEO:

83 (a) Submits a properly executed request for limited registration
84 on a form provided by the secretary of state;

85 (b) Is domiciled outside this state and is licensed or registered
86 as a professional employer organization in another state;

87 (c) Does not maintain an office in this state or directly solicit
88 clients located or domiciled within this state; and

89 (d) Does not have more than fifty covered employees employed
90 or domiciled in this state on any given day.

91 (2) A limited registration is valid for one year, and may be
92 renewed.

93 (3) A PEO seeking limited registration under this section shall
94 provide the secretary of state with information and documentation
95 necessary to show that the PEO qualifies for a limited registration.

96 (4) The provisions of section 285.725 shall not apply to applicants
97 for limited registration.

98 7. The secretary of state shall maintain a list of professional
99 employer organizations registered under sections 285.700 to 285.750
100 that is readily available to the public by electronic or other means.

101 8. The secretary of state may produce forms necessary to
102 promote the efficient administration of this section.

103 9. The secretary of state shall, to the extent practical, permit the
104 acceptance of electronic filings in conformance with sections 432.200
105 to 432.295, including applications, documents, reports, and other filings
106 required by sections 285.700 to 285.750. The secretary of state may
107 provide for the acceptance of electronic filings and other assurance by
108 an independent and qualified assurance organization approved by the

109 secretary of state that provides satisfactory assurance of compliance
110 acceptable to the secretary of state consistent with or in lieu of the
111 requirements of sections 285.715 and 285.725 and other requirements
112 of sections 285.700 to 285.750. The secretary of state shall permit a PEO
113 to authorize such an approved assurance organization to act on the
114 PEO's behalf in complying with the registration requirements of
115 sections 285.700 to 285.750, including electronic filings of information
116 and payment of registration fees. Use of such an approved assurance
117 organization shall be optional and not mandatory for a
118 registrant. Nothing in this subsection shall limit or change the
119 secretary of state's authority to register or terminate registration of a
120 professional employer organization or to investigate or enforce any
121 provision of sections 285.700 to 285.750.

122 10. All records, reports, and other information obtained from a
123 PEO under sections 285.700 to 285.750, except to the extent necessary
124 for the proper administration of sections 285.700 to 285.750 by the
125 secretary of state, shall be confidential and shall not be considered a
126 "public record" as that term is defined in section 610.010.

285.720. 1. Upon filing an initial registration statement under
2 sections 285.700 to 285.750, a PEO shall pay an initial registration fee
3 not to exceed five hundred dollars.

4 2. Upon each annual renewal of a registration statement filed
5 under sections 285.700 to 285.750, a PEO shall pay a renewal fee not to
6 exceed two hundred fifty dollars.

7 3. The secretary of state shall determine any fee to be charged
8 for a group registration.

9 4. Each PEO seeking limited registration shall pay a fee in the
10 amount not to exceed two hundred fifty dollars upon initial application
11 for limited registration and upon each renewal of such limited
12 registration.

13 5. No fee charged under sections 285.700 to 285.750 shall exceed
14 the amount reasonably necessary for the administration of sections
15 285.700 to 285.750.

285.725. Except as provided by 285.715, each PEO or collectively
2 each PEO group shall maintain either:

3 (1) Positive working capital as defined by generally accepted
4 accounting principles at registration as reflected in the financial

5 statements submitted to the secretary of state with the initial
6 registration and each annual renewal; or

7 (2) A PEO or PEO group that does not have positive working
8 capital may provide a bond, irrevocable letter of credit, or securities
9 with a minimum market value equaling the deficiency plus one
10 hundred thousand dollars to the secretary of state. Such bond is to be
11 held by a depository designated by the secretary of state securing
12 payment by the PEO of all taxes, wages, benefits, or other entitlement
13 due to or with respect to covered employees if the PEO does not make
14 such payments when due.

285.730. 1. Except as specifically provided in sections 285.700 to
2 285.750 or in the professional employer agreement, in each
3 coemployment relationship:

4 (1) The client shall be entitled to exercise all rights, and shall be
5 obligated to perform all duties and responsibilities otherwise
6 applicable to an employer in an employment relationship;

7 (2) The PEO shall be entitled to exercise only those rights and
8 obligated to perform only those duties and responsibilities specifically
9 required under sections 285.700 to 285.750 or set forth in the
10 professional employer agreement. The rights, duties, and obligations
11 of the PEO as coemployer with respect to any covered employee shall
12 be limited to those arising pursuant to the professional employer
13 agreement and sections 285.700 to 285.750 during the term of
14 coemployment by the PEO of such covered employee; and

15 (3) Unless otherwise expressly agreed by the PEO and the client
16 in a professional employer agreement, the client retains the exclusive
17 right to direct and control the covered employees as is necessary to
18 conduct the client's business, to discharge any of the client's fiduciary
19 responsibilities, or to comply with any licensure requirements
20 applicable to the client or to the covered employees.

21 2. Except as specifically provided under sections 285.700 to
22 285.750, the coemployment relationship between the client and the PEO
23 and between each coemployer and each covered employee shall be
24 governed by the professional employer agreement. Each professional
25 employer agreement shall include the following:

26 (1) The allocation of rights, duties, and obligations as described
27 in subsection 1 of this section;

28 **(2) A requirement that the PEO shall have responsibility to:**

29 **(a) Pay wages to covered employees;**

30 **(b) Withhold, collect, report, and remit payroll-related and**
31 **unemployment taxes; and**

32 **(c) To the extent the PEO has assumed responsibility in the**
33 **professional employer agreement, to make payments for employee**
34 **benefits for covered employees.**

35 **As used in this section, the term "wages" does not include any**
36 **obligation between a client and a covered employee for payments**
37 **beyond or in addition to the covered employee's salary, draw, or**
38 **regular rate of pay, such as bonuses, commissions, severance pay,**
39 **deferred compensation, profit sharing, vacation, sick, or other paid-**
40 **time off pay, unless the PEO has expressly agreed to assume liability**
41 **for such payments in the professional employer agreement; and**

42 **(3) A requirement that the PEO shall have a right to hire,**
43 **discipline, and terminate a covered employee as may be necessary to**
44 **fulfill the PEO's responsibilities under sections 285.700 to 285.750 and**
45 **the professional employer agreement. The client shall have a right to**
46 **hire, discipline, and terminate a covered employee.**

47 **3. With respect to each professional employer agreement entered**
48 **into by a PEO, such PEO shall provide written notice to each covered**
49 **employee affected by such agreement of the general nature of the**
50 **coemployment relationship between and among the PEO, the client, and**
51 **such covered employee.**

52 **4. Except to the extent otherwise expressly provided by the**
53 **applicable professional employer agreement:**

54 **(1) A client shall be solely responsible for the quality, adequacy,**
55 **or safety of the goods or services produced or sold in the client's**
56 **business;**

57 **(2) A client shall be solely responsible for directing, supervising,**
58 **training, and controlling the work of the covered employees with**
59 **respect to the business activities of the client and solely responsible for**
60 **the acts, errors, or omissions of the covered employees with regard to**
61 **such activities;**

62 **(3) A client shall not be liable for the acts, errors, or omissions**
63 **of a PEO or of any covered employee of the client and a PEO if such**
64 **covered employee is acting under the express direction and control of**

65 the PEO;

66 (4) A PEO shall not be liable for the acts, errors, or omissions of
67 a client or of any covered employee of the client if such covered
68 employee is acting under the express direction and control of the
69 client;

70 (5) Nothing in this subsection shall serve to limit any contractual
71 liability or obligation specifically provided in the written professional
72 employer agreement; and

73 (6) A covered employee is not, solely as the result of being a
74 covered employee of a PEO, an employee of the PEO for purposes of
75 general liability insurance, fidelity bonds, surety bonds, employer's
76 liability that is not covered by workers' compensation, or liquor
77 liability insurance carried by the PEO unless the covered employees
78 are included by specific reference in the professional employer
79 agreement and applicable prearranged employment contract, insurance
80 contract, or bond.

81 5. A PEO under sections 285.700 to 285.750 is not engaged in the
82 sale of insurance or in acting as a third party administrator by
83 offering, marketing, selling, administering, or providing professional
84 employer services that include services and employee benefit plans for
85 covered employees. The provisions of this section shall not supersede
86 or preempt any requirements under section 375.014.

87 6. For purposes of this state or any county, municipality, or
88 other political subdivision thereof:

89 (1) Any tax or assessment imposed upon professional employer
90 services or any business license or other fee that is based upon "gross
91 receipts" shall allow a deduction from the gross income or receipts of
92 the business derived from performing professional employer services
93 that is equal to that portion of the fee charged to a client that
94 represents the actual cost of wages and salaries, benefits, payroll taxes,
95 withholding, or other assessments paid to or on behalf of a covered
96 employee by the professional employer organization under a
97 professional employer agreement;

98 (2) Any tax assessed or assessment or mandated expenditure on
99 a per capita or per employee basis shall be assessed against the client
100 for covered employees and against the professional employer
101 organization for its employees who are not covered employees

102 coemployed with a client. Benefits or monetary consideration that
103 meet the requirements of mandates imposed on a client and that are
104 received by covered employees through the PEO either through payroll
105 or through benefit plans sponsored by the PEO shall be credited
106 against the client's obligation to fulfill such mandates; and

107 (3) In the case of a tax or an assessment imposed or calculated
108 upon the basis of total payroll, the professional employer organization
109 shall be eligible to apply any small business allowance or exemption
110 available to the client for the covered employees for purposes of
111 computing the tax.

285.740. 1. The responsibility to obtain workers' compensation
2 coverage for covered employees in compliance with all applicable laws
3 shall be specifically allocated in the professional employer agreement
4 to either the client or the PEO.

5 2. (1) Coverage for both the directly employed workers of a
6 client and the covered employees of that client shall be all in the
7 residual or all in the voluntary market with the same carrier.

8 (2) Workers' compensation coverage for covered employees in the
9 voluntary market may be obtained by either:

10 (a) The client through a standard workers' compensation policy
11 or through duly authorized self-insurance under section 287.280; or

12 (b) The PEO through duly authorized self insurance under
13 section 287.280, through the type of policy referenced under the
14 provisions of 20 CSR 500-6.800(5)(c)2 issued to the PEO by a carrier
15 authorized to do business in this state, or through a multiple
16 coordinated workers' compensation policy issued by a carrier
17 authorized to do business in this state in the name of the PEO or the
18 client.

19 A PEO authorized to self-insure under section 287.280 shall report to
20 the insurer or the appropriate state and rating authorities such client-
21 based information as is necessary to maintain the client's experience
22 rating.

23 (3) Workers' compensation for covered employees in the residual
24 market may be obtained by the client through a residual market policy
25 or by the PEO through a multiple coordinated policy in either the name
26 of the PEO or the client that provides to the appropriate state and
27 rating authorities the client-based information satisfactory to maintain

28 the client's experience rating.

29 **3. A PEO that applies for coverage or is covered through the**
30 **voluntary market shall also maintain and furnish to the insurer**
31 **sufficient information to permit the calculation of an experience**
32 **modification factor for each client upon termination of the**
33 **coemployment relationship. Information reported during the term of**
34 **the coemployment relationship which is used to calculate an experience**
35 **modification factor for a client prior to and upon termination of the**
36 **professional employer agreement shall continue to be used in the future**
37 **experience ratings of the PEO. Such information shall include:**

38 **(1) The client's corporate name;**

39 **(2) The client's taxpayer or employer identification number;**

40 **(3) Payroll summaries and class codes applicable to each client,**
41 **and, if requested by the insurer, a listing of all covered employees**
42 **associated with a given client; and**

43 **(4) Claims information grouped by client, and any other**
44 **information maintained by or readily available to the PEO that is**
45 **necessary for the calculation of an experience modification factor for**
46 **each client.**

47 **4. In addition to any other provision of chapter 287, any material**
48 **violations of this section by a PEO is grounds for cancellation or**
49 **nonrenewal of the PEO's insurance policy by the insurer. If a PEO has**
50 **received notice that its workers' compensation insurance policy will be**
51 **canceled or nonrenewed, the PEO shall notify by certified mail, within**
52 **ten days after the receipt of the notice, all of the clients for which there**
53 **is a coemployment relationship covered under the policy to be**
54 **canceled, provided that notice shall not be required if the PEO has**
55 **obtained another insurance policy from a carrier authorized to do**
56 **business in this state, with an effective date that is the same as the date**
57 **of cancellation or nonrenewal.**

58 **5. If the coemployment relationship with a client is terminated,**
59 **the client shall utilize an experience modification factor which reflects**
60 **its individual experience, including, if applicable, experience incurred**
61 **for covered employees under the professional employer agreement. The**
62 **PEO shall provide to the client the client's information that is**
63 **maintained under subsection 3 of this section within five business days**
64 **of receiving notice from the client or within five business days of**

65 providing notice to the client that the coemployment relationship will
66 terminate. The PEO shall also provide such information to any future
67 client insurer, if requested by such client. The PEO shall notify the
68 insurer of its intent to terminate any client relationship prior to
69 termination when feasible. When prior notice is not feasible, the PEO
70 shall notify its insurer within five business days following actual
71 termination.

72 6. Both the client and the PEO shall be considered the employer
73 for purposes of coverage under chapter 287. The protection of the
74 exclusive remedy provision under section 287.120 shall apply to the
75 PEO, the client, and to all covered employees and other employees of
76 the client irrespective of which coemployer obtains such workers'
77 compensation coverage. Nothing in this section shall be construed to
78 exempt either the client or the PEO from compliance with the
79 provisions of chapter 287.

80 7. A client may request the information maintained under
81 subsection 3 of this section at any time and every PEO shall provide
82 that information to such client within five business days of receiving
83 such a request.

84 8. In the case of a request for information by a third party
85 requesting verification of a client's experience modification factor for
86 a client in the type of policy referenced under the provisions of 20 CSR
87 500-6.800(5)(c)2, the PEO shall, within five business days of receipt of
88 receiving the client's consent, provide such third party with only the
89 information maintained by the PEO under subsection 3 of this section.
90 If a client refuses to grant consent to a request for information under
91 this subsection, the PEO shall notify the requesting third party that the
92 client has refused to consent to the disclosure of the information
93 maintained by the PEO under subsection 3 of this section.

94 9. A client shall provide any prospective insurer with the
95 information maintained by the PEO under subsection 3 of this section
96 upon receiving such information from the PEO. Failure to provide a
97 future insurer with such information shall be considered a violation of
98 subsection 6 of section 287.128.

99 10. (1) A client shall notify any prospective insurer of the
100 client's previous or current relationship with a PEO. Failure to provide
101 a future insurer with such information shall be considered a violation

102 of subsection 6 of section 287.128.

103 (2) This subsection shall not apply if the PEO did not provide
104 workers' compensation coverage to a client during the coemployment
105 relationship.

106 11. For purposes of chapter 288, a PEO registered under sections
107 285.700 to 285.750 shall be treated as a "lesser employing unit" under
108 section 288.032.

285.750. 1. A person shall not knowingly:

2 (1) Offer or provide professional employer services or use the
3 names PEO, professional employer organization, staff leasing, employee
4 leasing, administrative employer, or other title representing
5 professional employer services without first becoming registered under
6 sections 285.700 to 285.750; or

7 (2) Provide false or fraudulent information to the secretary of
8 state in conjunction with any registration, renewal, or in any report
9 required under sections 285.700 to 285.750.

10 2. Disciplinary action shall be taken by the secretary of state for
11 violation of this section for:

12 (1) The conviction of a professional employer organization or a
13 controlling person of a PEO of a crime that relates to the operation of
14 a PEO or the ability of the licensee or a controlling person of a licensee
15 to operate a PEO;

16 (2) Knowingly making a material misrepresentation to the
17 secretary of state or other governmental agency; or

18 (3) A willful violation of sections 285.700 to 285.750 or any order
19 issued by the secretary of state under sections 285.700 to 285.750.

20 3. Upon finding, after notice and opportunity for hearing, that
21 a PEO, a controlling person of a PEO, or a person offering PEO services
22 has violated one or more provisions of this section and subject to
23 appeal, the secretary of state may:

24 (1) Deny an application for a license;

25 (2) Revoke, restrict, or refuse to renew a license;

26 (3) Impose an administrative penalty in an amount not to exceed
27 one thousand dollars for each material violation;

28 (4) Place the licensee on probation for the period and subject to
29 conditions that the secretary of state specifies; or

30 (5) Issue a cease and desist order.

317.006. 1. The division shall have general charge and supervision of all
2 professional boxing, sparring, professional wrestling, professional kickboxing and
3 professional full-contact karate contests held in the state of Missouri, and it shall
4 have the power, and it shall be its duty:

5 (1) To make and publish rules governing in every particular professional
6 boxing, sparring, professional wrestling, professional kickboxing and professional
7 full-contact karate contests;

8 (2) To make and publish rules governing the approval of amateur
9 sanctioning bodies;

10 (3) To accept applications for and issue licenses to contestants in
11 professional boxing, sparring, professional wrestling, professional kickboxing and
12 professional full-contact karate contests held in the state of Missouri, and
13 referees, judges, matchmakers, managers, promoters, seconds, announcers,
14 timekeepers and physicians involved in professional boxing, sparring, professional
15 wrestling, professional kickboxing and professional full-contact karate contests
16 held in the state of Missouri, as authorized herein. Such licenses shall be issued
17 in accordance with rules duly adopted by the division;

18 (4) To charge fees to be determined by the director and established by rule
19 for every license issued and to assess a tax of five percent of the gross receipts of
20 any person, organization, corporation, partnership, limited liability company, or
21 association holding a promoter's license and permit under sections 317.001 to
22 317.021, derived from admission charges connected with or as an incident to the
23 holding of any professional boxing, sparring, professional wrestling, professional
24 kickboxing or professional full-contact karate contest in the state of
25 Missouri. Such funds shall be paid to the division of professional registration
26 which shall pay said funds into the Missouri state treasury to be set apart into
27 a fund to be known as the "Athletic Fund" which is hereby established;

28 (5) To assess a tax of five percent of the gross receipts of any person,
29 organization, corporation, partnership, limited liability company or association
30 holding a promoter's license under sections 317.001 to 317.021 derived from the
31 sale, lease or other exploitation in this state of broadcasting, television, pay-per-
32 view, closed-circuit telecast, and motion picture rights for any professional boxing,
33 sparring, professional wrestling, professional kickboxing or professional full-
34 contact karate contest. Such funds shall be paid to the division which shall pay
35 said funds into the Missouri state treasury to be set apart into a fund to be
36 known as the "Athletic Fund";

37 (6) Each cable television system operator whose pay-per-view or closed-
38 circuit facilities are utilized to telecast a bout or contest shall, within thirty
39 calendar days following the date of the telecast, file a report with the office
40 stating the number of orders sold and the price per order.

41 2. All fees established pursuant to sections 317.001 to 317.021 shall be
42 determined by the director by rule in such amount as to produce sufficient
43 revenue to fund the necessary expenses and operating costs incurred in the
44 administration of the provisions of sections 317.001 to 317.021. All expenses
45 shall be paid as otherwise provided by law.

46 **3. The division shall not charge an application fee until such**
47 **time that the application has been approved. In the event that an**
48 **application is denied or rejected, no application fee shall be charged.**

324.005. Notwithstanding any other provision of law to the
2 **contrary, the division of professional registration and its component**
3 **boards, committees, offices, and commissions shall not charge any**
4 **applicant applying to be licensed or registered for any profession or**
5 **occupation regulated by the division under chapters 209, 256, 317, 324**
6 **to 346, and 436 an application fee until such application has been**
7 **approved. In the event an application for licensure or registration is**
8 **denied or rejected, no application fee shall be charged.**

324.013. 1. For purposes of this section, the following terms
2 **mean:**

3 (1) "License", a license, certificate, registration, permit, or
4 accreditation that enables a person to legally practice an occupation,
5 profession, or activity in the state;

6 (2) "Oversight body", any board, department, agency, or office of
7 the state that issues licenses. The term "oversight body" shall not
8 include any political subdivision.

9 2. An oversight body shall not deny any person eighteen years of
10 age or older a license on the basis of age unless the license enables a
11 person to operate a school bus owned by or under contract with a
12 public school or the state board of education, transport hazardous
13 material, use explosives, or engage in any activity associated with
14 gaming.

324.046. 1. For the purposes of this section, the term "health care
2 **professional" shall mean a physician, other health care practitioner, or**
3 **mental health professional licensed, accredited, or certified by the state**

4 of Missouri to perform specified health services.

5 2. Any health care professional in the state of Missouri may
6 annually complete training in the areas of suicide assessment, referral,
7 treatment, and management, which may qualify as part of the continuing
8 education requirements for his or her licensure.

 324.047. 1. The purpose of this section is to promote general
2 welfare by establishing guidelines for the regulation of occupations and
3 professions not regulated prior to January 1, 2019, and guidelines for
4 combining any additional occupations or professions under a single
5 license regulated by the state prior to January 1, 2019.

6 2. For purposes of this section, the following terms mean:

7 (1) "Applicant group", any occupational or professional group or
8 organization, any individual, or any other interested party that seeks
9 to be licensed or further regulated or supports any bill that proposes
10 to combine any additional occupations or professions under a single
11 license regulated by the state prior to January 1, 2019;

12 (2) "Certification", a program in which the government grants
13 nontransferable recognition to an individual who meets personal
14 qualifications established by a regulatory entity. Upon approval, the
15 individual may use "certified" as a designated title. This term shall not
16 be synonymous with an occupational license;

17 (3) "Department", the department of insurance, financial
18 institutions and professional registration;

19 (4) "Director", the director of the division of professional
20 registration;

21 (5) "Division", the division of professional registration;

22 (6) "General welfare", the concern of the government for the
23 health, peace, morality, and safety of its residents;

24 (7) "Lawful occupation", a course of conduct, pursuit, or
25 profession that includes the sale of goods or services that are not
26 themselves illegal to sell irrespective of whether the individual selling
27 them is subject to an occupational regulation;

28 (8) "Least restrictive type of occupational regulation", the
29 regulation that is least restrictive, in which the following list of
30 regulations in order from least to most restrictive is used to make such
31 determination:

32 (a) Bonding or insurance;

33 **(b) Registration;**

34 **(c) Certification;**

35 **(d) Occupational license;**

36 **(9) "Occupational license", a nontransferable authorization in law**
37 **for an individual to perform a lawful occupation for compensation**
38 **based on meeting personal qualifications established by a regulatory**
39 **entity and that, if not possessed, prohibits the individual from**
40 **performing the occupation for compensation;**

41 **(10) "Occupational regulation", a statute, ordinance, rule,**
42 **practice, policy, or other law requiring an individual to possess certain**
43 **personal qualifications to work in a lawful occupation;**

44 **(11) "Personal qualifications", criteria related to an individual's**
45 **personal background, including completion of an approved educational**
46 **program, satisfactory performance on an examination, work experience,**
47 **criminal history, and completion of continuing education;**

48 **(12) "Practitioner", an individual who has achieved knowledge**
49 **and skill by practice and is actively engaged in a specified occupation**
50 **or profession;**

51 **(13) "Registration", a requirement established by the general**
52 **assembly in which an individual:**

53 **(a) Submits notification to a state agency; and**

54 **(b) May use "registered" as a designated title.**

55 **Notification may include the individual's name and address, the**
56 **individual's agent for service of process, the location of the activity to**
57 **be performed, and a description of the service the individual**
58 **provides. Registration may include a requirement to post a bond but**
59 **does not include education or experience requirements. If the**
60 **requirement of registration is not met, the individual is prohibited**
61 **from performing the occupation for compensation or using "registered"**
62 **as a designated title. The term "registration" shall not be synonymous**
63 **with an occupational license;**

64 **(14) "Regulatory entity", any board, commission, agency, division,**
65 **or other unit or subunit of state government that regulates one or more**
66 **professions, occupations, industries, businesses, or other endeavors in**
67 **this state;**

68 **(15) "State agency", every state office, department, board,**
69 **commission, regulatory entity, and agency of the state. The term "state**

70 agency" includes, if provided by law, programs and activities involving
71 less than the full responsibility of a state agency;

72 (16) "Substantial burden", a requirement in an occupational
73 regulation that imposes significant difficulty or cost on an individual
74 seeking to enter into or continue in a lawful occupation and is more
75 than an incidental burden.

76 3. All individuals may engage in the occupation of their choice,
77 free from unreasonable government regulation. The state shall not
78 impose a substantial burden on an individual's pursuit of his or her
79 occupation or profession unless there is a reasonable interest for the
80 state to protect the general welfare. If such an interest exists, the
81 regulation adopted by the state shall be the least restrictive type of
82 occupational regulation consistent with the public interest to be
83 protected.

84 4. All bills introduced in the general assembly to regulate,
85 pursuant to subsection 6 of this section, an occupation or profession
86 shall be reviewed according to the following criteria. An occupation or
87 profession shall be regulated by the state if:

88 (1) Unregulated practice could cause harm and endanger the
89 general welfare, and the potential for further harm and endangerment
90 is recognizable;

91 (2) The public can reasonably be expected to benefit from an
92 assurance of personal qualifications; and

93 (3) The general welfare cannot be sufficiently protected by other
94 means.

95 5. After evaluating the criteria in subdivision (3) of this
96 subsection and considering governmental, economic, and societal costs
97 and benefits, if the general assembly finds that the state has a
98 reasonable interest in regulating, pursuant to subsection 6 of this
99 section, an occupation or profession not previously regulated by law,
100 the most efficient form of regulation shall be implemented, consistent
101 with this section and with the need to protect the general welfare, as
102 follows:

103 (1) If the threat to the general welfare resulting from the
104 practitioner's services is easily predictable, the regulation shall
105 implement a system of insurance, bonding, or registration;

106 (2) If the consumer has challenges accessing credentialing

107 information or possesses significantly less information on how to report
108 abuses such that the practitioner puts the consumer in a
109 disadvantageous position relative to the practitioner to judge the
110 quality of the practitioner's services, the regulation shall implement a
111 system of certification; and

112 (3) If other regulatory structures, such as bonding, insurance,
113 registration, and certification, insufficiently protect the general
114 welfare from recognizable harm, the regulation shall implement a
115 system of licensing.

116 6. After January 1, 2019, any relevant regulatory entity shall
117 report, and the department shall make available to the general
118 assembly, upon the filing of a bill that proposes additional regulation
119 of a profession or occupation currently regulated by the regulatory
120 entity, the following factors to the department:

121 (1) A description of the professional or occupational group
122 proposed for expansion of regulation, including the number of
123 individuals or business entities that would be subject to regulation to
124 the extent that such information is available; the names and addresses
125 of associations, organizations, and other groups representing the
126 practitioners; and an estimate of the number of practitioners in each
127 group;

128 (2) Whether practice of the profession or occupation proposed
129 for expansion of regulation requires such a specialized skill that the
130 public is not qualified to select a competent practitioner without
131 assurances that minimum qualifications have been met;

132 (3) The nature and extent of potential harm to the public if the
133 profession or occupation is not regulated as described in the bill, the
134 extent to which there is a threat to the general welfare, and production
135 of evidence of potential harm, including a description of any
136 complaints filed with state law enforcement authorities, courts,
137 departmental agencies, professional or occupational boards, and
138 professional and occupational associations that have been lodged
139 against practitioners of the profession or occupation in this state
140 within the past five years. Notwithstanding the provisions of this
141 section or any other section, the relevant regulatory entity shall
142 provide, and the department shall make available to the general
143 assembly, the information relating to such complaints even if the

144 information is considered a closed record or otherwise confidential;
145 except that, the regulatory entity and the department shall redact
146 names and other personally identifiable information from the
147 information released;

148 (4) A description of the voluntary efforts made by practitioners
149 of the profession or occupation to protect the public through
150 self-regulation, private certifications, membership in professional or
151 occupational associations, or academic credentials and a statement of
152 why these efforts are inadequate to protect the public;

153 (5) The extent to which expansion of regulation of the profession
154 or occupation will increase the cost of goods or services provided by
155 practitioners and the overall cost-effectiveness and economic impact of
156 the proposed regulation, including the direct cost to the government
157 and the indirect costs to consumers;

158 (6) The extent to which expansion of regulation of the profession
159 or occupation would increase or decrease the availability of services to
160 the public;

161 (7) The extent to which existing legal remedies are inadequate
162 to prevent or redress the kinds of harm potentially resulting from the
163 lack of the requirements outlined in the bill;

164 (8) Why bonding and insurance, registration, certification,
165 occupational license to practice, or another type of regulation is being
166 proposed, why that regulatory alternative was chosen, and whether the
167 proposed method of regulation is appropriate;

168 (9) A list of other states that regulate the profession or
169 occupation, the type of regulation, copies of other states' laws, and
170 available evidence from those states of the effect of regulation on the
171 profession or occupation in terms of a before-and-after analysis;

172 (10) The details of any previous efforts in this state to implement
173 regulation of the profession or occupation;

174 (11) Whether the proposed requirements for regulation exceed
175 the national industry standards of minimal competence, if such
176 standards exist, and what those standards are if they exist; and

177 (12) The method proposed to finance the proposed regulation
178 and financial data pertaining to whether the proposed regulation can
179 be reasonably financed by current or proposed licensees through
180 dedicated revenue mechanisms.

181 **7. If no existing regulatory entity regulates the occupation or**
182 **profession to be regulated in the bill, the department shall report and**
183 **make available to the general assembly, upon the filing of a bill after**
184 **January 1, 2019, that proposes new regulation of a profession or**
185 **occupation, the following factors:**

186 **(1) A description of the professional or occupational group**
187 **proposed for regulation, including the number of individuals or**
188 **business entities that would be subject to regulation to the extent that**
189 **such information is available; the names and addresses of associations,**
190 **organizations, and other groups representing the practitioners; and an**
191 **estimate of the number of practitioners in each group;**

192 **(2) The nature and extent of potential harm to the public if the**
193 **profession or occupation is not regulated, the extent to which there is**
194 **a threat to the general welfare, and production of evidence of potential**
195 **harm, including a description of any complaints filed with state law**
196 **enforcement authorities, courts, departmental agencies, professional or**
197 **occupational boards, and professional and occupational associations**
198 **that have been lodged against practitioners of the profession or**
199 **occupation in this state within the past five years. Notwithstanding the**
200 **provisions of this section or any other section, the department shall**
201 **release the information relating to such complaints even if the**
202 **information is considered a closed record or otherwise confidential;**
203 **except that, the department shall redact names and other personally**
204 **identifiable information from the information released;**

205 **(3) A list of other states that regulate the profession or**
206 **occupation, the type of regulation, copies of other states' laws, and**
207 **available evidence from those states of the effect of regulation on the**
208 **profession or occupation in terms of a before-and-after analysis;**

209 **(4) The details of any previous efforts in this state to implement**
210 **regulation of the profession or occupation; and**

211 **(5) Whether the proposed requirements for regulation exceed the**
212 **national industry standards of minimal competence, if such standards**
213 **exist, and what those standards are if they exist.**

214 **8. After January 1, 2019, applicant groups may report to the**
215 **department, and the department shall make available to the general**
216 **assembly, any of the information required in subsection 6 or 7 of this**
217 **section and whether the profession or occupation plans to apply for**

218 **mandated benefits.**

324.071. 1. The applicant applying for a license to practice occupational
2 therapy shall provide evidence of being initially certified by a certifying entity
3 and has completed an application for licensure [and all applicable fees have been
4 paid]. **The board shall not charge an application fee until such time
5 that the application has been approved. In the event that an
6 application is denied or rejected, no application fee shall be charged.**

7 2. The certification requirement shall be waived for those persons who
8 hold a current registration by the board as an occupational therapist or
9 occupational therapy assistant on August 28, 1997, provided that this application
10 is made on or before October 31, 1997, and all applicable fees have been paid. All
11 other requirements of sections 324.050 to 324.089 must be satisfied.

12 3. The person shall have no violations, suspensions, revocation or pending
13 complaints for violation of regulations from a certifying entity or any
14 governmental regulatory agency in the past five years.

15 4. The board may negotiate reciprocal contracts with other states, the
16 District of Columbia, or territories of the United States which require standards
17 for licensure, registration or certification considered to be equivalent or more
18 stringent than the requirements for licensure pursuant to sections 324.050 to
19 324.089.

324.136. 1. A candidate for a license to practice as a licensed clinical
2 perfusionist shall submit a sworn application [accompanied by the required
3 fees]. The board shall prescribe the form of the application and by rule may
4 establish dates by which applications [and fees] must be received. **The board
5 shall not charge an application fee until such time that the application
6 has been approved. In the event that an application is denied or
7 rejected, no application fee shall be charged.**

8 2. To qualify for the licensing examination, the applicant shall have
9 successfully completed a perfusion education program approved by the board. In
10 approving perfusion education programs necessary for qualification for licensing
11 examination, the board shall approve only a program that has education
12 standards established by the Accreditation Committee for Perfusion Education
13 and approved by the Commission on Accreditation of Allied Health Education
14 Programs or its successor.

15 3. All fees payable pursuant to sections 324.125 to 324.183 shall be
16 collected by the division of professional registration and transmitted to the

17 department of revenue for deposit in the state treasury to the credit of the board
18 of registration for the healing arts fund established in section 334.050. The
19 licensed perfusionists fund is hereby abolished. Any funds remaining in the
20 licensed perfusionists fund on August 28, 1999, shall be transferred to the board
21 of registration for the healing arts fund.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited
2 as the "Dietitian Practice Act".

3 2. As used in sections 324.200 to 324.225, the following terms shall mean:

4 (1) "[Commission on Accreditation for Dietetics Education (CADE)", the
5 American Dietetic Association's] **Accreditation Council for Education in**
6 **Nutrition and Dietetics**" or **"ACEND", the Academy of Nutrition and**
7 **Dietetics** accrediting agency for education programs preparing students for
8 professions as registered dietitians;

9 (2) "Committee", the state committee of dietitians established in section
10 324.203;

11 (3) "Dietetics practice", the application of principles derived from
12 integrating knowledge of food, nutrition, biochemistry, physiology, management,
13 and behavioral and social science to achieve and maintain the health of people by
14 providing nutrition assessment and nutrition care services. The primary function
15 of dietetic practice is the provision of nutrition care services that shall include,
16 but not be limited to:

17 (a) Assessing the nutrition needs of individuals and groups and
18 determining resources and constraints in the practice setting;

19 (b) Establishing priorities, goals, and objectives that meet nutrition needs
20 and are consistent with available resources and constraints;

21 (c) Providing nutrition counseling or education in health and disease;

22 (d) Developing, implementing, and managing nutrition care systems;

23 (e) Evaluating, making changes in, and maintaining appropriate
24 standards of quality and safety in food and in nutrition services;

25 (f) Engaged in medical nutritional therapy as defined in subdivision (8)
26 of this section;

27 (4) "Dietitian", one engaged in dietetic practice as defined in subdivision
28 (3) of this section;

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

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

31 (7) "Licensed dietitian", a person who is licensed pursuant to the

32 provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or
33 medical nutrition therapy;

34 (8) "Medical nutrition therapy", nutritional diagnostic, therapy, and
35 counseling services which are furnished by a registered dietitian **or registered**
36 **dietitian nutritionist**;

37 (9) "Registered dietitian" **or "registered dietitian nutritionist"**, a
38 person who:

39 (a) Has completed a minimum of a baccalaureate degree granted by a
40 United States regionally accredited college or university or foreign equivalent;

41 (b) Completed the academic requirements of a didactic program in
42 dietetics, as approved by [CADE] **ACEND**;

43 (c) Successfully completed the registration examination for dietitians; and

44 (d) Accrued seventy-five hours of approved continuing professional units
45 every five years; as determined by the committee on dietetic registration.

324.205. 1. Any person who holds a license to practice dietetics in this
2 state may use the title "Dietitian" or the abbreviation "L.D." **or "L.D.N."**. No
3 other person may use the title "Dietitian" or the abbreviation "L.D." **or "L.D.N."**.
4 No other person shall assume any title or use any title or use any abbreviation
5 or any other words, letters, signs, or devices to indicate that the person using the
6 same is a licensed dietitian.

7 2. No person shall practice or offer to practice dietetics in this state for
8 compensation or use any title, sign, abbreviation, card, or device to indicate that
9 such person is practicing dietetics unless he or she has been duly licensed
10 pursuant to the provisions of sections 324.200 to 324.225.

11 3. Any person who violates the provisions of subsection 1 of this section
12 is guilty of a class A misdemeanor.

324.210. 1. An applicant for licensure as a dietitian shall be at least
2 twenty-one years of age.

3 2. Each applicant shall furnish evidence to the committee that:

4 (1) The applicant has completed a didactic program in dietetics which is
5 approved or accredited by the [commission on accreditation for dietetics
6 education] **Accreditation Council for Education in Nutrition and**
7 **Dietetics** and a minimum of a baccalaureate degree from an acceptable
8 educational institution accredited by a regional accrediting body or accredited by
9 an accrediting body which has been approved by the United States Department
10 of Education. Applicants who have obtained their education outside of the United

11 States and its territories must have their academic degrees validated as
12 equivalent to the baccalaureate or master's degree conferred by a regionally
13 accredited college or university in the United States. Validation of a foreign
14 degree does not eliminate the need for a verification statement of completion of
15 a didactic program in dietetics;

16 (2) The applicant has completed a supervised practice requirement from
17 an institution that is certified by a nationally recognized professional
18 organization as having a dietetics specialty or who meets criteria for dietetics
19 education established by the committee. The committee may specify those
20 professional organization certifications which are to be recognized and may set
21 standards for education training and experience required for those without such
22 specialty certification to become dietitians.

23 3. The applicant shall successfully pass an examination as determined by
24 the committee and possess a current registration with the Commission on Dietetic
25 Registration. The committee may waive the examination requirement and grant
26 licensure to an applicant for a license as a dietitian who presents satisfactory
27 evidence to the committee of current registration as a dietitian with the
28 commission on dietetic registration.

29 4. Prior to July 1, 2000, a person may apply for licensure without
30 examination and shall be exempt from the academic requirements of this section
31 if the committee is satisfied that the applicant has a bachelor's degree in a
32 program approved by the committee and has work experience approved by the
33 committee.

34 5. The committee may determine the type of documentation needed to
35 verify that an applicant meets the qualifications provided in subsection 3 of this
36 section.

324.212. 1. Applications for licensure as a dietitian shall be in writing,
2 submitted to the committee on forms prescribed by the committee and furnished
3 to the applicant. The application shall contain the applicant's statements
4 showing the applicant's education, experience and such other information as the
5 committee may require. Each application shall contain a statement that it is
6 made under oath or affirmation and that the information contained therein is
7 true and correct to the best knowledge and belief of the applicant, subject to the
8 penalties provided for the making of a false affidavit or declaration. [Each
9 application shall be accompanied by the fees required by the committee] **The**
10 **committee shall not charge an application fee until such time that the**

11 **application has been approved. In the event that an application is**
12 **denied or rejected, no application fee shall be charged.**

13 2. The division shall mail a renewal notice to the last known address of
14 each licensee prior to the renewal date. Failure to provide the committee with
15 the information required for renewal, or to pay the renewal fee after such notice
16 shall effect a noncurrent license. The license shall be reinstated if, within two
17 years of the renewal date, the applicant submits the required documentation and
18 pays the applicable fees as approved by the committee.

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

21 4. The committee shall set by rule the appropriate amount of fees
22 authorized herein. The fees shall be set at a level to produce revenue which shall
23 not exceed the cost and expense of administering the provisions of sections
24 324.200 to 324.225. All fees provided for in sections 324.200 to 324.225 shall be
25 collected by the director who shall transmit the funds to the director of revenue
26 to be deposited in the state treasury to the credit of the "Dietitian Fund" which
27 is hereby created.

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

324.265. 1. A person desiring a license to practice massage therapy shall
2 be at least eighteen years of age, shall be of good moral character, [shall pay the
3 appropriate required application fee,] and shall submit satisfactory evidence to
4 the board of meeting at least one of the following requirements:

5 (1) Has passed a statistically valid examination on therapeutic massage
6 and body work which is approved by the board, prior to August 28, 1999, and
7 applies for such license by December 31, 2000; or

8 (2) Has completed a program of massage therapy studies, as defined by
9 the board, consisting of at least five hundred hours of supervised instruction and
10 subsequently passing an examination approved by the board. The examination
11 may consist of school examinations. The program and course of instruction shall
12 be approved by the board.

13 (a) The five hundred hours of supervised instruction shall consist of three
14 hundred hours dedicated to massage theory and practice techniques, one hundred
15 hours dedicated to the study of anatomy and physiology, fifty hours dedicated to
16 business practice, professional ethics, hygiene and massage law in the state of
17 Missouri, and fifty hours dedicated to ancillary therapies, including
18 cardiopulmonary resuscitation (CPR) and first aid.

19 (b) A person completing a massage therapy program comprised of less
20 than five hundred hours of supervised instruction may submit an application for
21 licensure and the board shall establish requirements for the applicant to complete
22 the requirements of paragraph (a) of subdivision (2) of this subsection.

23 **2. The board shall not charge an application fee until such time**
24 **that the application has been approved. In the event that an**
25 **application is denied or rejected, no application fee shall be charged.**

26 **3.** A person who has practiced less than three years or has less than one
27 hundred hours of training may request a waiver of the requirements of subsection
28 1 of this section and apply for a temporary two-year license which shall not be
29 renewable. By the end of such two-year period, such person shall complete at
30 least one hundred additional hours of formal training, including at least twenty-
31 five hours in anatomy and physiology, in a school approved by the board. Such
32 person shall have until December 31, 2000, to apply for a temporary license
33 pursuant to this subsection.

34 **[3.] 4.** Each license issued pursuant to the provisions of this section shall
35 expire on its renewal date. The board shall renew any license upon:

36 (1) Application for renewal;

37 (2) Proof, as provided by rule, that the therapist has completed twelve
38 hours of continuing education; and

39 (3) Payment of the appropriate renewal fee.

40 Failure to obtain the required continuing education hours, submit satisfactory
41 evidence, or maintain required documentation is a violation of this subsection. As
42 provided by rule, the board may waive or extend the time requirements for
43 completion of continuing education for reasons related to health, military service,
44 foreign residency, or other good cause. All requests for waivers or extensions of
45 time shall be made in writing and submitted to the board before the renewal date.

46 **[4.] 5.** An applicant who possesses the qualifications specified in
47 subsection **[2] 3** of this section to take the examination approved by the board
48 may be granted a provisional license to engage in the practice of massage

49 therapy. An applicant for a provisional license shall submit proof that the
50 applicant has applied for the examination approved by the board. A provisional
51 license shall be valid for one year from the date of issuance and shall be deemed
52 void upon its expiration date. A provisional licensee is prohibited from practicing
53 massage therapy after expiration of the provisional license.

54 [5.] 6. As determined by the board, students making substantial progress
55 toward completion of their training in an approved curriculum shall be granted
56 a student license for the purpose of practicing massage therapy on the public
57 while under the supervision of a massage therapy instructor.

58 [6.] 7. A student license may be renewed until the student completes
59 such student's training. Upon request, the board may extend a provisional
60 license for good cause at the discretion of the board. An application for the
61 extension of a provisional license shall be submitted to the board prior to the
62 expiration of the provisional license.

63 [7.] 8. The following practitioners are exempt from the provisions of this
64 section upon filing written proof with the board that they meet one or more of the
65 following:

66 (1) Persons who act under a Missouri state license, registration, or
67 certification and perform soft tissue manipulation within their scope of practice;

68 (2) Persons who restrict their manipulation of the soft tissues of the
69 human body to the hands, feet or ears;

70 (3) Persons who use touch and words to deepen awareness of existing
71 patterns of movement in the human body as well as to suggest new possibilities
72 of movement;

73 (4) Persons who manipulate the human body above the neck, below the
74 elbow, and below the knee and do not disrobe the client in performing such
75 manipulation.

76 [8.] 9. Any nonresident person licensed, registered, or certified by
77 another state or territory of the United States, the District of Columbia, or
78 foreign territory or recognized certification system determined as acceptable by
79 the board shall be exempt from licensure as defined in this chapter, if such
80 persons are incidentally called into the state to teach a course related to massage
81 or body work therapy or to provide massage therapy services as part of an
82 emergency response team working in conjunction with disaster relief officials.

83 [9.] 10. Any nonresident person holding a current license, registration,
84 or certification in massage therapy from another state or recognized national

85 certification system determined as acceptable by the board shall be exempt from
86 licensure as defined in this chapter when temporarily present in this state for the
87 purpose of providing massage therapy services at special events such as
88 conventions, sporting events, educational field trips, conferences, and traveling
89 shows or exhibitions.

324.406. 1. There is hereby created within the division of professional
2 registration a council to be known as the "Interior Design Council". The council
3 shall consist of four interior designers and one public member appointed by the
4 [governor with the advice and consent of the senate] **director of the**
5 **division**. The [governor] **director** shall give due consideration to the
6 recommendations by state organizations of the interior design profession for the
7 appointment of the interior design members to the council. Council members
8 shall be appointed to serve a term of four years; except that of the members first
9 appointed, one interior design member and the public member shall be appointed
10 for terms of four years, one member shall be appointed for a term of three years,
11 one member shall be appointed for a term of two years and one member shall be
12 appointed for a term of one year. No member of the council shall serve more than
13 two terms.

14 2. Each council member, other than the public member, shall be a citizen
15 of the United States, a resident of the state of Missouri for at least one year, meet
16 the qualifications for professional registration, practice interior design as the
17 person's principal livelihood and, except for the first members appointed, be
18 registered pursuant to sections 324.400 to 324.439 as an interior designer.

19 3. The public member shall be, at the time of such person's appointment,
20 a citizen of the United States, a registered voter, a person who is not and never
21 was a member of the profession regulated by sections 324.400 to 324.439 or the
22 spouse of such a person and a person who does not have and never has had a
23 material financial interest in the providing of the professional services regulated
24 by sections 324.400 to 324.439. The duties of the public member shall not include
25 the determination of the technical requirements for the registration of persons as
26 interior designers.

27 4. The provisions of section 324.028 pertaining to [public] members of
28 certain state boards and commissions shall apply to [the public member] **all**
29 **members** of the council.

30 [4.] 5. Members of the council may be removed from office for
31 cause. Upon the death, resignation or removal from office of any member of the

32 council, the appointment to fill the vacancy shall be for the unexpired portion of
33 the term so vacated and shall be filled in the same manner as the first
34 appointment and due notice be given to the state organizations of the interior
35 design profession prior to the appointment.

36 [5.] 6. Each member of the council may receive as compensation an
37 amount set by the division not to exceed fifty dollars per day and shall be
38 reimbursed for the member's reasonable and necessary expenses incurred in the
39 official performance of the member's duties as a member of the council. The
40 director shall establish by rule guidelines for payment.

41 [6.] 7. The council shall meet at least twice each year and **guide**, advise,
42 **and make recommendations to** the division on matters within the scope of
43 sections 324.400 to 324.439. The organization of the council shall be established
44 by the members of the council.

45 [7. The council may sue and be sued as the interior design council and the
46 council members need not be named as parties. Members of the council shall not
47 be personally liable either jointly or severally for any act committed in the
48 performance of their official duties as council members. No council member shall
49 be personally liable for any costs which accrue in any action by or against the
50 council.]

324.409. 1. To be a registered interior designer, a person:

2 (1) Shall take and pass or have passed the examination administered by
3 the National Council for Interior Design Qualification or an equivalent
4 examination approved by the [council] **division**. In addition to proof of passage
5 of the examination, the application shall provide substantial evidence to the
6 [council] **division** that the applicant:

7 (a) Is a graduate of a five-year or four-year interior design program from
8 an accredited institution and has completed at least two years of diversified and
9 appropriate interior design experience; or

10 (b) Has completed at least three years of an interior design curriculum
11 from an accredited institution and has completed at least three years of
12 diversified and appropriate interior design experience; or

13 (c) Is a graduate of a two-year interior design program from an accredited
14 institution and has completed at least four years of diversified and appropriate
15 interior design experience; or

16 (2) May qualify who is currently registered pursuant to sections 327.091
17 to 327.171, and section 327.401 pertaining to the practice of architecture and

18 registered with the [council] **division**. Such applicant shall give authorization
19 to the [council] **division** in order to verify current registration with sections
20 327.091 to 327.171 and section 327.401 pertaining to the practice of architecture.

21 2. [Verification of experience required pursuant to this section shall be
22 based on a minimum of two client references, business or employment verification
23 and three industry references, submitted to the council.

24 3.] The [council] **division** shall verify if an applicant has complied with
25 the provisions of this section and has paid the required fees, then the [council]
26 **division** shall recommend such applicant be registered as a registered interior
27 designer by the [council] **division**.

324.412. [1.] The division shall:

2 (1) Employ, within the limits of the appropriations for that purpose, such
3 employees as are necessary to carry out the provisions of sections 324.400 to
4 324.439;

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

7 2. The council shall:];

8 [(1)] (3) Recommend prosecution for violations of sections 324.400 to
9 324.439 to the appropriate prosecuting or circuit attorney;

10 [(2)] (4) Promulgate such rules and regulations as are necessary to
11 administer the provisions of sections 324.400 to 324.439. Any rule or portion of
12 a rule, as that term is defined in section 536.010, that is promulgated to
13 administer and enforce sections 324.400 to 324.439, shall become effective only
14 if the agency has fully complied with all of the requirements of chapter 536,
15 including but not limited to, section 536.028, if applicable, after August 28, 1998.
16 If the provisions of section 536.028 apply, the provisions of this section are
17 nonseverable and if any of the powers vested with the general assembly pursuant
18 to section 536.028 to review, to delay the effective date, or to disapprove and
19 annul a rule or portion of a rule are held unconstitutional or invalid, the
20 purported grant of rulemaking authority and any rule so proposed and contained
21 in the order of rulemaking shall be invalid and void, except that nothing in this
22 section shall affect the validity of any rule adopted and promulgated prior to
23 August 28, 1998.

324.415. Applications for registration as a registered interior designer
2 shall be typewritten on forms prescribed by the [council] **division** and furnished
3 to the applicant. The application shall contain the applicant's statements

4 showing the applicant's education, experience, results of previous interior design
5 certification, registration or licensing examinations, if any, and such other
6 pertinent information as the [council] **division** may require, or architect's
7 registration number and such other pertinent information as the [council]
8 **division** may require. Each application shall contain a statement that is made
9 under oath or affirmation and that the representations are true and correct to the
10 best knowledge and belief of the person signing the application. The person shall
11 be subject to the penalties for making a false affidavit or declaration and shall be
12 accompanied by the required fee.

324.421. The [council] **division** shall register without examination any
2 interior designer certified, licensed or registered in another state or territory of
3 the United States or foreign country if the applicant has qualifications which are
4 at least equivalent to the requirements for registration as a registered interior
5 designer in this state and such applicant pays the required fees.

324.424. 1. The [council] **division** shall set the amount of the fees
2 authorized by sections 324.400 to 324.439 by rules and regulations. The fees
3 shall be set at a level to produce revenue which shall not substantially exceed the
4 cost and expense of administering sections 324.400 to 324.439. All fees required
5 pursuant to sections 324.400 to 324.439 shall be paid to and collected by the
6 division of professional registration and transmitted to the department of revenue
7 for deposit in the state treasury to the credit of the "Interior Designer Council
8 Fund", which is hereby created.

9 2. Notwithstanding the provisions of section 33.080 to the contrary, money
10 in the fund shall not be transferred and placed to the credit of general revenue
11 until the amount in the fund at the end of the biennium exceeds three times the
12 amount of the appropriation to the council for the preceding fiscal year. The
13 amount, if any, in the fund which shall lapse is the amount in the fund which
14 exceeds the appropriate multiple of the appropriations to the council for the
15 preceding fiscal year.

324.427. It is unlawful for any person to advertise or indicate to the public
2 that the person is a registered interior designer in this state, unless such person
3 is registered as a registered interior designer by the [council] **division** and is in
4 good standing pursuant to sections 324.400 to 324.439.

324.430. No person may use the designation registered interior designer
2 in Missouri, unless the [council] **division** has issued a current certificate of
3 registration certifying that the person has been duly registered as a registered

4 interior designer in Missouri and unless such registration has been renewed or
5 reinstated as provided in section 324.418.

324.436. 1. The [council] **division** may refuse to issue any certificate
2 required pursuant to sections 324.400 to 324.439, or renew or reinstate any such
3 certificate, for any one or any combination of the reasons stated in subsection 2
4 of this section. The [council] **division** shall notify the applicant in writing of the
5 reasons for the refusal and shall advise the applicant of the person's right to file
6 a complaint with the administrative hearing commission as provided in chapter
7 621.

8 2. The [council] **division** may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any holder
10 of a certificate of registration required by sections 324.400 to 324.439 or any
11 person who has failed to renew or has surrendered the person's certificate of
12 registration for any one or combination of the following reasons:

13 (1) The person has been finally adjudicated and found guilty, or entered
14 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
15 this state or any other state or of the United States, for any offense reasonably
16 related to the qualifications, functions or duties of the profession regulated by
17 sections 324.400 to 324.439; for any offense for which an essential element is
18 fraud, dishonesty or an act of violence; or for a felony, whether or not sentence
19 is imposed;

20 (2) Use of fraud, deception, misrepresentation or bribery in securing any
21 certificate of registration issued pursuant to sections 324.400 to 324.439 or in
22 obtaining permission to take any examination given or required pursuant to
23 sections 324.400 to 324.439;

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

26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation
27 or dishonesty in the performance of the functions or duties of the profession
28 regulated by sections 324.400 to 324.439;

29 (5) Violation of, or assisting or enabling any person to violate, any
30 provision of sections 324.400 to 324.439, or of any lawful rule or regulation
31 adopted pursuant to such sections;

32 (6) Impersonation of any person holding a certificate of registration or
33 authority, permit or license or allowing any person to use the person's certificate
34 or diploma from any school;

35 (7) Disciplinary action against the holder of a certificate of registration
36 or other right to perform the profession regulated by sections 324.400 to 324.439
37 granted by another state, territory, federal agency or country upon grounds for
38 which revocation or suspension is authorized in this state;

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

41 (9) Issuance of a certificate of registration based upon a material mistake
42 of fact;

43 (10) Use of any advertisement or solicitation which is false, misleading or
44 deceptive to the general public or persons to whom the advertisement or
45 solicitation is primarily directed, as it relates to the interior design profession.

46 3. After the filing of a complaint pursuant to subsection 2 of this section,
47 the proceedings shall be conducted in accordance with the provisions of chapter
48 536 and chapter 621. Upon a finding by the administrative hearing commission
49 that the grounds, provided in subsection 2 of this section, for disciplinary action
50 are met, the [council] **division** shall censure or place the person named in the
51 complaint on probation for a period not to exceed five years or may suspend the
52 person's certificate for a period not to exceed three years or may revoke the
53 person's certificate of registration.

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

3 (1) Possesses a valid license issued by the board pursuant to sections
4 324.475 to 324.499; or

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

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

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

13 (a) Is actively certified as a Diplomate in Acupuncture by the National
14 Commission for the Certification of Acupuncture and Oriental Medicine; or

15 (b) Is actively licensed, certified or registered in a state or jurisdiction of
16 the United States which has eligibility and examination requirements that are
17 at least equivalent to those of the National Commission for the Certification of

18 Acupuncture and Oriental Medicine, as determined by the committee and
19 approved by the board; and

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

22 (3) Pays the appropriate fee]. **The committee shall not charge an
23 application fee until such time that the application has been approved.
24 In the event that an application is denied or rejected, no application
25 fee shall be charged.**

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

324.522. 1. No practitioner of tattooing, body piercing or branding shall
2 practice and no establishment in which tattoos, body piercing or brandings are
3 applied shall be operated without a license issued by the director of the division
4 of professional registration. The license fee for each practitioner and each
5 establishment shall be established by rule. **The division shall not charge a
6 license fee until such time that the application for a license has been
7 approved. In the event that an application is denied or rejected, no
8 application fee shall be charged.**

9 2. The director of the division of professional registration shall promulgate
10 rules and regulations relative to the hygienic practice of tattooing, body piercing
11 and branding, the sanitary operations of tattoo, body piercing and branding
12 establishments, and the educational and training requirements for applicants
13 applying to receive and practitioners desiring to maintain a license to practice
14 any profession that is licensed or regulated under sections 324.520 to
15 324.526. Such rules and regulations shall include:

16 (1) Standards of hygiene to be met and maintained by establishments and
17 practitioners in order to receive and maintain a license for the practice of
18 tattooing, body piercing and branding;

19 (2) Procedures to be used to grant, revoke or reinstate a license;

20 (3) Inspection of tattoo, body piercing and branding establishments; and

21 (4) Any other matter necessary to the administration of this section.

22 3. Any rule or portion of a rule, as that term is defined in section 536.010,
23 that is created under the authority delegated in sections 324.520 to 324.526 shall

24 become effective only if it complies with and is subject to all of the provisions of
25 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
26 nonseverable and if any of the powers vested with the general assembly pursuant
27 to chapter 536 to review, to delay the effective date or to disapprove and annul
28 a rule are subsequently held unconstitutional, then the grant of rulemaking
29 authority and any rule proposed or adopted after August 28, 2001, shall be
30 invalid and void.

324.920. 1. The applicant for a statewide electrical contractor's license
2 shall satisfy the following requirements:

3 (1) [Be at least twenty-one years of age;

4 (2)] Provide proof of liability insurance in the amount of five hundred
5 thousand dollars, and post a bond with each political subdivision in which he or
6 she will perform work, as required by that political subdivision;

7 [(3)] (2) Pass a standardized and nationally accredited electrical
8 assessment examination that has been created and administered by a third party
9 and that meets current national industry standards, as determined by the
10 division;

11 [(4)] (3) Pay for the costs of such examination; and

12 [(5)] (4) Have completed one of the following:

13 (a) Twelve thousand verifiable practical hours installing equipment and
14 associated wiring;

15 (b) Ten thousand verifiable practical hours installing equipment and
16 associated wiring and have received an electrical journeyman certificate from a
17 United States Department of Labor-approved electrical apprenticeship program;

18 (c) Eight thousand verifiable practical hours installing equipment and
19 associated wiring and have received an associate's degree from a state-accredited
20 program; or

21 (d) Four thousand verifiable practical hours supervising the installation
22 of equipment and associated wiring and have received a four-year electrical
23 engineering degree.

24 2. Electrical contractors who hold an electrical contractor **or master**
25 **electrician occupational or business** license [in good standing that was]
26 issued by any [authority] **political subdivision** in this state [that required
27 prior to January 1, 2018, the passing of a] **shall be eligible for a statewide**
28 **license if the applicant:**

29 (1) **Provides evidence of having passed a** standardized [and

30 nationally accredited] written electrical assessment examination that is based
31 upon the National Electrical Code **and administered by an independent**
32 **competent professional testing agency not affiliated with a political**
33 **subdivision or the state of Missouri;** [and who have completed]

34 **(2) Provides evidence of** twelve thousand hours of verifiable practical
35 experience [shall be issued a statewide license] **or evidence of having been**
36 **licensed by any Missouri political subdivision that requires**
37 **examination as specified in subdivision (1) of this subsection as an**
38 **electrical contractor or master electrician for six of the previous eight**
39 **calendar years;**

40 **(3) Provides proof of insurance as required by this chapter; and**

41 **(4) Provides proof that the local license was current and active**
42 **and not subject to discipline on the date the applicant applied for a**
43 **statewide license.**

44 The provisions of this subsection shall apply only to electrical contractor licenses
45 issued by a political subdivision with the legal authority to issue such licenses.

46 3. [Each] **If a** corporation, firm, institution, organization, company, or
47 representative thereof [engaging] **desires to engage** in electrical contracting
48 **licensed under this chapter, then it** shall have in its employ, at a supervisory
49 level, at least one electrical contractor who possesses a statewide license in
50 accordance with sections 324.900 to 324.945. A statewide licensed electrical
51 contractor shall represent only one firm, company, corporation, institution, or
52 organization at one time.

53 4. Any person operating as an electrical contractor in a political
54 subdivision that does not require the contractor to hold a local license, **or that**
55 **operates as an electrical contractor in a political subdivision that**
56 **requires a local license possessed by that person,** shall not be required to
57 possess a statewide license under sections 324.900 to 324.945 to continue to
58 operate as an electrical contractor in such political subdivision.

59 5. The division may negotiate reciprocal agreements with other states, the
60 District of Columbia, or territories of the United States which require standards
61 for licensure, registration, or certification considered to be equivalent or more
62 stringent than the requirements for licensure under sections 324.900 to 324.945.

324.925. 1. Political subdivisions shall not be prohibited from
2 establishing their own local electrical contractor's license, but shall recognize a
3 statewide license in lieu of a local license for the purposes of performing

4 contracting work or obtaining permits to perform work within such political
5 subdivision. **No political subdivision shall require the holder of a**
6 **statewide license to obtain a local business or occupation license that**
7 **requires passing of any examination or any special requirements to**
8 **assess proficiency or mastery of the electrical trades. The holder of a**
9 **statewide license shall be deemed eligible to perform electrical**
10 **contracting work and to obtain permits to perform said work from any**
11 **political subdivision within the state of Missouri.**

12 2. If a political subdivision does not recognize a statewide license in lieu
13 of a local license for the purposes of performing contracting work or obtaining
14 permits to perform work within the political subdivision, then a statewide
15 licensee may file a complaint with the division. The division shall perform an
16 investigation into the complaint, and if the division finds that the political
17 subdivision failed to recognize a statewide license in accordance with this section,
18 then the division shall notify the political subdivision that the political
19 subdivision has violated the provisions of this section and has thirty days to
20 comply with the law. If after thirty days the political subdivision still does not
21 recognize a statewide license, then the division shall notify the director of the
22 department of revenue who shall withhold any moneys the noncompliant political
23 subdivision would otherwise be entitled to from local sales tax as defined in
24 section 32.085 until the director has received notice from the division that the
25 political subdivision is in compliance with this section. Upon the political
26 subdivision coming into compliance with the provisions of this section, the
27 division shall notify the director of the department of revenue who shall disburse
28 all funds held under this subsection. Moneys held by the director of the
29 department of revenue under this subsection shall not be deemed to be state
30 funds and shall not be commingled with any funds of the state.

31 3. The provisions of this section shall not prohibit any political
32 subdivision in this state from:

- 33 (1) Enforcing any code or law contained in this section;
- 34 (2) Implementing an electrical code based upon the National Electrical
35 Code;
- 36 (3) Issuing an electrical contractor license or communication contractor
37 license valid for that political subdivision;
- 38 (4) Requiring a business license to perform electrical contracting work;
- 39 (5) Issuing electrical contracting permits;

- 40 (6) Enforcing codes of the political subdivision;
- 41 (7) Inspecting the work of a statewide license holder; and
- 42 (8) Licensing electricians provided that such licenses are based upon
- 43 professional experience and passage of a nationally accredited Electrical
- 44 Assessment Examination that is administered on a routine and accessible
- 45 schedule.
- 46 4. Political subdivisions that do not have the authority to issue or require
- 47 electrical licenses prior to August 28, 2017, shall not be granted such authority
- 48 under the provisions of this section.

324.1108. 1. Every person desiring to be licensed in this state as a

2 private investigator, private investigator agency, private fire investigator, or

3 private fire investigator agency shall make application therefor to the board. An

4 application for a license under the provisions of sections 324.1100 to 324.1148

5 shall be on a form prescribed by the board [and accompanied by the required

6 application fee]. **The board shall not charge an application fee until such**

7 **time that the application has been approved. In the event that an**

8 **application is denied or rejected, no application fee shall be charged.**

9 An application shall be verified and shall include:

- 10 (1) The full name and business address of the applicant;
- 11 (2) The name under which the applicant intends to conduct business;
- 12 (3) A statement as to the general nature of the business in which the
- 13 applicant intends to engage;
- 14 (4) A statement as to the classification or classifications under which the
- 15 applicant desires to be qualified;
- 16 (5) Two recent photographs of the applicant, of a type prescribed by the
- 17 board, and two classifiable sets of the applicant's fingerprints processed in a
- 18 manner approved by the Missouri state highway patrol, central repository, under
- 19 section 43.543;
- 20 (6) A verified statement of the applicant's experience qualifications; and
- 21 (7) Such other information, evidence, statements, or documents as may be
- 22 required by the board.

23 2. Before an application for a license may be granted, the applicant shall:

- 24 (1) [Be at least twenty-one years of age;
- 25 (2)] Be a citizen of the United States;
- 26 [(3)] **(2)** Provide proof of liability insurance with amount to be no less
- 27 than two hundred fifty thousand dollars in coverage and proof of workers'

28 compensation insurance if required under chapter 287. The board shall have the
29 authority to raise the requirements as deemed necessary; and

30 ~~[(4)]~~ **(3)** Comply with such other qualifications as the board adopts by
31 rules and regulations.

325.025. 1. [Each applicant shall pay an initial application fee of one
2 hundred dollars for each individual who will act as a public adjuster or public
3 adjuster solicitor] **No application fee shall be charged until such time that**
4 **the application has been approved. In the event that an application is**
5 **denied or rejected, no application fee shall be charged.** Each license
6 issued shall be renewed annually on the anniversary date of issuance and
7 continue in effect until refused, revoked or suspended by the director in
8 accordance with section 325.035; except that if the annual renewal fee for the
9 license is not paid on or before the anniversary date the license terminates.

10 2. The annual renewal fee for a public adjuster's or public adjuster
11 solicitor's license is fifty dollars for each license.

12 3. Supplemental applications may be made for others becoming associated
13 with or employed by a licensee upon the payment of the proper additional fee or
14 fees and the filing of a completed application.

326.286. 1. The board may grant or renew licenses to persons who make
2 application and demonstrate that their qualifications, including the qualifications
3 prescribed by section 326.280, are in accordance with this section.

4 2. Licenses shall be initially issued and renewed for periods of not more
5 than three years and shall expire on the renewal date following issuance or
6 renewal. Applications for licenses shall be made in such form, and in the case of
7 applications for renewal, between such dates, as the board by rule shall
8 specify. Application and renewal fees shall be determined by the board by
9 rule. **The board shall not charge an application fee until such time that**
10 **the application has been approved. In the event that application is**
11 **denied or rejected, no application fee shall be charged.**

12 3. With regard to applicants that do not qualify for reciprocity pursuant
13 to subsection 1 of this section, the board may issue a license to an applicant upon
14 a showing that:

15 (1) The applicant passed the examination required for issuance of the
16 applicant's certificate with grades that would have been passing grades at the
17 time in this state;

18 (2) The applicant had four years of experience outside of this state of the

19 type described in subdivision (6) of subsection 1 of section 326.280 or meets
20 equivalent requirements prescribed by the board by rule, after passing the
21 examination upon which the applicant's license was based and within the ten
22 years immediately preceding the application; and

23 (3) If the applicant's certificate, license or permit was issued more than
24 four years prior to the application for issuance of a license pursuant to this
25 section, the applicant has fulfilled the requirements of continuing professional
26 education that would have been applicable pursuant to subsection 6 of this
27 section.

28 4. As an alternative to the requirements of subsection 3 of this section, a
29 certified public accountant licensed by another state who establishes a principal
30 place of business in this state shall request the issuance of a license from the
31 board prior to establishing the principal place of business. The board may issue
32 a license to the person who obtains verification from the NASBA National
33 Qualification Appraisal Service that the individual's qualifications are
34 substantially equivalent to the licensure requirements of sections 326.250 to
35 326.331.

36 5. An application pursuant to this section may be made through the
37 NASBA Qualification Appraisal Service.

38 6. Each licensee shall participate in a program of learning designed to
39 maintain professional competency. The program of learning shall comply with
40 rules adopted by the board. The board may create by rule an exception to such
41 requirement for licensees who do not perform or offer to perform for the public
42 one or more kinds of services involving the use of accounting or auditing skills,
43 including issuance of reports on financial statements or of one or more kinds of
44 management advisory, financial advisory or consulting services, or the
45 preparation of tax returns or the furnishing of advice on tax matters. Licensees
46 granted an exception by the board shall place the word "inactive" adjacent to
47 their certified public accountant title on any business card, letterhead or any
48 other document or device, except their certified public accountant certificate, on
49 which their certified public accountant title appears.

50 7. Applicants for initial issuance or renewal of licenses pursuant to this
51 section shall list all states in which they have applied for or hold certificates,
52 licenses or permits and list any past denial, revocation or suspension or any
53 discipline of a certificate, license or permit. Each holder of or applicant for a
54 license shall notify the board in writing within thirty days after its occurrence of

55 any issuance, denial, revocation or suspension or any discipline of a certificate,
56 license or permit by another state.

57 8. The board may issue a license to a holder of a substantially equivalent
58 foreign designation, provided that:

59 (1) The foreign authority which granted the designation makes similar
60 provisions to allow a person who holds a valid license issued by this state to
61 obtain such foreign authority's comparable designation; and

62 (2) The foreign designation:

63 (a) Was duly issued by a foreign authority that regulates the practice of
64 public accounting and the foreign designation has not expired or been revoked or
65 suspended;

66 (b) Entitles the holder to issue reports upon financial statements; and

67 (c) Was issued upon the basis of educational, examination and experience
68 requirements established by the foreign authority or by law; and

69 (3) The applicant:

70 (a) Received the designation based on educational and examination
71 standards substantially equivalent to those in effect in this state at the time the
72 foreign designation was granted;

73 (b) Completed an experience requirement substantially equivalent to the
74 requirement set out in subdivision (6) of subsection 1 of section 326.280 in the
75 jurisdiction which granted the foreign designation or has completed four years of
76 professional experience in this state, or meets equivalent requirements prescribed
77 by the board by rule within the ten years immediately preceding the application;
78 and

79 (c) Passed a uniform qualifying examination in national standards and an
80 examination on the laws, regulations and code of ethical conduct in effect in this
81 state acceptable to the board.

82 9. An applicant pursuant to subsection 8 of this section shall list all
83 jurisdictions, foreign and domestic, in which the applicant has applied for or
84 holds a designation to practice public accounting. Each holder of a license issued
85 pursuant to this subsection shall notify the board in writing within thirty days
86 after its occurrence of any issuance, denial, revocation, suspension or any
87 discipline of a designation or commencement of a disciplinary or enforcement
88 action by any jurisdiction.

89 10. The board has the sole authority to interpret the application of the
90 provisions of subsections 8 and 9 of this section.

327.141. Applications for licensure as an architect shall be typewritten on
2 prescribed forms furnished to the applicant. The application shall contain the
3 applicant's statements showing the applicant's education, experience, results of
4 previous architectural licensing examinations, if any, and such other pertinent
5 information as the board may require. Each application shall contain a statement
6 that it is made under oath or affirmation and that its representations are true
7 and correct to the best knowledge and belief of the person signing the application,
8 subject to the penalties of making a false affidavit or declaration [and shall be
9 accompanied by the required fee]. **The board shall not charge an**
10 **application fee until such time that the application has been approved.**
11 **In the event that an application is denied or rejected, no application**
12 **fee shall be charged.**

327.221. Any person may apply to the board for licensure as a professional
2 engineer [who is over the age of twenty-one,] who is of good moral character, and
3 who is a graduate of and holds a degree in engineering from an accredited school
4 of engineering, or who possesses an education which includes at the minimum a
5 baccalaureate degree in engineering, and which in the opinion of the board,
6 equals or exceeds the education received by a graduate of an accredited school,
7 and has acquired at least four years of satisfactory engineering experience, after
8 such person has graduated and has received a degree or education as provided in
9 this section; provided that the board shall by rule provide what shall constitute
10 satisfactory engineering experience based upon recognized education and training
11 equivalents, but in any event such rule shall provide that no more than one year
12 of satisfactory postgraduate work in engineering subjects and that each year of
13 satisfactory teaching of engineering subjects accomplished after a person has
14 graduated from and has received a degree from an accredited school of
15 engineering or after receiving an education as provided in this section shall count
16 as equivalent years of satisfactory engineering experience.

327.231. Applications for licensure as a professional engineer shall be
2 typewritten on prescribed forms furnished to the applicant. The application shall
3 contain the applicant's statements showing the applicant's education, experience,
4 results of previous engineering examinations, if any, and such other pertinent
5 information as the board may require. Each application shall contain a statement
6 that it is made under oath or affirmation and that its representations are true
7 and correct to the best knowledge and belief of the person signing such
8 application, subject to the penalties of making a false affidavit or declaration [and

9 shall be accompanied by the required fee]. **The board shall not charge an**
10 **application fee until such time that the application has been approved.**
11 **In the event that an application is denied or rejected, no application**
12 **fee shall be charged.**

327.241. 1. After it has been determined that an applicant possesses the
2 qualifications entitling the applicant to be examined, each applicant for
3 examination and licensure as a professional engineer in Missouri shall appear
4 before the board or its representatives for examination at the time and place
5 specified.

6 2. The examination or examinations shall be of such form, content and
7 duration as shall be determined by the board to thoroughly test the qualifications
8 of each applicant to practice as a professional engineer in Missouri.

9 3. Any applicant to be eligible for a license must make a grade on each
10 examination of at least seventy percent.

11 4. The engineering examination shall consist of two parts; the first part
12 may be taken by any person after such person has satisfied the educational
13 requirements of section 327.221, or who is in his or her final year of study in an
14 accredited school of engineering; and upon passing part one of the examination
15 and providing proof that such person has satisfied the educational requirements
16 of section 327.221 [and upon payment of the required fee], such person shall be
17 an engineer-intern, subject to the other provisions of this chapter. **The board**
18 **shall not charge an application fee until such time that the application**
19 **has been approved. In the event that an application is denied or**
20 **rejected, no application fee shall be charged.**

21 5. Any engineer-intern, as defined in subsection 4 of this section, who has
22 acquired at least four years of satisfactory engineering experience, may take part
23 two of the engineering examination and upon passing it shall be entitled to
24 receive a license, subject, however, to the other provisions of this chapter.

25 6. Notwithstanding the provisions of subsections 4 and 5 of this section,
26 the board may, in its discretion, provide by rule that any person who has
27 graduated from and holds an engineering degree from an accredited school of
28 engineering may thereupon be eligible to take both parts of the engineering
29 examination and that upon passing said examination and acquiring four years of
30 satisfactory engineering experience, after graduating and receiving a degree as
31 aforesaid, shall be entitled to receive a license to practice as a professional
32 engineer, subject, however, to the other provisions of this chapter.

33 7. Any person who has graduated from and has received a degree in
34 engineering from an accredited school of engineering may then acquire four years
35 of satisfactory engineering experience and thereafter take both parts of the
36 examination and upon passing shall be entitled to receive a license to practice as
37 a professional engineer, subject, however, to the other provisions of this chapter.

38 8. Any person entitled to be licensed as a professional engineer as
39 provided in subsection 5, 6, or 7 of this section must be so licensed within four
40 years after the date on which he or she was so entitled, and if one is not licensed
41 within the time he or she is so entitled, the engineering division of the board may
42 require him to take and satisfactorily pass such further examination as provided
43 by rule before issuing to him a license.

 327.312. 1. Any person may apply to the board for enrollment as a land
2 surveyor-in-training [who is over the age of twenty-one,] who is of good moral
3 character, who is a high school graduate, or who holds a Missouri certificate of
4 high school equivalence (GED), and either:

5 (1) Has graduated and received a baccalaureate degree in an approved
6 curriculum as defined by board regulation which shall include at least twelve
7 semester hours of approved surveying course work as defined by board regulation
8 of which at least two semester hours shall be in the legal aspects of boundary
9 surveying; or

10 (2) Has passed at least sixty hours of college credit which shall include
11 credit for at least twenty semester hours of approved surveying course work as
12 defined by board regulation of which at least two semester hours shall be in legal
13 aspects of boundary surveying and present evidence satisfactory to the board that
14 in addition thereto such person has at least one year of combined professional
15 office and field experience in land surveying projects under the immediate
16 personal supervision of a professional land surveyor; or

17 (3) Has passed at least twelve semester hours of approved surveying
18 course work as defined by board regulation of which at least two semester hours
19 shall be in legal aspects of land surveying and in addition thereto has at least two
20 years of combined professional office and field experience in land surveying
21 projects under the immediate personal supervision of a professional land
22 surveyor. Pursuant to this provision, not more than one year of satisfactory
23 postsecondary education work shall count as equivalent years of satisfactory land
24 surveying work as aforementioned.

25 2. The board shall issue a certificate of completion to each applicant who

26 satisfies the requirements of the aforementioned land surveyor-in-training
27 program and passes such examination or examinations as shall be required by the
28 board.

327.313. Applications for enrollment as a land surveyor-in-training shall
2 be typewritten on prescribed forms furnished to the applicant. The application
3 shall contain applicant's statements showing the applicant's education,
4 experience, and such other pertinent information as the board may require[,
5 including but not limited to three letters of reference, one of which shall be from
6 a professional land surveyor who has personal knowledge of the applicant's land
7 surveying education or experience]. Each application shall contain a statement
8 that it is made under oath or affirmation and that the representations are true
9 and correct to the best knowledge and belief of the applicant, subject to the
10 penalties of making a false affidavit or declaration [and shall be accompanied
11 by the required fee]. **The board shall not charge an application fee until
12 such time that the application has been approved. In the event that an
13 application is denied or rejected, no application fee shall be charged.**

327.321. Applications for licensure as a professional land surveyor shall
2 be typewritten on prescribed forms furnished to the applicant. The application
3 shall contain the applicant's statements showing the applicant's education,
4 experience, results of prior land surveying examinations, if any, and such other
5 pertinent information as the board may require[, including but not limited to
6 three letters of reference from professional land surveyors with personal
7 knowledge of the experience of the applicant's land surveying education or
8 experience]. Each application shall contain a statement that it is made under
9 oath or affirmation and that its representations are true and correct to the best
10 knowledge and belief of the person signing same, subject to the penalties of
11 making a false affidavit or declaration [and shall be accompanied by the required
12 fee]. **The board shall not charge an application fee until such time that
13 the application has been approved. In the event that an application is
14 denied or rejected, no application fee shall be charged.**

327.615. Applications for licensure as a professional landscape architect
2 shall be typewritten on forms approved by the board. The application shall
3 contain the applicant's statements showing the applicant's education, experience,
4 results of previous professional landscape architectural licensing examinations,
5 if any, and such other pertinent information as the board may require. Each
6 application shall contain a statement that it is made under oath or affirmation

7 and that its representations are true and correct to the best knowledge and belief
8 of the person signing the application subject to the penalties of making a false
9 affidavit or declaration[, and shall be accompanied by the required fee]. **The**
10 **board shall not charge an application fee until such time that the**
11 **application has been approved. In the event that an application is**
12 **denied or rejected, no application fee shall be charged.**

328.025. If a license issued under this chapter has been
2 **destroyed, lost, mutilated beyond practical usage, or was never**
3 **received, the licensee shall obtain a duplicate license from the board**
4 **by appearing in person at the board's office or mailing, by certified**
5 **mail, return receipt requested, a notarized affidavit stating that the**
6 **license has been destroyed, lost, mutilated beyond practical usage, or**
7 **was never received.**

328.080. 1. Any person desiring to practice barbering in this state shall
2 make application for a license to the board and shall pay the required barber
3 examination fee.

4 2. The board shall examine each qualified applicant and, upon successful
5 completion of the examination [and payment of the required license fee], shall
6 issue the applicant a license authorizing him or her to practice the occupation of
7 barber in this state. **The board shall not charge a license fee until such**
8 **time that the application has been approved. In the event that an**
9 **application is denied or rejected, no license fee shall be charged.** The
10 board shall admit an applicant to the examination, if it finds that he or she:

- 11 (1) Is seventeen years of age or older [and of good moral character];
- 12 (2) Is free of contagious or infectious diseases **that are capable of being**
13 **transmitted during the ordinary course of business for a person**
14 **licensed under this chapter;**
- 15 (3) Has studied for at least one thousand hours in a period of not less
16 than six months in a properly appointed and conducted barber school under the
17 direct supervision of a licensed instructor; or, if the applicant is an apprentice,
18 the applicant shall have served and completed no less than two thousand hours
19 under the direct supervision of a licensed barber apprentice supervisor;
- 20 (4) Is possessed of requisite skill in the trade of barbering to properly
21 perform the duties thereof, including the preparation of tools, shaving,
22 haircutting and all the duties and services incident thereto; and
- 23 (5) Has sufficient knowledge of the common diseases of the face and skin

24 to avoid the aggravation and spread thereof in the practice of barbering.

25 3. The board shall be the judge of whether the barber school, the barber
26 apprenticeship, or college is properly appointed and conducted under proper
27 instruction to give sufficient training in the trade.

28 4. The sufficiency of the qualifications of applicants shall be determined
29 by the board.

30 [5. For the purposes of meeting the minimum requirements for
31 examination, the apprentice training shall be recognized by the board for a period
32 not to exceed five years.]

 329.010. As used in this chapter, unless the context clearly indicates
2 otherwise, the following words and terms mean:

3 (1) "Accredited school of cosmetology or school of manicuring", an
4 establishment operated for the purpose of teaching cosmetology as defined in this
5 section and meeting the criteria set forth under 34 C.F.R. Part 600, sections 600.1
6 and 600.2;

7 (2) "Apprentice" or "student", a person who is engaged in training within
8 a cosmetology establishment or school, and while so training performs any of the
9 practices of the classified occupations within this chapter under the immediate
10 direction and supervision of a licensed cosmetologist or instructor;

11 (3) "Board", the state board of cosmetology and barber examiners;

12 (4) "Cosmetologist", any person who, for compensation, engages in the
13 practice of cosmetology, as defined in subdivision (5) of this section;

14 (5) "Cosmetology" includes performing or offering to engage in any acts of
15 the classified occupations of cosmetology for compensation, which shall include:

16 (a) "Class CH - hairdresser" includes arranging, dressing, curling,
17 singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting,
18 coloring or similar work upon the hair of any person by any means; or removing
19 superfluous hair from the body of any person by means other than electricity, or
20 any other means of arching or tinting eyebrows or tinting eyelashes. Class CH
21 - hairdresser also includes any person who either with the person's hands or with
22 mechanical or electrical apparatuses or appliances, or by the use of cosmetic
23 preparations, antiseptics, tonics, lotions or creams engages for compensation in
24 any one or any combination of the following: massaging, cleaning, stimulating,
25 manipulating, exercising, beautifying or similar work upon the scalp, face, neck,
26 arms or bust;

27 (b) "Class MO - manicurist" includes cutting, trimming, polishing,

28 coloring, tinting, cleaning or otherwise beautifying a person's fingernails,
29 applying artificial fingernails, massaging, cleaning a person's hands and arms;
30 pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning
31 or otherwise beautifying a person's toenails, applying artificial toenails,
32 massaging and cleaning a person's legs and feet;

33 (c) "Class CA - hairdressing and manicuring" includes all practices of
34 cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

35 (d) "Class E - estheticians" includes the use of mechanical, electrical
36 apparatuses or appliances, or by the use of cosmetic preparations, antiseptics,
37 tonics, lotions or creams, not to exceed ten percent phenol, engages for
38 compensation, either directly or indirectly, in any one, or any combination, of the
39 following practices: massaging, cleansing, stimulating, manipulating, exercising,
40 beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust,
41 torso, legs or feet and removing superfluous hair by means other than electric
42 needle or any other means of arching or tinting eyebrows or tinting eyelashes, of
43 any person;

44 (6) "Cosmetology establishment", that part of any building wherein or
45 whereupon any of the classified occupations are practiced including any space
46 rented within a licensed establishment by a person licensed under this chapter,
47 for the purpose of rendering cosmetology services;

48 (7) "Cross-over license", a license that is issued to any person who has met
49 the licensure and examination requirements for both barbering and cosmetology;

50 (8) **"Hair braider", any person who, for compensation, engages in**
51 **the practice of hair braiding;**

52 (9) **"Hair braiding", in accordance with the requirements of**
53 **section 329.275, the use of techniques that result in tension on hair**
54 **strands or roots by twisting, wrapping, waving, extending, locking, or**
55 **braiding of the hair by hand or mechanical device, but does not include**
56 **the application of dyes, reactive chemicals, or other preparations to**
57 **alter the color of the hair or to straighten, curl, or alter the structure**
58 **of the hair;**

59 (10) "Hairdresser", any person who, for compensation, engages in the
60 practice of cosmetology as defined in paragraph (a) of subdivision (5) of this
61 section;

62 [(9)] (11) "Instructor", any person who is licensed to teach cosmetology
63 or any practices of cosmetology pursuant to this chapter;

64 [(10)] **(12)** "Manicurist", any person who, for compensation, engages in
65 any or all of the practices in paragraph (b) of subdivision (5) of this section;

66 [(11)] **(13)** "Parental consent", the written informed consent of a minor's
67 parent or legal guardian that must be obtained prior to providing body waxing on
68 or near the genitalia;

69 [(12)] **(14)** "School of cosmetology" or "school of manicuring", an
70 establishment operated for the purpose of teaching cosmetology as defined in
71 subdivision (5) of this section.

**329.032. 1. Nothing in this chapter shall apply to hairdressing,
2 manicuring, or facial treatments given in the home to members of a
3 person's family or friends for which no charge is made.**

4 **2. Nothing in this chapter or chapter 328, except for the
5 provisions of sections 329.010 and 329.275, shall apply to persons
6 engaged in the practice of hair braiding who have met the
7 requirements in section 329.275.**

**329.033. If a license issued under this chapter has been
2 destroyed, lost, mutilated beyond practical usage, or was never
3 received, the licensee shall obtain a duplicate license from the board
4 by appearing in person at the board's office or mailing, by certified
5 mail, return receipt requested, a notarized affidavit stating that the
6 license has been destroyed, lost, mutilated beyond practical usage, or
7 was never received.**

 329.040. 1. Any person [of] in good [moral character] **standing with
2 the board** may make application to the board for a license to own a school of
3 cosmetology on a form provided upon request by the board. Every school of
4 cosmetology in which any of the classified occupations of cosmetology are taught
5 shall be required to obtain a license from the board prior to opening. The license
6 shall be issued upon approval of the application by the board, the payment of the
7 required fees, and the applicant meets other requirements provided in this
8 chapter. The license shall be kept posted in plain view within the school at all
9 times.

10 2. A school license renewal fee shall be due on or before the renewal date
11 of any school license issued pursuant to this section. If the school license renewal
12 fee is not paid on or before the renewal date, a late fee shall be added to the
13 regular school license fee.

14 3. No school of cosmetology shall be granted a license pursuant to this

15 chapter unless it:

16 (1) Employs and has present in the school a competent licensed instructor
17 for every twenty-five students in attendance for a given class period and one to
18 ten additional students may be in attendance with the assistance of an instructor
19 trainee. One instructor is authorized to teach up to three instructor trainees
20 immediately after being granted an instructor's license;

21 (2) Requires all students to be enrolled in a course of study of no less than
22 three hours per day and no more than twelve hours per day with a weekly total
23 that is no less than fifteen hours and no more than seventy-two hours;

24 (3) Requires for the classified occupation of cosmetologist, the course of
25 study shall be no less than one thousand five hundred hours or, for a student in
26 public vocational/technical school no less than one thousand two hundred twenty
27 hours; provided that, a school may elect to base the course of study on credit
28 hours by applying the credit hour formula in Subpart A of Part 668 of Section
29 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student
30 must earn a minimum of one hundred and sixty hours or equivalent credits of
31 classroom training before the student may perform any of the acts of the
32 classified occupation of cosmetology on any patron or customer of the school of
33 cosmetology;

34 (4) Requires for the classified occupation of manicurist, the course of
35 study shall be no less than four hundred hours or the credit hours determined by
36 the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of
37 Federal Regulations, as amended. The student must earn a minimum of fifty
38 hours or equivalent credits of classroom training before the student may perform
39 any of the acts of the classified occupation of manicurist on any patron or
40 customer of the school of cosmetology;

41 (5) Requires for the classified occupation of esthetician, the course of
42 study shall be no less than seven hundred fifty hours or the credit hours
43 determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34
44 of the Code of Federal Regulations, as amended. The student shall earn a
45 minimum of seventy-five hours or equivalent credits of classroom training before
46 the student may perform any of the acts of the classified occupation of esthetics
47 on any patron or customer of the school of cosmetology or an esthetics school.

48 4. The subjects to be taught for the classified occupation of cosmetology
49 shall be as follows and the hours required for each subject shall be not less than
50 those contained in this subsection or the credit hours determined by the formula

51 in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
52 Regulations, as amended:

- 53 (1) Shampooing of all kinds, forty hours;
- 54 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- 55 (3) Hair cutting and shaping, one hundred thirty hours;
- 56 (4) Permanent waving and relaxing, one hundred twenty-five hours;
- 57 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred
58 twenty-five hours;
- 59 (6) Combouts and hair styling techniques, one hundred five hours;
- 60 (7) Scalp treatments and scalp diseases, thirty hours;
- 61 (8) Facials, eyebrows and arches, forty hours;
- 62 (9) Manicuring, hand and arm massage and treatment of nails, one
63 hundred ten hours;
- 64 (10) Cosmetic chemistry, twenty-five hours;
- 65 (11) Salesmanship and shop management, ten hours;
- 66 (12) Sanitation and sterilization, thirty hours;
- 67 (13) Anatomy, twenty hours;
- 68 (14) State law, ten hours;
- 69 (15) Curriculum to be defined by school, not less than four hundred
70 seventy hours.

71 5. The subjects to be taught for the classified occupation of manicurist
72 shall be as follows and the hours required for each subject shall be not less than
73 those contained in this subsection or the credit hours determined by the formula
74 in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
75 Regulations, as amended:

- 76 (1) Manicuring, hand and arm massage and treatment of nails, two
77 hundred twenty hours;
- 78 (2) Salesmanship and shop management, twenty hours;
- 79 (3) Sanitation and sterilization, twenty hours;
- 80 (4) Anatomy, ten hours;
- 81 (5) State law, ten hours;
- 82 (6) Study of the use and application of certain chemicals, forty hours; and
- 83 (7) Curriculum to be defined by school, not less than eighty hours.

84 6. The subjects to be taught for the classified occupation of esthetician
85 shall be as follows, and the hours required for each subject shall not be less than
86 those contained in this subsection or the credit hours determined by the formula

87 in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
88 Regulations, as amended:

- 89 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- 90 (2) Makeup application, all phases, one hundred hours;
- 91 (3) Hair removal, thirty hours;
- 92 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- 93 (5) Reflexology, thirty-five hours;
- 94 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- 95 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- 96 (8) Salon management and salesmanship, fifty-five hours;
- 97 (9) Sanitation and sterilization, safety, forty-five hours;
- 98 (10) State law, ten hours; and
- 99 (11) Curriculum to be defined by school, not less than seventy-five hours.

100 7. Training for all classified occupations shall include practical
101 demonstrations, written and/or oral tests, and practical instruction in sanitation,
102 sterilization and the use of antiseptics, cosmetics and electrical appliances
103 consistent with the practical and theoretical requirements as applicable to the
104 classified occupations as provided in this chapter.

105 8. No school of cosmetology shall operate within this state unless a proper
106 license pursuant to this chapter has first been obtained.

107 9. Nothing contained in this chapter shall prohibit a licensee within a
108 cosmetology establishment from teaching any of the practices of the classified
109 occupations for which the licensee has been licensed for not less than two years
110 in the licensee's regular course of business, if the owner or manager of the
111 business does not hold himself or herself out as a school and does not hire or
112 employ or personally teach regularly at any one and the same time, more than
113 one apprentice to each licensee regularly employed within the owner's business,
114 not to exceed one apprentice per establishment, and the owner, manager, or
115 trainer does not accept any fee for instruction.

116 10. Each licensed school of cosmetology shall provide a minimum of two
117 thousand square feet of floor space, adequate rooms and equipment, including
118 lecture and demonstration rooms, lockers, an adequate library and two
119 restrooms. The minimum equipment requirements shall be: six shampoo bowls,
120 ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and
121 adequate working facilities for twenty students.

122 11. Each licensed school of cosmetology for manicuring only shall provide

123 a minimum of one thousand square feet of floor space, adequate room for theory
124 instruction, adequate equipment, lockers, an adequate library, two restrooms and
125 a clinical working area for ten students. Minimum floor space requirement
126 proportionately increases with student enrollment of over ten students.

127 12. Each licensed school of cosmetology for esthetics only shall provide a
128 minimum of one thousand square feet of floor space, adequate room for theory
129 instruction, adequate equipment, lockers, an adequate library, two restrooms and
130 a clinical working area for ten students. Minimum floor space requirement
131 increases fifty square feet per student with student enrollment of over ten.

132 13. No school of cosmetology may have a greater number of students
133 enrolled and scheduled to be in attendance for a given class period than the total
134 floor space of that school will accommodate. Floor space required per student
135 shall be no less than fifty square feet per additional student beyond twenty
136 students for a school of cosmetology, beyond ten students for a school of
137 manicuring and beyond ten students for a school of esthetics.

138 14. Each applicant for a new school shall file a written application with
139 the board upon a form approved and furnished upon request by the board. The
140 applicant shall include a list of equipment, the proposed curriculum, and the
141 name and qualifications of any and all of the instructors.

142 15. Each school shall display in a conspicuous place, visible upon entry
143 to the school, a sign stating that all cosmetology services in this school are
144 performed by students who are in training.

145 16. Any student who wishes to remain in school longer than the required
146 training period may make application for an additional training license and
147 remain in school. A fee is required for such additional training license.

148 17. All contractual fees that a student owes to any cosmetology school
149 shall be paid before such student may be allowed to apply for any examination
150 required to be taken by an applicant applying for a license pursuant to the
151 provisions of this chapter.

329.050. 1. Applicants for examination or licensure pursuant to this
2 chapter shall possess the following qualifications:

3 (1) They [must be persons of good moral character,] **shall provide**
4 **documentation of successful completion of courses approved by the**
5 **board**, have an education equivalent to the successful completion of the tenth
6 grade, and be at least seventeen years of age;

7 (2) If the applicants are apprentices, they shall have served and

8 completed, as an apprentice under the supervision of a licensed cosmetologist, the
9 time and studies required by the board which shall be no less than three
10 thousand hours for cosmetologists, and no less than eight hundred hours for
11 manicurists and no less than fifteen hundred hours for esthetics. However, when
12 the classified occupation of manicurist is apprenticed in conjunction with the
13 classified occupation of cosmetologist, the apprentice shall be required to
14 successfully complete an apprenticeship of no less than a total of three thousand
15 hours;

16 (3) If the applicants are students, they shall have had the required time
17 in a licensed school of no less than one thousand five hundred hours training or
18 the credit hours determined by the formula in Subpart A of Part 668 of Section
19 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the
20 classification of cosmetologist, with the exception of public vocational technical
21 schools in which a student shall complete no less than one thousand two hundred
22 twenty hours training. All students shall complete no less than four hundred
23 hours or the credit hours determined by the formula in Subpart A of Part 668 of
24 Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the
25 classification of manicurist. All students shall complete no less than seven
26 hundred fifty hours or the credit hours determined by the formula in Subpart A
27 of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
28 amended, for the classification of esthetician. However, when the classified
29 occupation of manicurist is taken in conjunction with the classified occupation of
30 cosmetologist, the student shall not be required to serve the extra four hundred
31 hours or the credit hours determined by the formula in Subpart A of Part 668 of
32 Section 668.8 of Title 34 of the Code of Federal Regulations, as amended,
33 otherwise required to include manicuring of nails; and

34 (4) They shall have passed an examination to the satisfaction of the board.

35 2. A person may apply to take the examination required by subsection 1
36 of this section if the person is a graduate of a school of cosmetology or apprentice
37 program in another state or territory of the United States which has substantially
38 the same requirements as an educational establishment licensed pursuant to this
39 chapter. A person may apply to take the examination required by subsection 1
40 of this section if the person is a graduate of an educational establishment in a
41 foreign country that provides training for a classified occupation of cosmetology,
42 as defined by section 329.010, and has educational requirements that are
43 substantially the same requirements as an educational establishment licensed

44 under this chapter. The board has sole discretion to determine the substantial
45 equivalency of such educational requirements. The board may require that
46 transcripts from foreign schools be submitted for its review, and the board may
47 require that the applicant provide an approved English translation of such
48 transcripts.

49 3. Each application shall contain a statement that, subject to the penalties
50 of making a false affidavit or declaration, the application is made under oath or
51 affirmation and that its representations are true and correct to the best
52 knowledge and belief of the person signing the application.

53 4. The sufficiency of the qualifications of applicants shall be determined
54 by the board, but the board may delegate this authority to its executive director
55 subject to such provisions as the board may adopt.

56 5. [For the purpose of meeting the minimum requirements for
57 examination, training completed by a student or apprentice shall be recognized
58 by the board for a period of no more than five years from the date it is received.]

59 **Applications for examination or licensure may be denied if the**
60 **applicant has pleaded guilty to, entered a plea of nolo contendere to,**
61 **or been found guilty of any of the following offenses or offenses of a**
62 **similar nature established under the laws of this state, any other state,**
63 **the United States, or any other country, notwithstanding whether**
64 **sentence is imposed:**

65 (1) Any dangerous felony as defined under section 556.061 or
66 murder in the first degree;

67 (2) Any of the following sexual offenses: rape in the first degree,
68 forcible rape, rape, statutory rape in the first degree, statutory rape in
69 the second degree, rape in the second degree, sexual assault, sodomy
70 in the first degree, forcible sodomy, statutory sodomy in the first
71 degree, statutory sodomy in the second degree, child molestation in the
72 first degree, child molestation in the second degree, sodomy in the
73 second degree, deviate sexual assault, sexual misconduct involving a
74 child, sexual misconduct in the first degree under section 566.090 as it
75 existed prior to August 28, 2013, sexual abuse under section 566.100 as
76 it existed prior to August 28, 2013, sexual abuse in the first or second
77 degree, enticement of a child, or attempting to entice a child;

78 (3) Any of the following offenses against the family and related
79 offenses: incest, abandonment of a child in the first degree,

80 abandonment of a child in the second degree, endangering the welfare
81 of a child in the first degree, abuse of a child, using a child in a sexual
82 performance, promoting sexual performance by a child, or trafficking
83 in children; and

84 (4) Any of the following offenses involving child pornography
85 and related offenses: promoting obscenity in the first degree,
86 promoting obscenity in the second degree when the penalty is enhanced
87 to a class E felony, promoting child pornography in the first degree,
88 promoting child pornography in the second degree, possession of child
89 pornography in the first degree, possession of child pornography in the
90 second degree, furnishing child pornography to a minor, furnishing
91 pornographic materials to minors, or coercing acceptance of obscene
92 material.

329.060. 1. Every person desiring to sit for the examination for any of the
2 occupations provided for in this chapter shall file with the board a written
3 application on a form supplied to the applicant, and shall submit proof of the
4 required age[,] and educational qualifications, [and of good moral character]
5 together with the required cosmetology examination fee. Each application shall
6 contain a statement that it is made under oath or affirmation and that its
7 representations are true and correct to the best knowledge and belief of the
8 person signing same, subject to the penalties of making a false affidavit or
9 declaration.

10 2. Upon the filing of the application [and the payment of the fee], the
11 board shall, upon request, issue to the applicant, if the applicant is qualified to
12 sit for the examination, a temporary license for the practicing of the occupations
13 as provided in this chapter. **The board shall not charge a license fee until**
14 **such time that the application has been approved. In the event that an**
15 **application is denied or rejected, no license fee shall be charged.** Any
16 person receiving a temporary license shall be entitled to practice the occupations
17 designated on the temporary license, under the supervision of a person licensed
18 in [cosmetology] **the occupation**, until the expiration of the temporary
19 license. Any person continuing to practice the occupation beyond the expiration
20 of the temporary license without being licensed in [cosmetology] **that** as provided
21 in this chapter is guilty of an infraction.

329.070. 1. Apprentices or students shall be [licensed] **registered** with
2 the board and shall pay a student fee or an apprentice fee prior to beginning their

3 course, and shall [be of good moral character and] have an education equivalent
4 to the successful completion of the tenth grade.

5 2. An apprentice or student shall not be enrolled in a course of study that
6 shall exceed twelve hours per day or that is less than three hours per day. The
7 course of study shall be no more than seventy-two hours per week and no less
8 than fifteen hours per week.

9 3. Every person desiring to act as an apprentice in any of the classified
10 occupations within this chapter shall file with the board a written application on
11 a form supplied to the applicant, together with the required apprentice fee.

329.080. 1. An instructor trainee shall be a licensed cosmetologist,
2 esthetician or manicurist and shall hold a license as an instructor trainee in
3 cosmetology, esthetics or manicuring. An applicant for a license to practice as an
4 instructor trainee shall submit to the board the required fee and a written
5 application on a form supplied by the board upon request that the applicant [is
6 of good moral character, in good physical and mental health,] has successfully
7 completed at least a four-year high school course of study or the equivalent, and
8 holds a Missouri license to practice as a cosmetologist, esthetician or
9 manicurist. Each application shall contain a statement that it is made under
10 oath or affirmation and that its representations are true and correct to the best
11 knowledge and belief of the person signing the application, subject to the
12 penalties of making a false affidavit or declaration.

13 2. An applicant approved by the board shall be issued an instructor
14 trainee license. The license shall be issued for a definite period needed to
15 complete training requirements to become eligible for taking the examinations.
16 An applicant shall be approved for an instructor trainee license only for those
17 classified occupations [of cosmetology] for which the applicant is licensed at the
18 time the instructor trainee application is submitted to the board.

19 3. The instructor trainee shall be required to complete six hundred hours
20 of instructor training within a Missouri licensed school of cosmetology consisting
21 of a curriculum including both theory and practical training to include the
22 following:

23 (1) Two hundred hours to be devoted to basic principles of student
24 teaching to include teaching principles, lesson planning, curriculum planning and
25 class outlines, teaching methods, teaching aids, testing and evaluation;

26 (2) Fifty hours of psychology as applied to cosmetology, personality and
27 teaching, teacher evaluation, counseling, theories of learning, and speech;

28 (3) Fifty hours of business experience or management including classroom
29 management, record keeping, buying and inventorying supplies, and state law;
30 and

31 (4) Three hundred hours of practice teaching in both theory and practical
32 application.

33 4. [For the purpose of meeting the minimum requirements for
34 examination, training completed within a school of cosmetology by an instructor
35 trainee shall be recognized by the board for a period of no more than five years
36 from the date it is received.

37 5.] The six hundred hours required pursuant to subsection 3 of this section
38 may be reduced as follows:

39 (1) Three years of experience as a [practicing] **licensed** cosmetologist,
40 **esthetician, or manicurist** may be substituted for three hundred hours of
41 training. The three hundred hours will be partially reduced in proportion to
42 experience **as a licensee** greater than six months but less than three; or

43 (2) Four and one-half college credit hours in teaching methodology, as
44 defined by rule, may be substituted for three hundred hours of
45 training. Applicants requesting credit shall submit to the board a certified
46 transcript together with a course description certified by the administrating
47 education institution as being primarily directed to teaching methodology. The
48 three hundred hours will be partially reduced in proportion to college credit hours
49 in teaching methodology of less than four and one-half hours; or

50 (3) Applicants who apply from states where the requirements are not
51 substantially equal to those in force in Missouri at the time of application, may
52 be eligible for the examination if they provide[:

53 (a)] an affidavit verifying a current, valid instructor license in another
54 state, territory of the United States, District of Columbia, or foreign country,
55 state or province[; and

56 (b) Proof of full-time work experience of not less than one year as a
57 cosmetology instructor within the three-year period immediately preceding the
58 application for examination].

329.085. 1. Any person desiring an instructor license shall submit to the
2 board a written application on a form supplied by the board showing that the
3 applicant has met the requirements set forth in section 329.080. An applicant
4 who has met all requirements as determined by the board shall be allowed to take
5 the instructor examination, including any person who has been licensed three or

6 more years as a cosmetologist, manicurist or esthetician. If the applicant passes
7 the examination to the satisfaction of the board, the board shall issue to the
8 applicant an instructor license.

9 2. The instructor examination fee and the instructor license fee for an
10 instructor license shall be nonrefundable.

11 3. The instructor license renewal fee shall be in addition to the regular
12 cosmetologist, esthetician or manicurist license renewal fee. For each renewal the
13 instructor shall submit proof of having attended a teacher training seminar or
14 workshop at least once every two years, sponsored by any university, or Missouri
15 vocational association, or bona fide state cosmetology association specifically
16 approved by the board to satisfy the requirement for continued training of this
17 subsection. Renewal fees shall be due and payable on or before the renewal date
18 and, if the fee remains unpaid thereafter in such license period, there shall be a
19 late fee in addition to the regular fee.

20 4. Instructors duly licensed as physicians or attorneys or lecturers on
21 subjects not directly pertaining to the practice pursuant to this chapter need not
22 be holders of licenses provided for in this chapter.

23 5. The board shall grant instructor licensure upon application and
24 payment of a fee equivalent to the sum of the instructor examination fee and the
25 instructor license fee, provided the applicant establishes compliance with the
26 [cosmetology] instructor requirements of another state, territory of the United
27 States, or District of Columbia [wherein the requirements are substantially equal
28 or superior to those in force in Missouri at the time the application for licensure
29 is filed] and the applicant holds a current instructor license in the other
30 jurisdiction at the time of making application.

31 6. Any person licensed as a cosmetology instructor prior to the training
32 requirements which became effective January 1, 1979, may continue to be
33 licensed as such, provided such license is maintained and the licensee complies
34 with the continued training requirements as provided in subsection 3 of this
35 section. Any person with an expired instructor license that is not restored to
36 current status within two years of the date of expiration shall be required to meet
37 the training and examination requirements as provided in this section and section
38 329.080.

 329.130. [1.] The board shall grant without examination a license to
2 practice cosmetology to any applicant who holds a current license that is issued
3 by another state, territory of the United States, or the District of Columbia whose

4 requirements for licensure are [substantially equal] **similar** to the licensing
5 requirements in Missouri at the time the application is filed or who has practiced
6 cosmetology for at least two consecutive years in another state, territory of the
7 United States, or the District of Columbia. The applicant under this [subsection]
8 **section** shall pay the appropriate application and licensure fees at the time of
9 making application. A licensee who is currently under disciplinary action with
10 another board of cosmetology shall not be licensed by reciprocity under the
11 provisions of this chapter.

12 [2. Any person who lawfully practiced or received training in another
13 state who does not qualify for licensure without examination may apply to the
14 board for licensure by examination. Upon application to the board, the board
15 shall evaluate the applicant's experience and training to determine the extent to
16 which the applicant's training and experience satisfies current Missouri licensing
17 requirements and shall notify the applicant regarding his or her deficiencies and
18 inform the applicant of the action that he or she must take to qualify to take the
19 examination. The applicant for licensure under this subsection shall pay the
20 appropriate examination and licensure fees.]

**329.275. 1. The practices of cosmetology and barbering shall not
2 include hair braiding, except that, nothing in this section shall be
3 construed as prohibiting a licensed cosmetologist or barber from
4 performing the service of hair braiding.**

5 **2. No person shall engage in hair braiding for compensation in
6 the state of Missouri without first registering with the
7 board. Applicants for a certificate of registration to engage in hair
8 braiding shall submit to the board an application and a required fee,
9 as set by the board. Such fee shall not exceed twenty dollars. Prior to
10 receiving a certificate, each applicant shall also watch an instructional
11 video prepared by the board in accordance with subsection 4 of this
12 section. An applicant for a certificate of registration may be denied
13 such certificate if the applicant has pleaded guilty to, entered a plea of
14 nolo contendere to, or been found guilty of any of the offenses set forth
15 in subsection 6 of section 329.050.**

16 **3. Registered hair braiders shall keep their information that the
17 board requires for initial registration current and up to date with the
18 board.**

19 **4. The board shall develop and prepare an instructional video,**

20 at least four hours but no more than six hours in length, that contains
21 information about infection control techniques and diseases of the
22 scalp that are appropriate for hair braiding in or outside of a salon
23 setting and any other information to be determined by the board. The
24 instructional video shall be made available to applicants through the
25 division of professional registration's website. The board shall also
26 develop and prepare a brochure that contains a summary of the
27 information contained in the instructional video. The brochure shall
28 be made available through the division of professional registration's
29 website, or by mail, upon request, for a fee to cover the board's mailing
30 costs.

31 5. Any person who registers as a hair braider under this section
32 shall post a copy of his or her certificate of registration in a
33 conspicuous place at his or her place of business. If the person is
34 operating outside his or her place of business he or she shall provide
35 to the client or customer a copy of his or her certificate of registration
36 upon the client's or customer's request.

37 6. (1) The board may inspect hair braiding establishments or
38 facilities where hair braiding occurs one time per year during business
39 hours to ensure:

40 (a) Persons registered as hair braiders are not operating outside
41 the scope of practice of hair braiding; and

42 (b) Compliance with this section and rules promulgated
43 thereunder.

44 (2) Additionally, if a customer or client submits a complaint to
45 the board about a hair braider, the board may inspect such hair
46 braider's establishment during regular business hours. This inspection
47 shall not count toward the one time inspection limit set forth in
48 subdivision (1) of this subsection.

49 (3) In addition to the causes listed in section 329.140, the board
50 may also suspend or revoke a certificate of registration if a person
51 registered as a hair braider is found to be operating outside the scope
52 of practice of hair braiding.

53 7. Nothing in this section shall apply to any cosmetologists
54 licensed to practice in this state in their respective classifications.

330.030. Any person desiring to practice podiatric medicine in this state
2 shall furnish the board with satisfactory proof, including a statement under oath

3 or affirmation that all representations are true and correct to the best knowledge
4 and belief of the person submitting and signing same, subject to the penalties of
5 making a false affidavit or declaration, that he or she is [twenty-one years of age
6 or over, and] of good moral character, and that he or she has received at least
7 four years of high school training, or the equivalent thereof, and has received a
8 diploma or certificate of graduation from an approved college of podiatric
9 medicine, recognized and approved by the board, having a minimum requirement
10 of two years in an accredited college and four years in a recognized college of
11 podiatric medicine. Upon payment of the examination fee, and making
12 satisfactory proof as aforesaid, the applicant shall be examined by the board, or
13 a committee thereof, under such rules and regulations as said board may
14 determine, and if found qualified, shall be licensed, upon payment of the license
15 fee, to practice podiatric medicine as licensed; provided, that the board shall,
16 under regulations established by the board, admit without examination legally
17 qualified practitioners of podiatric medicine who hold licenses to practice
18 podiatric medicine in any state or territory of the United States or the District
19 of Columbia or any foreign country with equal educational requirements to the
20 state of Missouri upon the applicant paying a fee equivalent to the license and
21 examination fees required above.

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

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

18 is so teaching.

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

39 4. [Each applicant shall pay upon application an application or
40 examination fee.] **The board shall not charge an application fee until such**
41 **time that the application has been approved. In the event that an**
42 **application is denied or rejected, no application fee shall be charged.**
43 All moneys collected pursuant to the provisions of this chapter shall be
44 nonrefundable and shall be collected by the director of the division of professional
45 registration who shall transmit it to the department of revenue for deposit in the
46 state treasury to the credit of the chiropractic board fund. Any person failing to
47 pass a practical examination administered or approved by the board may be
48 reexamined upon fulfilling such requirements, including the payment of a
49 reexamination fee, as the board may by rule prescribe.

50 5. Every applicant for licensure by examination shall have taken and
51 successfully passed all required and optional parts of the written examination
52 given by the National Board of Chiropractic Examiners, including the written
53 clinical competency examination, under such conditions as established by rule of

54 the board, and all applicants for licensure by examination shall successfully pass
55 a practical examination administered or approved by the board and a written
56 examination testing the applicant's knowledge and understanding of the laws and
57 regulations regarding the practice of chiropractic in this state. The board shall
58 issue to each applicant who meets the standards and successful completion of the
59 examinations, as established by rule of the board, a license to practice
60 chiropractic. The board shall not recognize any correspondence work in any
61 chiropractic school or college as credit for meeting the requirements of this
62 chapter.

63 6. The board shall issue a license without examination to persons who
64 have been regularly licensed to practice chiropractic in any other state, territory,
65 or the District of Columbia, or in any foreign country, provided that the
66 regulations for securing a license in the other jurisdiction are equivalent to those
67 required for licensure in the state of Missouri, when the applicant furnishes
68 satisfactory evidence that the applicant has continuously practiced chiropractic
69 for at least one year immediately preceding the applicant's application to the
70 board and that the applicant is of good moral character, and upon the payment
71 of the reciprocity license fee as established by rule of the board. The board may
72 require an applicant to successfully complete the Special Purposes Examination
73 for Chiropractic (SPEC) administered by the National Board of Chiropractic
74 Examiners if the requirements for securing a license in the other jurisdiction are
75 not equivalent to those required for licensure in the state of Missouri at the time
76 application is made for licensure under this subsection.

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

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

90 purpose of obtaining a biopositive reflex response by nerve stimulation.

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

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

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

332.131. Any person who is [at least twenty-one years of age,] of good
2 moral character and reputation, and who is a graduate of and has a degree in
3 dentistry from an accredited dental school may apply to the board for
4 examination and registration as a dentist in Missouri.

332.181. 1. No person shall engage in the practice of dentistry in
2 Missouri without having first secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dentistry in Missouri shall
4 [pay the required fee and] make application to the board on a form prescribed by
5 the board pursuant to section 332.141. **The board shall not charge an
6 application fee until such time that the application has been approved.
7 In the event that an application is denied or rejected, no application
8 fee shall be charged.** An application for licensure shall be active for one year
9 after the date it is received by the board. The application becomes void if not
10 completed within such one-year period.

11 3. All persons once licensed to practice dentistry in Missouri shall renew
12 his or her license to practice dentistry in Missouri on or before the license
13 renewal date and shall display his or her license for each current licensing period
14 in the office in which he or she practices or offers to practice dentistry.

15 4. Effective with the licensing period beginning on December 1, 2002, a
16 license shall be renewed every two years. To renew a license, each dentist shall
17 submit satisfactory evidence of completion of fifty hours of continuing education
18 during the two-year period immediately preceding the renewal period. Each
19 dentist shall maintain documentation of completion of the required continuing
20 education hours as provided by rule. Failure to obtain the required continuing
21 education hours, submit satisfactory evidence, or maintain documentation is a

22 violation of section 332.321. As provided by rule, the board may waive and/or
23 extend the time requirements for completion of continuing education for reasons
24 related to health, military service, foreign residency or for other good cause. All
25 requests for waivers and/or extensions of time shall be made in writing and
26 submitted to the board before the renewal date.

27 5. Any licensed dentist who fails to renew his or her license on or before
28 the renewal date may apply to the board for renewal of his or her license within
29 four years subsequent to the date of the license expiration. To renew an expired
30 license, the person shall submit an application for renewal, pay the renewal fee
31 and renewal penalty fee as set by rule, and submit satisfactory evidence of
32 completion of at least fifty hours of continuing education for each renewal period
33 that his or her license was expired as provided by rule. The required hours must
34 be obtained within four years prior to renewal. The license of any dentist who
35 fails to renew within four years of the time his or her license has expired shall
36 be void. The dentist may apply for a new license; provided that, unless
37 application is made under section 332.321, the dentist shall pay the same fees
38 and be examined in the same manner as an original applicant for licensure as a
39 dentist.

332.241. Applications for examination and registration as a dental
2 hygienist shall be in writing on forms furnished to the applicant which shall
3 contain applicant's statements showing his education and such other pertinent
4 information as the board may require. Each application shall contain a statement
5 that it is made under oath or affirmation and that its representations are true
6 and correct to the best knowledge and belief of the person signing same, subject
7 to the penalties of making a false affidavit or declaration, and shall be
8 accompanied by a dental hygienist examination fee. **The board shall not**
9 **charge a registration fee until such time that the application has been**
10 **approved. In the event that an application is denied or rejected, no**
11 **registration fee shall be charged.**

333.031. Each application for a license to practice either embalming or
2 funeral directing shall be in writing, addressed to the board, on forms prescribed,
3 verified and shall contain such information as is required by the board. The
4 application shall include a statement that it is made under oath or affirmation
5 and that its representations are true and correct to the best knowledge and belief
6 of the person signing same, subject to the penalties of making a false affidavit or
7 declaration. [Each application shall be accompanied by an embalming fee or

8 funeral directing fee.] **No embalming fee or funeral directing fee shall be**
9 **charged until such time that the application has been approved. In the**
10 **event that an application is denied or rejected, no embalming fee or**
11 **funeral directing fee shall be charged.** Any applicant for both a license to
12 practice embalming and to practice funeral directing shall pay both fees, **upon**
13 **approval of the applicant's application.** If any applicant for a license to
14 practice embalming or funeral directing fails to pass the examination given by the
15 board, he may be given other examinations upon payment of a reexamination fee.

334.090. 1. [Each applicant for registration under this chapter shall
2 accompany the application for registration with a registration fee to be paid to the
3 board.] **The board shall not charge a registration fee for registration**
4 **under this chapter until such time that the application for registration**
5 **has been approved. In the event that an application is denied or**
6 **rejected, no registration fee shall be charged.** If the application is filed
7 and the fee paid after the registration renewal date, a delinquent fee shall be
8 paid; but whenever in the opinion of the board the applicant's failure to register
9 is caused by extenuating circumstances including illness of the applicant, as
10 defined by rule and regulation, the delinquent fee may be waived by the
11 board. Whenever any new license is granted to any person under the provisions
12 of this chapter, the board shall, upon application therefor, issue to such licensee
13 a certificate of registration covering a period from the date of the issuance of the
14 license to the next renewal date without the payment of any registration fee.

15 2. The board shall set the amount of the fees which this chapter
16 authorizes and requires by rules and regulations promulgated pursuant to section
17 536.021. The fees shall be set at a level to produce revenue which shall not
18 substantially exceed the cost and expense of administering this chapter.

334.404. 1. Each person desiring a license pursuant to sections 334.400
2 to 334.430 shall make application to the board upon such forms and in such
3 manner as may be prescribed by the board [and shall pay the required
4 application fee as set by the board]. **The board shall not charge an**
5 **application fee until such time that the application has been approved.**
6 **In the event that an application is denied or rejected, no application**
7 **fee shall be charged.** The application fee shall cover the cost of issuing the
8 license and shall not be refundable. Each application shall contain a statement
9 that it is made under oath or affirmation and that its representations are true
10 and correct to the best knowledge and belief of the person signing the application,

11 subject to the penalties of making a false declaration or affidavit. Such
12 application shall include proof of certification from the National Commission on
13 Certification of Anesthesiologist Assistants or its successor, date of the
14 certification, any identification numbers, and any other information necessary for
15 the board to verify the certification.

16 2. The board, upon approval of the application from an applicant, shall
17 issue a license to such applicant.

18 3. A license is valid for two years from the date it is issued and may be
19 renewed biennially by filing an application for renewal with the board and paying
20 the required renewal fee as set by the board.

21 4. A blank form for application for renewal of licensure shall be mailed to
22 each person licensed in this state at his or her last known office or residence
23 address.

24 5. A new license to replace any license lost, destroyed, or mutilated may
25 be issued to any applicant, subject to rules and regulations issued by the board
26 upon the payment of a reasonable fee.

334.530. 1. A candidate for license to practice as a physical therapist
2 shall [be at least twenty-one years of age. A candidate shall] furnish evidence of
3 such person's good moral character and the person's educational qualifications by
4 submitting satisfactory evidence of completion of a program of physical therapy
5 education approved as reputable by the board. A candidate who presents
6 satisfactory evidence of the person's graduation from a school of physical therapy
7 approved as reputable by the American Medical Association or, if graduated
8 before 1936, by the American Physical Therapy Association, or if graduated after
9 1988, the Commission on Accreditation for Physical Therapy Education or its
10 successor, is deemed to have complied with the educational qualifications of this
11 subsection.

12 2. Persons desiring to practice as physical therapists in this state shall
13 appear before the board at such time and place as the board may direct and be
14 examined as to their fitness to engage in such practice. Applications for
15 examination shall be in writing, on a form furnished by the board and shall
16 include evidence satisfactory to the board that the applicant possesses the
17 qualifications set forth in subsection 1 of this section. Each application shall
18 contain a statement that it is made under oath or affirmation and that its
19 representations are true and correct to the best knowledge and belief of the
20 applicant, subject to the penalties of making a false affidavit or declaration.

21 3. The examination of qualified candidates for licenses to practice physical
22 therapy shall test entry-level competence as related to physical therapy theory,
23 examination and evaluation, physical therapy diagnosis, prognosis, treatment,
24 intervention, prevention, and consultation.

25 4. The examination shall embrace, in relation to the human being, the
26 subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology,
27 psychology, physical therapy theory and procedures as related to medicine,
28 surgery and psychiatry, and such other subjects, including medical ethics, as the
29 board deems useful to test the fitness of the candidate to practice physical
30 therapy.

31 5. The applicant shall pass a test administered by the board on the laws
32 and rules related to the practice of physical therapy in Missouri.

334.580. [Each applicant for registration shall accompany the application
2 for registration with a registration fee to be paid to the director of revenue for the
3 licensing period for which registration is sought.] **No registration fee shall be
4 charged until such time that the application for registration has been
5 approved. In the event that an application is denied or rejected, no
6 registration fee shall be charged.**

334.655. 1. A candidate for licensure to practice as a physical therapist
2 assistant shall [be at least nineteen years of age. A candidate shall] furnish
3 evidence of the person's good moral character and of the person's educational
4 qualifications. The educational requirements for licensure as a physical therapist
5 assistant are:

6 (1) A certificate of graduation from an accredited high school or its
7 equivalent; and

8 (2) Satisfactory evidence of completion of an associate degree program of
9 physical therapy education accredited by the commission on accreditation of
10 physical therapy education.

11 2. Persons desiring to practice as a physical therapist assistant in this
12 state shall appear before the board at such time and place as the board may
13 direct and be examined as to the person's fitness to engage in such
14 practice. Applications for examination shall be on a form furnished by the board
15 and shall include evidence satisfactory to the board that the applicant possesses
16 the qualifications provided in subsection 1 of this section. Each application shall
17 contain a statement that the statement is made under oath of affirmation and
18 that its representations are true and correct to the best knowledge and belief of

19 the person signing the statement, subject to the penalties of making a false
20 affidavit or declaration.

21 3. The examination of qualified candidates for licensure to practice as
22 physical therapist assistants shall embrace an examination which shall cover the
23 curriculum taught in accredited associate degree programs of physical therapy
24 assistant education. Such examination shall be sufficient to test the qualification
25 of the candidates as practitioners.

26 4. The examination shall include, as related to the human body, the
27 subjects of anatomy, kinesiology, pathology, physiology, psychology, physical
28 therapy theory and procedures as related to medicine and such other subjects,
29 including medical ethics, as the board deems useful to test the fitness of the
30 candidate to practice as a physical therapist assistant.

31 5. The applicant shall pass a test administered by the board on the laws
32 and rules related to the practice as a physical therapist assistant in this state.

33 6. The board shall license without examination any legally qualified
34 person who is a resident of this state and who was actively engaged in practice
35 as a physical therapist assistant on August 28, 1993. The board may license such
36 person pursuant to this subsection until ninety days after the effective date of
37 this section.

38 7. A candidate to practice as a physical therapist assistant who does not
39 meet the educational qualifications may submit to the board an application for
40 examination if such person can furnish written evidence to the board that the
41 person has been employed in this state for at least three of the last five years
42 under the supervision of a licensed physical therapist and such person possesses
43 the knowledge and training equivalent to that obtained in an accredited
44 school. The board may license such persons pursuant to this subsection until
45 ninety days after rules developed by the state board of healing arts regarding
46 physical therapist assistant licensing become effective.

334.710. 1. All applications for initial licensure pursuant to sections
2 334.700 to 334.725 shall be submitted on forms prescribed by the board [and shall
3 be accompanied by an initial licensure fee]. **The board shall not charge an**
4 **application fee until such time that the application has been approved.**
5 **In the event that an application is denied or rejected, no application**
6 **fee shall be charged.** All applications for renewal of licensure issued pursuant
7 to sections 334.700 to 334.725 shall be submitted on forms prescribed by the
8 board and shall be accompanied by a renewal fee.

9 2. All fees of any kind and character authorized to be charged by the
10 board shall be paid to the director of revenue and shall be deposited by the state
11 treasurer into the board for the healing arts fund, to be disbursed only in
12 payment for expenses of maintaining the athletic trainer licensure program and
13 for the enforcement of the provisions of sections 334.700 to 334.725.

 334.738. 1. Each person desiring a license pursuant to sections 334.735
2 to 334.749 shall make application to the department upon such forms and in such
3 manner as may be prescribed by the department [and shall pay the required
4 application fee as set by the department]. **The department shall not charge**
5 **an application fee until such time that the application has been**
6 **approved. In the event that an application is denied or rejected, no**
7 **application fee shall be charged.** The application fee shall cover the cost of
8 issuing the license and shall not be refundable. Each application shall contain
9 a statement that it is made under oath or affirmation and that its representations
10 are true and correct to the best knowledge and belief of the person signing the
11 same, subject to the penalties of making a false declaration or affidavit. Such
12 application shall include proof of certification or registration by a certifying
13 entity, date the certification or registration process was completed with the
14 certifying entity, the name of the certifying entity, any identification numbers and
15 any other information necessary for the department to verify the certification or
16 registration.

17 2. The department, upon approval of the application from an applicant,
18 shall issue a license to such applicant.

19 3. A license is valid for two years from the date it is issued and may be
20 renewed annually by filing an application for renewal with the department and
21 paying the required renewal fee as set by the department. The department shall
22 notify each licensee in writing of the expiration date of the person's license at
23 least thirty days before that date, and shall issue a license to any registrant who
24 returns a completed application form and pays a renewal fee before the person's
25 license expires.

26 4. A new license to replace any license lost, destroyed, or mutilated may
27 be issued to any applicant, subject to rules and regulations issued by the
28 department upon the payment of a reasonable fee.

 334.870. An applicant for a license to practice respiratory care may be
2 issued a license which is valid until the expiration date as determined by the
3 board after the following requirements have been met:

4 (1) The applicant submits to the board:
5 (a) A completed application for licensure;
6 (b) Written evidence of:
7 a. Credentials from the certifying entity; or
8 b. Current licensure or registration as a respiratory care practitioner in
9 another state, the District of Columbia or territory of the United States which
10 requires standards for licensure or registration determined by the board to be
11 equivalent to, or exceed, the requirements for licensure under sections 334.800
12 to 334.930;

13 [(c) Payment of any required fees;]

14 (2) The board requests and receives a complete background check and
15 other information as may be deemed necessary to fulfill sections 334.800 to
16 334.910;

17 (3) An applicant who has completed the requirements of subdivision (1)
18 of this section and has submitted the necessary information for the background
19 check pursuant to subdivision (2) of this section may obtain a conditional license
20 to practice as a respiratory care practitioner pending the outcome of the
21 background check subject to the following restrictions:

22 (a) The conditional license shall only be issued if the applicant has made
23 a prima facie showing that he or she meets all of the requirements for full
24 licensure;

25 (b) The conditional license shall only be effective until the board has had
26 an opportunity to investigate the applicant's qualifications for licensure pursuant
27 to subdivisions (1) and (2) of this section and to notify the applicant that his or
28 her application for licensure has been granted or denied;

29 (c) If the applicant provides false or misleading information to the board,
30 the board may automatically terminate the conditional license. If the board
31 automatically terminates a conditional license, the board shall notify the holder
32 of the board's decision by certified mail or personal service;

33 (d) In no event shall such conditional license be in effect for more than
34 twelve months after the date of its issuance;

35 (e) A conditional license shall not be eligible for renewal; and

36 (f) No fee shall be charged for issuing a conditional license.

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also
3 be treasurer, and the board may appoint, employ and fix the compensation of a

4 legal counsel and such board personnel as defined in subdivision (4) of subsection
5 10 of section 324.001 as are necessary to administer the provisions of sections
6 335.011 to 335.096;

7 (2) Adopt and revise such rules and regulations as may be necessary to
8 enable it to carry into effect the provisions of sections 335.011 to 335.096;

9 (3) Prescribe minimum standards for educational programs preparing
10 persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

11 (4) Provide for surveys of such programs every five years and in addition
12 at such times as it may deem necessary;

13 (5) Designate as "approved" such programs as meet the requirements of
14 sections 335.011 to 335.096 and the rules and regulations enacted pursuant to
15 such sections; and the board shall annually publish a list of such programs;

16 (6) Deny or withdraw approval from educational programs for failure to
17 meet prescribed minimum standards;

18 (7) Examine, license, and cause to be renewed the licenses of duly
19 qualified applicants;

20 (8) Cause the prosecution of all persons violating provisions of sections
21 335.011 to 335.096, and may incur such necessary expenses therefor;

22 (9) Keep a record of all the proceedings; and make an annual report to the
23 governor and to the director of the department of insurance, financial institutions
24 and professional registration[;

25 (10) Establish an impaired nurse program].

26 2. The board shall set the amount of the fees which this chapter
27 authorizes and requires by rules and regulations. The fees shall be set at a level
28 to produce revenue which shall not substantially exceed the cost and expense of
29 administering this chapter.

30 3. All fees received by the board pursuant to the provisions of sections
31 335.011 to 335.096 shall be deposited in the state treasury and be placed to the
32 credit of the state board of nursing fund. All administrative costs and expenses
33 of the board shall be paid from appropriations made for those purposes. The
34 board is authorized to provide funding for the nursing education incentive
35 program established in sections 335.200 to 335.203.

36 4. The provisions of section 33.080 to the contrary notwithstanding, money
37 in this fund shall not be transferred and placed to the credit of general revenue
38 until the amount in the fund at the end of the biennium exceeds two times the
39 amount of the appropriation from the board's funds for the preceding fiscal year

40 or, if the board requires by rule, permit renewal less frequently than yearly, then
41 three times the appropriation from the board's funds for the preceding fiscal
42 year. The amount, if any, in the fund which shall lapse is that amount in the
43 fund which exceeds the appropriate multiple of the appropriations from the
44 board's funds for the preceding fiscal year.

45 5. Any rule or portion of a rule, as that term is defined in section 536.010,
46 that is created under the authority delegated in this chapter shall become
47 effective only if it complies with and is subject to all of the provisions of chapter
48 536 and, if applicable, section 536.028. All rulemaking authority delegated prior
49 to August 28, 1999, is of no force and effect and repealed. Nothing in this section
50 shall be interpreted to repeal or affect the validity of any rule filed or adopted
51 prior to August 28, 1999, if it fully complied with all applicable provisions of
52 law. This section and chapter 536 are nonseverable and if any of the powers
53 vested with the general assembly pursuant to chapter 536 to review, to delay the
54 effective date or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed
56 or adopted after August 28, 1999, shall be invalid and void.

335.046. 1. An applicant for a license to practice as a registered
2 professional nurse shall submit to the board a written application on forms
3 furnished to the applicant. The original application shall contain the applicant's
4 statements showing the applicant's education and other such pertinent
5 information as the board may require. The applicant shall be of good moral
6 character and have completed at least the high school course of study, or the
7 equivalent thereof as determined by the state board of education, and have
8 successfully completed the basic professional curriculum in an accredited or
9 approved school of nursing and earned a professional nursing degree or
10 diploma. Each application shall contain a statement that it is made under oath
11 or affirmation and that its representations are true and correct to the best
12 knowledge and belief of the person signing same, subject to the penalties of
13 making a false affidavit or declaration. Applicants from non-English-speaking
14 lands shall be required to submit evidence of proficiency in the English
15 language. The applicant must be approved by the board and shall pass an
16 examination as required by the board. The board may require by rule as a
17 requirement for licensure that each applicant shall pass an oral or practical
18 examination. Upon successfully passing the examination, the board may issue
19 to the applicant a license to practice nursing as a registered professional

20 nurse. The applicant for a license to practice registered professional nursing
21 shall pay a license fee in such amount as set by the board. **Such licence fee**
22 **shall only be charged upon the approval of an application. In the event**
23 **that an application is denied or rejected, no application fee shall be**
24 **charged.** The fee shall be uniform for all applicants. Applicants from foreign
25 countries shall be licensed as prescribed by rule.

26 2. An applicant for license to practice as a licensed practical nurse shall
27 submit to the board a written application on forms furnished to the
28 applicant. The original application shall contain the applicant's statements
29 showing the applicant's education and other such pertinent information as the
30 board may require. Such applicant shall be of good moral character, and have
31 completed at least two years of high school, or its equivalent as established by the
32 state board of education, and have successfully completed a basic prescribed
33 curriculum in a state-accredited or approved school of nursing, earned a nursing
34 degree, certificate or diploma and completed a course approved by the board on
35 the role of the practical nurse. Each application shall contain a statement that
36 it is made under oath or affirmation and that its representations are true and
37 correct to the best knowledge and belief of the person signing same, subject to the
38 penalties of making a false affidavit or declaration. Applicants from non-English-
39 speaking countries shall be required to submit evidence of their proficiency in the
40 English language. The applicant must be approved by the board and shall pass
41 an examination as required by the board. The board may require by rule as a
42 requirement for licensure that each applicant shall pass an oral or practical
43 examination. Upon successfully passing the examination, the board may issue
44 to the applicant a license to practice as a licensed practical nurse. The applicant
45 for a license to practice licensed practical nursing shall pay a fee in such amount
46 as may be set by the board. **Such licence fee shall only be charged upon**
47 **the approval of an application. In the event that an application is**
48 **denied or rejected, no application fee shall be charged.** The fee shall be
49 uniform for all applicants. Applicants from foreign countries shall be licensed as
50 prescribed by rule.

51 3. Upon refusal of the board to allow any applicant to sit for either the
52 registered professional nurses' examination or the licensed practical nurses'
53 examination, as the case may be, the board shall comply with the provisions of
54 section 621.120 and advise the applicant of his or her right to have a hearing
55 before the administrative hearing commission. The administrative hearing

56 commission shall hear complaints taken pursuant to section 621.120.

57 4. The board shall not deny a license because of sex, religion, race, ethnic
58 origin, age or political affiliation.

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] **monitoring** by the [impaired nurse] **intervention**
7 program **and alternative program** as provided in section 335.067. The board
8 shall notify the applicant in writing of the reasons for the refusal and shall advise
9 the applicant of his or her right to file a complaint with the administrative
10 hearing commission as provided by chapter 621.

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

17 (1) Use or unlawful possession of any controlled substance, as defined in
18 chapter 195, **by the federal government, or by the department of health**
19 **and senior services by regulation, regardless of impairment**, or alcoholic
20 beverage to an extent that such use impairs a person's ability to perform the work
21 of any profession licensed or regulated by sections 335.011 to 335.096. **A blood**
22 **alcohol content of .08 shall create a presumption of impairment;**

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

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

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

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

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

46 (a) Willfully and continually overcharging or overtreating patients; or
47 charging for visits which did not occur unless the services were contracted for in
48 advance, or for services which were not rendered or documented in the patient's
49 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 nursing 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) Performing nursing services beyond the authorized scope of practice
59 for which the individual is licensed in this state;

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

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

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

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

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

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

- 70 (l) Failing to inform the board of the nurse's current residence **within**
71 **thirty days of changing residence;**
- 72 (m) Any other conduct that is unethical or unprofessional involving a
73 minor;
- 74 (n) **A departure from or failure to conform to nursing standards;**
- 75 (o) **Failure to establish, maintain, or communicate professional**
76 **boundaries with the patient. A nurse may provide health care services**
77 **to a person with whom the nurse has a personal relationship as long as**
78 **the nurse otherwise meets the standards of the profession;**
- 79 (p) **Violating the confidentiality or privacy rights of the patient,**
80 **resident, or client;**
- 81 (q) **Failing to assess, accurately document, or report the status**
82 **of a patient, resident, or client, or falsely assessing, documenting, or**
83 **reporting the status of a patient, resident, or client;**
- 84 (r) **Intentionally or negligently causing physical or emotional**
85 **harm to a patient, resident, or client;**
- 86 (s) **Failing to furnish appropriate details of a patient's, client's,**
87 **or resident's nursing needs to succeeding nurses legally qualified to**
88 **provide continuing nursing services to a patient, client, or resident;**
- 89 (7) Violation of, or assisting or enabling any person to violate, any
90 provision of sections 335.011 to 335.096, or of any lawful rule or regulation
91 adopted pursuant to sections 335.011 to 335.096;
- 92 (8) Impersonation of any person holding a certificate of registration or
93 authority, permit or license or allowing any person to use his or her certificate of
94 registration or authority, permit, license or diploma from any school;
- 95 (9) Disciplinary action against the holder of a license or other right to
96 practice any profession regulated by sections 335.011 to 335.096 granted by
97 another state, territory, federal agency or country upon grounds for which
98 revocation or suspension is authorized in this state;
- 99 (10) A person is finally adjudged insane or incompetent by a court of
100 competent jurisdiction;
- 101 (11) Assisting or enabling any person to practice or offer to practice any
102 profession licensed or regulated by sections 335.011 to 335.096 who is not
103 registered and currently eligible to practice pursuant to sections 335.011 to
104 335.096;
- 105 (12) Issuance of a certificate of registration or authority, permit or license

106 based upon a material mistake of fact;

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

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

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

113 (16) Placement on an employee disqualification list or other related
114 restriction or finding pertaining to employment within a health-related profession
115 issued by any state or federal government or agency following final disposition by
116 such state or federal government or agency;

117 (17) Failure to successfully complete the [impaired nurse program]
118 **intervention or alternative program for substance use disorder;**

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

123 (19) Failure or refusal to properly guard against contagious, infectious,
124 or communicable diseases or the spread thereof; maintaining an unsanitary office
125 or performing professional services under unsanitary conditions; or failure to
126 report the existence of an unsanitary condition in the office of a physician or in
127 any health care facility to the board, in writing, within thirty days after the
128 discovery thereof;

129 (20) A pattern of personal use or consumption of any controlled substance
130 **or any substance which requires a prescription** unless it is prescribed,
131 dispensed, or administered by a provider who is authorized by law to do so **or a**
132 **pattern of abuse of any prescription medication;**

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

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

139 **(23) Failure to submit to a drug or alcohol screening when**
140 **requested by an employer or by the board. Failure to submit to a drug**
141 **or alcohol screening shall create the presumption that the test would**

142 **have been positive for a drug for which the individual did not have a**
143 **prescription in a drug screening or positive for alcohol in an alcohol**
144 **screening;**

145 **(24) Adjudged by a court in need of a guardian or conservator,**
146 **or both, obtaining a guardian or conservator, or both, and who has not**
147 **been restored to capacity;**

148 **(25) Diversion or attempting to divert any medication, controlled**
149 **substance, or medical supplies;**

150 **(26) Failure to answer, failure to disclose, or failure to fully**
151 **provide all information requested on any application or renewal for a**
152 **license. This includes disclosing all pleas of guilt or findings of guilt**
153 **in a case where the imposition of sentence was suspended, whether or**
154 **not the case is now confidential;**

155 **(27) Physical or mental illness, including but not limited to**
156 **deterioration through the aging process or loss of motor skill, or**
157 **disability that impairs the licensee's ability to practice the profession**
158 **with reasonable judgment, skill, or safety. This does not include**
159 **temporary illness which is expected to resolve within a short period of**
160 **time;**

161 **(28) Any conduct that constitutes a serious danger to the health,**
162 **safety, or welfare of a patient or the public.**

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

171 4. For any hearing before the full board, the board shall cause the notice
172 of the hearing to be served upon such licensee in person or by certified mail to the
173 licensee at the licensee's last known address. If service cannot be accomplished
174 in person or by certified mail, notice by publication as described in subsection 3
175 of section 506.160 shall be allowed; any representative of the board is authorized
176 to act as a court or judge would in that section; any employee of the board is
177 authorized to act as a clerk would in that section.

178 5. An individual whose license has been revoked shall wait one year from
179 the date of revocation to apply for relicensure. Relicensure shall be at the
180 discretion of the board after compliance with all the requirements of sections
181 335.011 to 335.096 relative to the licensing of an applicant for the first time.

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

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

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

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

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

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

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

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

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

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

213 (8) Any conduct for which the board may discipline that constitutes a

214 serious danger to the health, safety, or welfare of a patient or the public.

215 9. The board shall submit existing affidavits and existing certified court
216 records together with a complaint alleging the facts in support of the board's
217 request for an emergency suspension or restriction to the administrative hearing
218 commission and shall supply the administrative hearing commission with the last
219 home or business addresses on file with the board for the licensee. Within one
220 business day of the filing of the complaint, the administrative hearing commission
221 shall return a service packet to the board. The service packet shall include the
222 board's complaint and any affidavits or records the board intends to rely on that
223 have been filed with the administrative hearing commission. The service packet
224 may contain other information in the discretion of the administrative hearing
225 commission. Within twenty-four hours of receiving the packet, the board shall
226 either personally serve the licensee or leave a copy of the service packet at all of
227 the licensee's current addresses on file with the board. Prior to the hearing, the
228 licensee may file affidavits and certified court records for consideration by the
229 administrative hearing commission.

230 10. Within five days of the board's filing of the complaint, the
231 administrative hearing commission shall review the information submitted by the
232 board and the licensee and shall determine based on that information if probable
233 cause exists pursuant to subsection 8 of this section and shall issue its findings
234 of fact and conclusions of law. If the administrative hearing commission finds
235 that there is probable cause, the administrative hearing commission shall enter
236 the order requested by the board. The order shall be effective upon personal
237 service or by leaving a copy at all of the licensee's current addresses on file with
238 the board.

239 11. (1) The administrative hearing commission shall hold a hearing
240 within forty-five days of the board's filing of the complaint to determine if cause
241 for discipline exists. The administrative hearing commission may grant a request
242 for a continuance, but shall in any event hold the hearing within one hundred
243 twenty days of the board's initial filing. The board shall be granted leave to
244 amend its complaint if it is more than thirty days prior to the hearing. If less
245 than thirty days, the board may be granted leave to amend if public safety
246 requires.

247 (2) If no cause for discipline exists, the administrative hearing commission
248 shall issue findings of fact, conclusions of law, and an order terminating the
249 emergency suspension or restriction.

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

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

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

266 14. If the administrative hearing commission grants temporary authority
267 to the board to restrict or suspend the nurse's license, such temporary authority
268 of the board shall become final authority if there is no request by the nurse for
269 a full hearing within thirty days of the preliminary hearing. The administrative
270 hearing commission shall, if requested by the nurse named in the complaint, set
271 a date to hold a full hearing under the provisions of chapter 621 regarding the
272 activities alleged in the initial complaint filed by the board.

273 15. If the administrative hearing commission refuses to grant temporary
274 authority to the board or restrict or suspend the nurse's license under subsection
275 8 of this section, such dismissal shall not bar the board from initiating a
276 subsequent disciplinary action on the same grounds.

277 16. (1) The board may initiate a hearing before the board for discipline
278 of any licensee's license or certificate upon receipt of one of the following:

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

285 (b) Evidence of final disciplinary action against the licensee's license,

286 certification, or registration issued by any other state, by any other agency or
287 entity of this state or any other state, or the United States or its territories, or
288 any other country;

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

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

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

335.067. 1. The state board of nursing may establish an [impaired nurse]
2 **intervention program and an alternative** program to promote the [early]
3 identification, intervention, treatment, and [rehabilitation] **monitoring** of nurses
4 **or applicants for a nursing license** who may be impaired by [reasons of
5 illness,] **reason of** substance abuse[, or as a result of any mental condition. This
6 program shall be available to anyone holding a current license and may be
7 entered voluntarily, as part of an agreement with the board of nursing, or as a
8 condition of a disciplinary order entered by the board of nursing] **or the**
9 **potential for substance abuse.**

10 2. [The board may enter into a contractual agreement with a nonprofit
11 corporation or a nursing association for the purpose of creating, supporting, and
12 maintaining a program to be designated as the impaired nurse program.] **The**
13 **intervention program is available, upon board discretion, to licensees**
14 **and applicants for licensure who self-refer, test positive in a pre-**
15 **employment or for-cause drug or alcohol screen, individuals who have**
16 **pled guilty to or been found guilty of any drug offense, whether felony**
17 **or misdemeanor, or individuals who have pled guilty to or been found**
18 **guilty of three or more criminal offenses resulting from or related to**
19 **the use of drugs or alcohol, whether a felony or misdemeanor. The**
20 **program shall be a minimum of one year in duration and require**
21 **random drug and alcohol testing at the participant's expense.**

22 3. **The alternative program is available, upon board discretion,**
23 **to licensees and applicants for licensure who admit to having a**
24 **substance use disorder. The program shall be from three to five years**
25 **in duration and at a minimum require random drug and alcohol testing**
26 **at the participant's expense.**

27 4. Upon receiving a complaint or an application, the board shall
28 screen the information submitted to determine whether the individual
29 may be eligible for the intervention or alternative program. If eligible
30 for one of the programs, the board may contact the individual and offer
31 the program. If accepted, the board and individual may enter into a
32 written agreement setting forth the requirements of the program. If
33 declined, the board may proceed with its regular process of
34 investigating a complaint or application as set forth in this chapter and
35 chapter 324. The board shall retain sole discretion to offer the program
36 at any time.

37 5. Upon successful completion of the intervention or alternative
38 program, the licensee shall be deemed to have no disciplinary action
39 against his or her license and shall not be required to disclose
40 participation in the program. All records shall be deemed confidential
41 and not public records under chapter 610 and not subject to court or
42 administration subpoena or subject to discovery or introduction as
43 evidence in any civil, criminal, or administrative proceedings.

44 6. If a licensee or applicant violates any term of the intervention
45 program and the licensee or applicant denies the violation, the board
46 may convene a hearing, after due notice to the licensee or applicant to
47 determine whether such violation has occurred. The hearing shall be
48 confidential and not open to the public under chapter 610. Records
49 from the program shall be deemed admissible in the hearing. If the
50 licensee or applicant admits to the violation, no hearing is required. If
51 a violation is found by the board or admitted to by the licensee or
52 applicant, the licensee's license shall be indefinitely suspended or the
53 applicant's application shall not be acted upon until the licensee or
54 applicant continues to fully participate in the program, has one year
55 with no positive drug or alcohol screens, and completes a sobriety
56 notebook. The licensee may then request that his or her license be
57 reinstated or the applicant may then request the board act upon his or
58 her application.

59 7. If a licensee does not successfully complete the intervention
60 program, the board may pursue disciplinary action as set forth in
61 section 335.066 and chapter 621. If an applicant does not successfully
62 complete the intervention program, the board may issue an order
63 pursuant to the provisions of chapters 324, 335, 536, and 621. Records

64 from the program may be used as evidence in any such proceedings
65 initiated under chapters 324, 335, 536, and 621. Any such licensee
66 disciplined by the board pursuant to this section or applicant subject
67 to an order pursuant to this section shall not be eligible to participate
68 in the alternative program.

69 8. If a licensee or applicant violates any term of the alternative
70 program and the licensee or applicant denies the violation, the board
71 may convene a hearing, after due notice to the licensee or applicant to
72 determine whether such violation has occurred. The hearing shall be
73 confidential and not open to the public under chapter 610. Records
74 from the program shall be deemed admissible in the hearing. If the
75 licensee or applicant admits to the violation, no hearing is required. If
76 a violation is found by the board or admitted to by the licensee or
77 applicant, the licensee's license shall be indefinitely suspended or the
78 applicant's application shall not be acted upon until the licensee or
79 applicant continues to fully participate in the program, has one year
80 with no positive drug or alcohol screens, and completes a sobriety
81 notebook. The licensee may then request that his or her license be
82 reinstated or the applicant may then request the board act upon his or
83 her application.

84 9. If a licensee does not successfully complete the alternative
85 program, the board may pursue disciplinary action as set forth in
86 section 335.066 and chapter 621. If an applicant does not successfully
87 complete the alternative program, the board may issue an order
88 pursuant to the provisions of chapters 324, 335, and 621. Records from
89 the program may be used as evidence in any such proceedings
90 conducted pursuant to the provisions of chapters 324, 335, and 621.

91 10. The board may promulgate administrative rules subject to the
92 provisions of this section and chapter 536 to effectuate and implement any
93 [program] **programs** formed pursuant to this section.

94 [3.] 11. The board may expend appropriated funds necessary to provide
95 for operational expenses of the [program] **programs** formed pursuant to this
96 section.

97 [4.] 12. Any **board member, board staff member, members** of the
98 [program] **programs**, as well as any administrator, staff member, consultant,
99 agent, or employee of the [program] **programs**, acting within the scope of his or
100 her duties and without actual malice, and all other persons who furnish

101 information to the [program] **programs** in good faith and without actual malice,
102 shall not be liable for any claim of damages as a result of any statement, decision,
103 opinion, investigation, or action taken by the [program] **programs**, or by any
104 individual member of the [program] **programs, by any board member, or by**
105 **any board staff member.**

106 [5.] **13.** All information, interviews, reports, statements, memoranda,
107 **drug or alcohol testing results**, or other documents furnished to or produced
108 by the [program] **programs**, as well as communications to or from the [program]
109 **programs**, any findings, conclusions, interventions, treatment, rehabilitation, or
110 other proceedings of the [program] **programs** which in any way pertain to a
111 licensee who may be, or who actually is, impaired shall be privileged and
112 confidential, **except that the board may share information with the**
113 **licensee's employer or potential employer upon verification with the**
114 **licensee that he or she is employed with the employer or actively**
115 **seeking employment with the potential employer. Any records**
116 **produced in conjunction with either program shall not be considered**
117 **public records under chapter 610 and shall not be subject to court**
118 **subpoena or subject to discovery or introduction as evidence in any**
119 **civil, criminal, or administrative proceedings except as set forth in**
120 **subsections 14 and 15 of this section.**

121 [6. All records and proceedings of the program which pertain or refer to
122 a licensee who may be, or who actually is, impaired shall be privileged and
123 confidential and shall be used by the program and its members only in the
124 exercise of the proper function of the program and shall not be considered public
125 records under chapter 610 and shall not be subject to court subpoena or subject
126 to discovery or introduction as evidence in any civil, criminal, or administrative
127 proceedings except as provided in subsection 7 of this section.

128 7. The program shall disclose]

129 **14.** Information **may be disclosed** relative to [an impaired] a licensee
130 **or applicant in either program** only when:

131 (1) It is essential to disclose the information to further the intervention,
132 treatment, or rehabilitation needs of the [impaired] licensee **or applicant** and
133 only to those persons or organizations with a need to know;

134 (2) Its release is authorized in writing by the [impaired] licensee **or**
135 **applicant;**

136 (3) A licensee has breached his or her contract with the program[. In this

137 instance, the breach may be reported only to the board of nursing]; or

138 (4) The information is subject to a court order.

139 [8. When pursuing discipline against a licensed practical nurse, registered
140 nurse, or advanced practice registered nurse for violating one or more causes
141 stated in subsection 2 of section 335.066, the board may, if the violation is related
142 to chemical dependency or mental health, require that the licensed practical
143 nurse, registered nurse, or advanced practice registered nurse complete the
144 impaired nurse program under such terms and conditions as are agreed to by the
145 board and the licensee for a period not to exceed five years. If the licensee
146 violates a term or condition of an impaired nurse program agreement entered into
147 under this section, the board may elect to pursue discipline against the licensee
148 pursuant to chapter 621 for the original conduct that resulted in the impaired
149 nurse program agreement, or for any subsequent violation of subsection 2 of
150 section 335.066. While the licensee participates in the impaired nurse program,
151 the time limitations of section 620.154 shall toll under subsection 7 of section
152 620.154. All records pertaining to the impaired nurse program agreements are
153 confidential and may only be released under subdivision (7) of subsection 14 of
154 section 620.010.

155 9. The board may disclose information and records to the impaired nurse
156 program to assist the program in the identification, intervention, treatment, and
157 rehabilitation of licensed practical nurses, registered nurses, or advanced practice
158 registered nurses who may be impaired by reason of illness, substance abuse, or
159 as the result of any physical or mental condition. The program shall keep all
160 information and records provided by the board confidential to the extent the
161 board is required to treat the information and records closed to the public under
162 chapter 620.]

163 **15. The statute of limitations set forth in section 324.043 shall be**
164 **tolled while a licensee or applicant is participating in either the**
165 **intervention program or the alternative program.**

2 336.030. 1. A person is qualified to receive a license as an optometrist:

3 (1) [Who is at least twenty-one years of age;

4 (2)] Who is of good moral character;

5 [(3)] **(2)** Who has graduated from a college or school of optometry
6 approved by the board; and

7 [(4)] **(3)** Who has met either of the following conditions:

8 (a) Has passed an examination satisfactory to, conducted by, or approved

9 by the board to determine his or her fitness to receive a license as an optometrist
10 with pharmaceutical certification and met the requirements of licensure as may
11 be required by rule and regulation; or

12 (b) Has been licensed and has practiced for at least three years in the five
13 years immediately preceding the date of application with pharmaceutical
14 certification in another state, territory, country, or province in which the
15 requirements are substantially equivalent to the requirements in this state and
16 has satisfactorily completed any practical examination or any examination on
17 Missouri laws as may be required by rule and regulation.

18 2. The board may adopt reasonable rules and regulations providing for the
19 examination and certification of optometrists who apply to the board for the
20 authority to practice optometry in this state.

336.060. Whenever the provisions of this chapter have been complied
2 with, **such application has been approved**, and upon payment of the license
3 fee, the board shall issue a license as an optometrist. **In the event that an**
4 **application is denied or rejected, no license fee shall be charged.**

337.020. 1. Each person desiring to obtain a license, whether temporary,
2 provisional or permanent, as a psychologist shall make application to the
3 committee upon such forms and in such manner as may be prescribed by the
4 committee [and shall pay the required application fee]. **The form shall include**
5 **a statement that the applicant has completed two hours of suicide**
6 **assessment, referral, treatment, and management training that meets**
7 **the guidelines developed by the committee. The committee shall not**
8 **charge an application fee until such time that the application has been**
9 **approved. In the event that an application is denied or rejected, no**
10 **application fee shall be charged.** The application fee shall not be
11 refundable. Each application shall contain a statement that it is made under
12 oath or affirmation and that its representations are true and correct to the best
13 knowledge and belief of the person signing the application, subject to the
14 penalties of making a false affidavit or declaration.

15 2. Each applicant, whether for temporary, provisional or permanent
16 licensure, shall submit evidence satisfactory to the committee that the applicant
17 is at least twenty-one years of age, is of good moral character, and meets the
18 appropriate educational requirements as set forth in either section 337.021 or
19 337.025, or is qualified for licensure without examination pursuant to section
20 337.029. In determining the acceptability of the applicant's qualifications, the

21 committee may require evidence that it deems reasonable and proper, in
22 accordance with law, and the applicant shall furnish the evidence in the manner
23 required by the committee.

24 3. The committee with assistance from the division shall issue a
25 permanent license to and register as a psychologist any applicant who, in
26 addition to having fulfilled the other requirements of sections 337.010 to 337.090,
27 passes the examination for professional practice in psychology and such other
28 examinations in psychology which may be adopted by the committee, except that
29 an applicant fulfilling the requirement of section 337.029 shall upon successful
30 completion of the jurisprudence examination and completion of the oral
31 examination be permanently licensed without having to retake the examination
32 for professional practice in psychology.

33 4. The committee, with assistance from the division, shall issue a
34 provisional license to, and register as being a provisionally licensed psychologist,
35 any applicant who is a graduate of a recognized educational institution with a
36 doctoral degree in psychology as defined in section 337.025, and who otherwise
37 meets all requirements to become a licensed psychologist, except for passage of
38 the national and state licensing exams, oral examination and completion of the
39 required period of postdegree supervised experience as specified in subsection 2
40 of section 337.025.

41 5. A provisional license issued pursuant to subsection 4 of this section
42 shall only authorize and permit the applicant to render those psychological
43 services which are under the supervision and the full professional responsibility
44 and control of such person's postdoctoral degree licensed supervisor. A
45 provisional license shall automatically terminate upon issuance of a permanent
46 license, upon a finding of cause to discipline after notice and hearing pursuant
47 to section 337.035, upon the expiration of one year from the date of issuance
48 whichever event first occurs, or upon termination of supervision by the licensed
49 supervisor. The provisional license may be renewed after one year with a
50 maximum issuance of two years total per provisional licensee. The committee by
51 rule shall provide procedures for exceptions and variances from the requirement
52 of a maximum issuance of two years due to vacations, illness, pregnancy and
53 other good causes.

54 6. The committee, with assistance from the division, shall immediately
55 issue a temporary license to any applicant for licensure either by reciprocity
56 pursuant to section 337.029, or by endorsement of the score from the examination

57 for professional practice in psychology upon receipt of an application for such
58 licensure and upon proof that the applicant is either licensed as a psychologist
59 in another jurisdiction, is a diplomate of the American Board of Professional
60 Psychology, or is a member of the National Register of Health Services Providers
61 in Psychology.

62 7. A temporary license issued pursuant to subsection 6 of this section
63 shall authorize the applicant to practice psychology in this state, the same as if
64 a permanent license had been issued. Such temporary license shall be issued
65 without payment of an additional fee and shall remain in full force and effect
66 until the earlier of the following events:

67 (1) A permanent license has been issued to the applicant following
68 successful completion of the jurisprudence examination and the oral interview
69 examination;

70 (2) In cases where the committee has found the applicant ineligible for
71 licensure and no appeal has been taken to the administrative hearing
72 commission, then at the expiration of such appeal time; or

73 (3) In cases where the committee has found the applicant ineligible for
74 licensure and the applicant has taken an appeal to the administrative hearing
75 commission and the administrative hearing commission has also found the
76 applicant ineligible, then upon the rendition by the administrative hearing
77 commission of its findings of fact and conclusions of law to such effect.

78 8. Written and oral examinations pursuant to sections 337.010 to 337.090
79 shall be administered by the committee at least twice each year to any applicant
80 who meets the educational requirements set forth in either section 337.021 or
81 337.025 or to any applicant who is seeking licensure either by reciprocity
82 pursuant to section 337.029, or by endorsement of the score from the examination
83 of professional practice in psychology. The committee shall examine in the areas
84 of professional knowledge, techniques and applications, research and its
85 interpretation, professional affairs, ethics, and Missouri law and regulations
86 governing the practice of psychology. The committee may use, in whole or in part,
87 the examination for professional practice in psychology national examination in
88 psychology or such other national examination in psychology which may be
89 available.

90 9. If an applicant fails any examination, the applicant shall be permitted
91 to take a subsequent examination, upon the payment of an additional
92 reexamination fee. This reexamination fee shall not be refundable.

337.025. 1. The provisions of this section shall govern the education and
2 experience requirements for initial licensure as a psychologist for the following
3 persons:

4 (1) A person who has not matriculated in a graduate degree program
5 which is primarily psychological in nature on or before August 28, 1990; and

6 (2) A person who is matriculated after August 28, 1990, in a graduate
7 degree program designed to train professional psychologists.

8 2. Each applicant shall submit satisfactory evidence to the committee that
9 the applicant has received a doctoral degree in psychology from a recognized
10 educational institution, and has had at least one year of satisfactory supervised
11 professional experience in the field of psychology.

12 3. A doctoral degree in psychology is defined as:

13 (1) A program accredited, or provisionally accredited, by the American
14 Psychological Association [or] (APA), the Canadian Psychological Association, **or**
15 **the Psychological Clinical Science Accreditation System (PCSAS)**
16 **provided that such program include a supervised practicum,**
17 **internship, field, or laboratory training appropriate to the practice of**
18 **psychology;** or

19 (2) A program designated or approved, including provisional approval, by
20 the Association of State and Provincial Psychology Boards or the Council for the
21 National Register of Health Service Providers in Psychology, or both; or

22 (3) A graduate program that meets all of the following criteria:

23 (a) The program, wherever it may be administratively housed, shall be
24 clearly identified and labeled as a psychology program. Such a program shall
25 specify in pertinent institutional catalogues and brochures its intent to educate
26 and train professional psychologists;

27 (b) The psychology program shall stand as a recognizable, coherent
28 organizational entity within the institution of higher education;

29 (c) There shall be a clear authority and primary responsibility for the core
30 and specialty areas whether or not the program cuts across administrative lines;

31 (d) The program shall be an integrated, organized, sequence of study;

32 (e) There shall be an identifiable psychology faculty and a psychologist
33 responsible for the program;

34 (f) The program shall have an identifiable body of students who are
35 matriculated in that program for a degree;

36 (g) The program shall include a supervised practicum, internship, field,

37 or laboratory training appropriate to the practice of psychology;

38 (h) The curriculum shall encompass a minimum of three academic years
39 of full-time graduate study, with a minimum of one year's residency at the
40 educational institution granting the doctoral degree; and

41 (i) Require the completion by the applicant of a core program in
42 psychology which shall be met by the completion and award of at least one
43 three-semester-hour graduate credit course or a combination of graduate credit
44 courses totaling three semester hours or five quarter hours in each of the
45 following areas:

46 a. The biological bases of behavior such as courses in: physiological
47 psychology, comparative psychology, neuropsychology, sensation and perception,
48 psychopharmacology;

49 b. The cognitive-affective bases of behavior such as courses in: learning,
50 thinking, motivation, emotion, and cognitive psychology;

51 c. The social bases of behavior such as courses in: social psychology,
52 group processes/dynamics, interpersonal relationships, and organizational and
53 systems theory;

54 d. Individual differences such as courses in: personality theory, human
55 development, abnormal psychology, developmental psychology, child psychology,
56 adolescent psychology, psychology of aging, and theories of personality;

57 e. The scientific methods and procedures of understanding, predicting and
58 influencing human behavior such as courses in: statistics, experimental design,
59 psychometrics, individual testing, group testing, and research design and
60 methodology.

61 4. Acceptable supervised professional experience may be accrued through
62 preinternship, internship, predoctoral postinternship, or postdoctoral
63 experiences. The academic training director or the postdoctoral training
64 supervisor shall attest to the hours accrued to meet the requirements of this
65 section. Such hours shall consist of:

66 (1) A minimum of fifteen hundred hours of experience in a successfully
67 completed internship to be completed in not less than twelve nor more than
68 twenty-four months; and

69 (2) A minimum of two thousand hours of experience consisting of any
70 combination of the following:

71 (a) Preinternship and predoctoral postinternship professional experience
72 that occurs following the completion of the first year of the doctoral program or

73 at any time while in a doctoral program after completion of a master's degree in
74 psychology or equivalent as defined by rule by the committee;

75 (b) Up to seven hundred fifty hours obtained while on the internship
76 under subdivision (1) of this subsection but beyond the fifteen hundred hours
77 identified in subdivision (1) of this subsection; or

78 (c) Postdoctoral professional experience obtained in no more than
79 twenty-four consecutive calendar months. In no case shall this experience be
80 accumulated at a rate of more than fifty hours per week. Postdoctoral supervised
81 professional experience for prospective health service providers and other
82 applicants shall involve and relate to the delivery of psychological services in
83 accordance with professional requirements and relevant to the applicant's
84 intended area of practice.

85 5. Experience for those applicants who intend to seek health service
86 provider certification and who have completed a program in one or more of the
87 American Psychological Association designated health service provider delivery
88 areas shall be obtained under the primary supervision of a licensed psychologist
89 who is also a health service provider or who otherwise meets the requirements for
90 health service provider certification. Experience for those applicants who do not
91 intend to seek health service provider certification shall be obtained under the
92 primary supervision of a licensed psychologist or such other qualified mental
93 health professional approved by the committee.

94 6. For postinternship and postdoctoral hours, the psychological activities
95 of the applicant shall be performed pursuant to the primary supervisor's order,
96 control, and full professional responsibility. The primary supervisor shall
97 maintain a continuing relationship with the applicant and shall meet with the
98 applicant a minimum of one hour per month in face-to-face individual
99 supervision. Clinical supervision may be delegated by the primary supervisor to
100 one or more secondary supervisors who are qualified psychologists. The
101 secondary supervisors shall retain order, control, and full professional
102 responsibility for the applicant's clinical work under their supervision and shall
103 meet with the applicant a minimum of one hour per week in face-to-face
104 individual supervision. If the primary supervisor is also the clinical supervisor,
105 meetings shall be a minimum of one hour per week. Group supervision shall not
106 be acceptable for supervised professional experience. The primary supervisor
107 shall certify to the committee that the applicant has complied with these
108 requirements and that the applicant has demonstrated ethical and competent

109 practice of psychology. The changing by an agency of the primary supervisor
110 during the course of the supervised experience shall not invalidate the supervised
111 experience.

112 7. The committee by rule shall provide procedures for exceptions and
113 variances from the requirements for once a week face-to-face supervision due to
114 vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had
2 no violations and no suspensions and no revocation of a license to practice
3 psychology in any jurisdiction may receive a license in Missouri, provided the
4 psychologist passes a written examination on Missouri laws and regulations
5 governing the practice of psychology and meets one of the following criteria:

6 (1) Is a diplomate of the American Board of Professional Psychology;

7 (2) Is a member of the National Register of Health Service Providers in
8 Psychology;

9 (3) Is currently licensed or certified as a psychologist in another
10 jurisdiction who is then a signatory to the Association of State and Provincial
11 Psychology Board's reciprocity agreement;

12 (4) Is currently licensed or certified as a psychologist in another state,
13 territory of the United States, or the District of Columbia and:

14 (a) Has a doctoral degree in psychology from a program accredited, or
15 provisionally accredited, by the American Psychological Association **or the**
16 **Psychological Clinical Science Accreditation System**, or that meets the
17 requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

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

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

21 (5) Holds a current certificate of professional qualification (CPQ) issued
22 by the Association of State and Provincial Psychology Boards (ASPPB).

23 2. Notwithstanding the provisions of subsection 1 of this section,
24 applicants may be required to pass an oral examination as adopted by the
25 committee.

26 3. A psychologist who receives a license for the practice of psychology in
27 the state of Missouri on the basis of reciprocity as listed in subsection 1 of this
28 section or by endorsement of the score from the examination of professional
29 practice in psychology score will also be eligible for and shall receive certification
30 from the committee as a health service provider if the psychologist meets one or

31 more of the following criteria:

32 (1) Is a diplomate of the American Board of Professional Psychology in one
33 or more of the specialties recognized by the American Board of Professional
34 Psychology as pertaining to health service delivery;

35 (2) Is a member of the National Register of Health Service Providers in
36 Psychology; or

37 (3) Has completed or obtained through education, training, or experience
38 the requisite knowledge comparable to that which is required pursuant to section
39 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to
2 demonstrated areas of competence as documented by relevant professional
3 education, training, and experience. A psychologist trained in one area shall not
4 practice in another area without obtaining additional relevant professional
5 education, training, and experience through an acceptable program of
6 respecialization.

7 2. A psychologist may not represent or hold himself or herself out as a
8 state certified or registered psychological health service provider unless the
9 psychologist has first received the psychologist health service provider
10 certification from the committee; provided, however, nothing in this section shall
11 be construed to limit or prevent a licensed, whether temporary, provisional or
12 permanent, psychologist who does not hold a health service provider certificate
13 from providing psychological services so long as such services are consistent with
14 subsection 1 of this section.

15 3. "Relevant professional education and training" for health service
16 provider certification, except those entitled to certification pursuant to subsection
17 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate
18 psychology degree from a recognized educational institution is in an area
19 designated by the American Psychological Association as pertaining to health
20 service delivery or a psychologist who subsequent to receipt of his or her graduate
21 degree in psychology has either completed a respecialization program from a
22 recognized educational institution in one or more of the American Psychological
23 Association recognized clinical health service provider areas and who in addition
24 has completed at least one year of postdegree supervised experience in such
25 clinical area or a psychologist who has obtained comparable education and
26 training acceptable to the committee through completion of postdoctoral
27 fellowships or otherwise.

28 4. The degree or respecialization program certificate shall be obtained
29 from a recognized program of graduate study in one or more of the health service
30 delivery areas designated by the American Psychological Association as
31 pertaining to health service delivery, which shall meet one of the criteria
32 established by subdivisions (1) to (3) of this subsection:

33 (1) A doctoral degree or completion of a recognized respecialization
34 program in one or more of the American Psychological Association designated
35 health service provider delivery areas which is accredited, or provisionally
36 accredited, **either** by the American Psychological Association **or the**
37 **Psychological Clinical Science Accreditation System**; or

38 (2) A clinical or counseling psychology doctoral degree program or
39 respecialization program designated, or provisionally approved, by the Association
40 of State and Provincial Psychology Boards or the Council for the National
41 Register of Health Service Providers in Psychology, or both; or

42 (3) A doctoral degree or completion of a respecialization program in one
43 or more of the American Psychological Association designated health service
44 provider delivery areas that meets the following criteria:

45 (a) The program, wherever it may be administratively housed, shall be
46 clearly identified and labeled as being in one or more of the American
47 Psychological Association designated health service provider delivery areas;

48 (b) Such a program shall specify in pertinent institutional catalogues and
49 brochures its intent to educate and train professional psychologists in one or more
50 of the American Psychological Association designated health service provider
51 delivery areas.

52 5. A person who is lawfully licensed as a psychologist pursuant to the
53 provisions of this chapter on August 28, 1989, or who has been approved to sit for
54 examination prior to August 28, 1989, and who subsequently passes the
55 examination shall be deemed to have met all requirements for health service
56 provider certification; provided, however, that such person shall be governed by
57 the provisions of subsection 1 of this section with respect to limitation of practice.

58 6. Any person who is lawfully licensed as a psychologist in this state and
59 who meets one or more of the following criteria shall automatically, upon
60 payment of the requisite fee, be entitled to receive a health service provider
61 certification from the committee:

62 (1) Is a diplomate of the American Board of Professional Psychology in one
63 or more of the specialties recognized by the American Board of Professional

64 Psychology as pertaining to health service delivery; or

65 (2) Is a member of the National Register of Health Service Providers in
66 Psychology.

**337.100. 1. Sections 337.100 to 337.165 shall be known as the
2 "Psychology Interjurisdictional Compact". The party states find that:**

3 (1) States license psychologists, in order to protect the public
4 through verification of education, training, and experience and ensure
5 accountability for professional practice;

6 (2) This compact is intended to regulate the day-to-day practice
7 of telepsychology, the provision of psychological services using
8 telecommunication technologies, by psychologists across state
9 boundaries in the performance of their psychological practice as
10 assigned by an appropriate authority;

11 (3) This compact is intended to regulate the temporary in-person,
12 face-to-face practice of psychology by psychologists across state
13 boundaries for thirty days within a calendar year in the performance
14 of their psychological practice as assigned by an appropriate authority;

15 (4) This compact is intended to authorize state psychology
16 regulatory authorities to afford legal recognition, in a manner
17 consistent with the terms of the compact, to psychologists licensed in
18 another state;

19 (5) This compact recognizes that states have a vested interest in
20 protecting the public's health and safety through their licensing and
21 regulation of psychologists and that such state regulation will best
22 protect public health and safety;

23 (6) This compact does not apply when a psychologist is licensed
24 in both the home and receiving states; and

25 (7) This compact does not apply to permanent in-person, face-to-
26 face practice, it does allow for authorization of temporary
27 psychological practice.

28 **2. The general purposes of this compact are to:**

29 (1) Increase public access to professional psychological services
30 by allowing for telepsychological practice across state lines as well as
31 temporary in-person, face-to-face services into a state which the
32 psychologist is not licensed to practice psychology;

33 (2) Enhance the states' ability to protect the public's health and
34 safety, especially client/patient safety;

35 **(3) Encourage the cooperation of compact states in the areas of**
36 **psychology licensure and regulation;**

37 **(4) Facilitate the exchange of information between compact**
38 **states regarding psychologist licensure, adverse actions, and**
39 **disciplinary history;**

40 **(5) Promote compliance with the laws governing psychological**
41 **practice in each compact state; and**

42 **(6) Invest all compact states with the authority to hold licensed**
43 **psychologists accountable through the mutual recognition of compact**
44 **state licenses.**

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

2 **(1) "Adverse action", any action taken by a state psychology**
3 **regulatory authority which finds a violation of a statute or regulation**
4 **that is identified by the state psychology regulatory authority as**
5 **discipline and is a matter of public record;**

6 **(2) "Association of State and Provincial Psychology Boards**
7 **(ASPPB)", the recognized membership organization composed of state**
8 **and provincial psychology regulatory authorities responsible for the**
9 **licensure and registration of psychologists throughout the United**
10 **States and Canada;**

11 **(3) "Authority to practice interjurisdictional telepsychology", a**
12 **licensed psychologist's authority to practice telepsychology, within the**
13 **limits authorized under this compact, in another compact state;**

14 **(4) "Bylaws", those bylaws established by the psychology**
15 **interjurisdictional compact commission pursuant to section 337.145 for**
16 **its governance, or for directing and controlling its actions and conduct;**

17 **(5) "Client/patient", the recipient of psychological services,**
18 **whether psychological services are delivered in the context of**
19 **healthcare, corporate, supervision, or consulting services;**

20 **(6) "Commissioner", the voting representative appointed by each**
21 **state psychology regulatory authority pursuant to section 337.145;**

22 **(7) "Compact state", a state, the District of Columbia, or United**
23 **States territory that has enacted this compact legislation and which has**
24 **not withdrawn pursuant to subsection 3 of section 337.160 or been**
25 **terminated pursuant to subsection 2 of section 337.155;**

26 **(8) "Coordinated licensure information system" also referred to**
27 **as "coordinated database", an integrated process for collecting, storing,**

28 and sharing information on psychologists' licensure and enforcement
29 activities related to psychology licensure laws, which is administered
30 by the recognized membership organization composed of state and
31 provincial psychology regulatory authorities;

32 (9) "Confidentiality", the principle that data or information is not
33 made available or disclosed to unauthorized persons or processes;

34 (10) "Day", any part of a day in which psychological work is
35 performed;

36 (11) "Distant state", the compact state where a psychologist is
37 physically present, not through the use of telecommunications
38 technologies, to provide temporary in-person, face-to-face psychological
39 services;

40 (12) "E.Passport", a certificate issued by the Association of State
41 and Provincial Psychology Boards (ASPPB) that promotes the
42 standardization in the criteria of interjurisdictional telepsychology
43 practice and facilitates the process for licensed psychologists to
44 provide telepsychological services across state lines;

45 (13) "Executive board", a group of directors elected or appointed
46 to act on behalf of, and within the powers granted to them by, the
47 commission;

48 (14) "Home state", a compact state where a psychologist is
49 licensed to practice psychology. If the psychologist is licensed in more
50 than one compact state and is practicing under the authorization to
51 practice interjurisdictional telepsychology, the home state is the
52 compact state where the psychologist is physically present when the
53 telepsychological services are delivered. If the psychologist is licensed
54 in more than one compact state and is practicing under the temporary
55 authorization to practice, the home state is any compact state where
56 the psychologist is licensed;

57 (15) "Identity history summary", a summary of information
58 retained by the Federal Bureau of Investigation, or other designee with
59 similar authority, in connection with arrests and, in some instances,
60 federal employment, naturalization, or military service;

61 (16) "In-person, face-to-face", interactions in which the
62 psychologist and the client/patient are in the same physical space and
63 which does not include interactions that may occur through the use of
64 telecommunication technologies;

65 (17) "Interjurisdictional practice certificate (IPC)", a certificate
66 issued by the Association of State and Provincial Psychology Boards
67 (ASPPB) that grants temporary authority to practice based on
68 notification to the state psychology regulatory authority of intention
69 to practice temporarily, and verification of one's qualifications for such
70 practice;

71 (18) "License", authorization by a state psychology regulatory
72 authority to engage in the independent practice of psychology, which
73 would be unlawful without the authorization;

74 (19) "Noncompact state", any state which is not at the time a
75 compact state;

76 (20) "Psychologist", an individual licensed for the independent
77 practice of psychology;

78 (21) "Psychology interjurisdictional compact commission" also
79 referred to as "commission", the national administration of which all
80 compact states are members;

81 (22) "Receiving state", a compact state where the client/patient
82 is physically located when the telepsychological services are delivered;

83 (23) "Rule", a written statement by the psychology
84 interjurisdictional compact commission promulgated pursuant to
85 section 337.150 of the compact that is of general applicability,
86 implements, interprets, or prescribes a policy or provision of the
87 compact, or an organizational, procedural, or practice requirement of
88 the commission and has the force and effect of statutory law in a
89 compact state, and includes the amendment, repeal or suspension of an
90 existing rule;

91 (24) "Significant investigatory information":

92 (a) Investigative information that a state psychology regulatory
93 authority, after a preliminary inquiry that includes notification and an
94 opportunity to respond if required by state law, has reason to believe,
95 if proven true, would indicate more than a violation of state statute or
96 ethics code that would be considered more substantial than minor
97 infraction; or

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

102 **(25) "State", a state, commonwealth, territory, or possession of**
103 **the United States, the District of Columbia;**

104 **(26) "State psychology regulatory authority", the board, office or**
105 **other agency with the legislative mandate to license and regulate the**
106 **practice of psychology;**

107 **(27) "Telepsychology", the provision of psychological services**
108 **using telecommunication technologies;**

109 **(28) "Temporary authorization to practice", a licensed**
110 **psychologist's authority to conduct temporary in-person, face-to-face**
111 **practice, within the limits authorized under this compact, in another**
112 **compact state;**

113 **(29) "Temporary in-person, face-to-face practice", where a**
114 **psychologist is physically present, not through the use of**
115 **telecommunications technologies, in the distant state to provide for the**
116 **practice of psychology for thirty days within a calendar year and based**
117 **on notification to the distant state.**

337.110. 1. The home state shall be a compact state where a
2 **psychologist is licensed to practice psychology.**

3 **2. A psychologist may hold one or more compact state licenses at**
4 **a time. If the psychologist is licensed in more than one compact state,**
5 **the home state is the compact state where the psychologist is physically**
6 **present when the services are delivered as authorized by the authority**
7 **to practice interjurisdictional telepsychology under the terms of this**
8 **compact.**

9 **3. Any compact state may require a psychologist not previously**
10 **licensed in a compact state to obtain and retain a license to be**
11 **authorized to practice in the compact state under circumstances not**
12 **authorized by the authority to practice interjurisdictional**
13 **telepsychology under the terms of this compact.**

14 **4. Any compact state may require a psychologist to obtain and**
15 **retain a license to be authorized to practice in a compact state under**
16 **circumstances not authorized by temporary authorization to practice**
17 **under the terms of this compact.**

18 **5. A home state's license authorizes a psychologist to practice in**
19 **a receiving state under the authority to practice interjurisdictional**
20 **telepsychology only if the compact state:**

21 **(1) Currently requires the psychologist to hold an active**

22 **E.Passport;**

23 (2) Has a mechanism in place for receiving and investigating
24 complaints about licensed individuals;

25 (3) Notifies the commission, in compliance with the terms herein,
26 of any adverse action or significant investigatory information
27 regarding a licensed individual;

28 (4) Requires an identity history summary of all applicants at
29 initial licensure, including the use of the results of fingerprints or
30 other biometric data checks compliant with the requirements of the
31 Federal Bureau of Investigation, or other designee with similar
32 authority, no later than ten years after activation of the compact; and

33 (5) Complies with the bylaws and rules of the commission.

34 6. A home state's license grants temporary authorization to
35 practice to a psychologist in a distant state only if the compact state:

36 (1) Currently requires the psychologist to hold an active IPC;

37 (2) Has a mechanism in place for receiving and investigating
38 complaints about licensed individuals;

39 (3) Notifies the commission, in compliance with the terms herein,
40 of any adverse action or significant investigatory information
41 regarding a licensed individual;

42 (4) Requires an identity history summary of all applicants at
43 initial licensure, including the use of the results of fingerprints or
44 other biometric data checks compliant with the requirements of the
45 Federal Bureau of Investigation, or other designee with similar
46 authority, no later than ten years after activation of the compact; and

47 (5) Complies with the bylaws and rules of the commission.

337.115. 1. Compact states shall recognize the right of a
2 psychologist, licensed in a compact state in conformance with section
3 337.110, to practice telepsychology in receiving states in which the
4 psychologist is not licensed, under the authority to practice
5 interjurisdictional telepsychology as provided in the compact.

6 2. To exercise the authority to practice interjurisdictional
7 telepsychology under the terms and provisions of this compact, a
8 psychologist licensed to practice in a compact state shall:

9 (1) Hold a graduate degree in psychology from an institute of
10 higher education that was, at the time the degree was awarded:

11 (a) Regionally accredited by an accrediting body recognized by

12 the United States Department of Education to grant graduate degrees,
13 or authorized by provincial statute or royal charter to grant doctoral
14 degrees; or

15 (b) A foreign college or university deemed to be equivalent to the
16 requirements of paragraph (a) of this subdivision by a foreign
17 credential evaluation service that is a member of the National
18 Association of Credential Evaluation Services (NACES) or by a
19 recognized foreign credential evaluation service;

20 (2) Hold a graduate degree in psychology that meets the
21 following criteria:

22 (a) The program, wherever it may be administratively housed,
23 shall be clearly identified and labeled as a psychology program. Such
24 a program shall specify in pertinent institutional catalogues and
25 brochures its intent to educate and train professional psychologists;

26 (b) The psychology program shall stand as a recognizable,
27 coherent, organizational entity within the institution;

28 (c) There shall be a clear authority and primary responsibility
29 for the core and specialty areas whether or not the program cuts across
30 administrative lines;

31 (d) The program shall consist of an integrated, organized
32 sequence of study;

33 (e) There shall be an identifiable psychology faculty sufficient in
34 size and breadth to carry out its responsibilities;

35 (f) The designated director of the program shall be a
36 psychologist and a member of the core faculty;

37 (g) The program shall have an identifiable body of students who
38 are matriculated in that program for a degree;

39 (h) The program shall include supervised practicum, internship,
40 or field training appropriate to the practice of psychology;

41 (i) The curriculum shall encompass a minimum of three academic
42 years of full-time graduate study for doctoral degree and a minimum of
43 one academic year of full-time graduate study for master's degree;

44 (j) The program includes an acceptable residency as defined by
45 the rules of the commission;

46 (3) Possess a current, full and unrestricted license to practice
47 psychology in a home state which is a compact state;

48 (4) Have no history of adverse action that violate the rules of the

49 **commission;**

50 **(5) Have no criminal record history reported on an identity**
51 **history summary that violates the rules of the commission;**

52 **(6) Possess a current, active E.Passport;**

53 **(7) Provide attestations in regard to areas of intended practice,**
54 **conformity with standards of practice, competence in telepsychology**
55 **technology; criminal background; and knowledge and adherence to**
56 **legal requirements in the home and receiving states, and provide a**
57 **release of information to allow for primary source verification in a**
58 **manner specified by the commission; and**

59 **(8) Meet other criteria as defined by the rules of the commission.**

60 **3. The home state maintains authority over the license of any**
61 **psychologist practicing into a receiving state under the authority to**
62 **practice interjurisdictional telepsychology.**

63 **4. A psychologist practicing into a receiving state under the**
64 **authority to practice interjurisdictional telepsychology will be subject**
65 **to the receiving state's scope of practice. A receiving state may, in**
66 **accordance with that state's due process law, limit or revoke a**
67 **psychologist's authority to practice interjurisdictional telepsychology**
68 **in the receiving state and may take any other necessary actions under**
69 **the receiving state's applicable law to protect the health and safety of**
70 **the receiving state's citizens. If a receiving state takes action, the state**
71 **shall promptly notify the home state and the commission.**

72 **5. If a psychologist's license in any home state, another compact**
73 **state, or any authority to practice interjurisdictional telepsychology in**
74 **any receiving state, is restricted, suspended or otherwise limited, the**
75 **E.Passport shall be revoked and therefore the psychologist shall not be**
76 **eligible to practice telepsychology in a compact state under the**
77 **authority to practice interjurisdictional telepsychology.**

337.120. 1. Compact states shall also recognize the right of a
2 **psychologist, licensed in a compact state in conformance with section**
3 **337.110, to practice temporarily in distant states in which the**
4 **psychologist is not licensed, as provided in the compact.**

5 **2. To exercise the temporary authorization to practice under the**
6 **terms and provisions of this compact, a psychologist licensed to**
7 **practice in a compact state shall:**

8 **(1) Hold a graduate degree in psychology from an institute of**

9 higher education that was, at the time the degree was awarded:

10 (a) Regionally accredited by an accrediting body recognized by
11 the United States Department of Education to grant graduate degrees,
12 or authorized by provincial statute or royal charter to grant doctoral
13 degrees; or

14 (b) A foreign college or university deemed to be equivalent to the
15 requirements of paragraph (a) of this subdivision by a foreign
16 credential evaluation service that is a member of the National
17 Association of Credential Evaluation Services (NACES) or by a
18 recognized foreign credential evaluation service;

19 (2) Hold a graduate degree in psychology that meets the
20 following criteria:

21 (a) The program, wherever it may be administratively housed,
22 shall be clearly identified and labeled as a psychology program. Such
23 a program shall specify in pertinent institutional catalogues and
24 brochures its intent to educate and train professional psychologists;

25 (b) The psychology program shall stand as a recognizable,
26 coherent, organizational entity within the institution;

27 (c) There shall be a clear authority and primary responsibility
28 for the core and specialty areas whether or not the program cuts across
29 administrative lines;

30 (d) The program shall consist of an integrated, organized
31 sequence of study;

32 (e) There shall be an identifiable psychology faculty sufficient in
33 size and breadth to carry out its responsibilities;

34 (f) The designated director of the program shall be a
35 psychologist and a member of the core faculty;

36 (g) The program shall have an identifiable body of students who
37 are matriculated in that program for a degree;

38 (h) The program shall include supervised practicum, internship,
39 or field training appropriate to the practice of psychology;

40 (i) The curriculum shall encompass a minimum of three academic
41 years of full-time graduate study for doctoral degrees and a minimum
42 of one academic year of full-time graduate study for master's degree;

43 (j) The program includes an acceptable residency as defined by
44 the rules of the commission;

45 (3) Possess a current, full and unrestricted license to practice

46 **psychology in a home state which is a compact state;**

47 **(4) No history of adverse action that violate the rules of the**
48 **commission;**

49 **(5) No criminal record history that violates the rules of the**
50 **commission;**

51 **(6) Possess a current, active IPC;**

52 **(7) Provide attestations in regard to areas of intended practice**
53 **and work experience and provide a release of information to allow for**
54 **primary source verification in a manner specified by the commission;**
55 **and**

56 **(8) Meet other criteria as defined by the rules of the commission.**

57 **3. A psychologist practicing into a distant state under the**
58 **temporary authorization to practice shall practice within the scope of**
59 **practice authorized by the distant state.**

60 **4. A psychologist practicing into a distant state under the**
61 **temporary authorization to practice will be subject to the distant**
62 **state's authority and law. A distant state may, in accordance with that**
63 **state's due process law, limit or revoke a psychologist's temporary**
64 **authorization to practice in the distant state and may take any other**
65 **necessary actions under the distant state's applicable law to protect the**
66 **health and safety of the distant state's citizens. If a distant state takes**
67 **action, the state shall promptly notify the home state and the**
68 **commission.**

69 **5. If a psychologist's license in any home state, another compact**
70 **state, or any temporary authorization to practice in any distant state,**
71 **is restricted, suspended or otherwise limited, the IPC shall be revoked**
72 **and therefore the psychologist shall not be eligible to practice in a**
73 **compact state under the temporary authorization to practice.**

337.125. A psychologist may practice in a receiving state under
2 **the authority to practice interjurisdictional telepsychology only in the**
3 **performance of the scope of practice for psychology as assigned by an**
4 **appropriate state psychology regulatory authority, as defined in the**
5 **rules of the commission, and under the following circumstances:**

6 **(1) The psychologist initiates a client/patient contact in a home**
7 **state via telecommunications technologies with a client/patient in a**
8 **receiving state;**

9 **(2) Other conditions regarding telepsychology as determined by**

10 rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose adverse
2 action against a psychologist's license issued by the home state. A
3 distant state shall have the power to take adverse action on a
4 psychologist's temporary authorization to practice within that distant
5 state.

6 2. A receiving state may take adverse action on a psychologist's
7 authority to practice interjurisdictional telepsychology within that
8 receiving state. A home state may take adverse action against a
9 psychologist based on an adverse action taken by a distant state
10 regarding temporary in-person, face-to-face practice.

11 3. (1) If a home state takes adverse action against a
12 psychologist's license, that psychologist's authority to practice
13 interjurisdictional telepsychology is terminated and the E.Passport is
14 revoked. Furthermore, that psychologist's temporary authorization to
15 practice is terminated and the IPC is revoked.

16 (2) All home state disciplinary orders which impose adverse
17 action shall be reported to the commission in accordance with the rules
18 promulgated by the commission. A compact state shall report adverse
19 actions in accordance with the rules of the commission.

20 (3) In the event discipline is reported on a psychologist, the
21 psychologist will not be eligible for telepsychology or temporary in-
22 person, face-to-face practice in accordance with the rules of the
23 commission.

24 (4) Other actions may be imposed as determined by the rules
25 promulgated by the commission.

26 4. A home state's psychology regulatory authority shall
27 investigate and take appropriate action with respect to reported
28 inappropriate conduct engaged in by a licensee which occurred in a
29 receiving state as it would if such conduct had occurred by a licensee
30 within the home state. In such cases, the home state's law shall control
31 in determining any adverse action against a psychologist's license.

32 5. A distant state's psychology regulatory authority shall
33 investigate and take appropriate action with respect to reported
34 inappropriate conduct engaged in by a psychologist practicing under
35 temporary authorization practice which occurred in that distant state
36 as it would if such conduct had occurred by a licensee within the home

37 state. In such cases, distant state's law shall control in determining any
38 adverse action against a psychologist's temporary authorization to
39 practice.

40 6. Nothing in this compact shall override a compact state's
41 decision that a psychologist's participation in an alternative program
42 may be used in lieu of adverse action and that such participation shall
43 remain non-public if required by the compact state's law. Compact
44 states shall require psychologists who enter any alternative programs
45 to not provide telepsychology services under the authority to practice
46 interjurisdictional telepsychology or provide temporary psychological
47 services under the temporary authorization to practice in any other
48 compact state during the term of the alternative program.

49 7. No other judicial or administrative remedies shall be available
50 to a psychologist in the event a compact state imposes an adverse
51 action pursuant to subsection 3 of this section.

337.135. 1. In addition to any other powers granted under state
2 law, a compact state's psychology regulatory authority shall have the
3 authority under this compact to:

4 (1) Issue subpoenas, for both hearings and investigations, which
5 require the attendance and testimony of witnesses and the production
6 of evidence. Subpoenas issued by a compact state's psychology
7 regulatory authority for the attendance and testimony of witnesses, or
8 the production of evidence from another compact state shall be
9 enforced in the latter state by any court of competent jurisdiction,
10 according to that court's practice and procedure in considering
11 subpoenas issued in its own proceedings. The issuing state psychology
12 regulatory authority shall pay any witness fees, travel expenses,
13 mileage and other fees required by the service statutes of the state
14 where the witnesses or evidence are located; and

15 (2) Issue cease and desist or injunctive relief orders to revoke a
16 psychologist's authority to practice interjurisdictional telepsychology
17 or temporary authorization to practice.

18 2. During the course of any investigation, a psychologist may not
19 change his or her home state licensure. A home state psychology
20 regulatory authority is authorized to complete any pending
21 investigations of a psychologist and to take any actions appropriate
22 under its law. The home state psychology regulatory authority shall

23 promptly report the conclusions of such investigations to the
24 commission. Once an investigation has been completed, and pending
25 the outcome of said investigation, the psychologist may change his or
26 her home state licensure. The commission shall promptly notify the
27 new home state of any such decisions as provided in the rules of the
28 commission. All information provided to the commission or distributed
29 by compact states pursuant to the psychologist shall be confidential,
30 filed under seal and used for investigatory or disciplinary matters. The
31 commission may create additional rules for mandated or discretionary
32 sharing of information by compact states.

337.140. 1. The commission shall provide for the development
2 and maintenance of a coordinated licensure information system
3 "coordinated database" and reporting system containing licensure and
4 disciplinary action information on all psychologist individuals to whom
5 this compact is applicable in all compact states as defined by the rules
6 of the commission.

7 2. Notwithstanding any other provision of state law to the
8 contrary, a compact state shall submit a uniform data set to the
9 coordinated database on all licensees as required by the rules of the
10 commission, including:

- 11 (1) Identifying information;
- 12 (2) Licensure data;
- 13 (3) Significant investigatory information;
- 14 (4) Adverse actions against a psychologist's license;
- 15 (5) An indicator that a psychologist's authority to practice
16 interjurisdictional telepsychology or temporary authorization to
17 practice is revoked;
- 18 (6) Nonconfidential information related to alternative program
19 participation information;
- 20 (7) Any denial of application for licensure, and the reasons for
21 such denial; and
- 22 (8) Other information which may facilitate the administration of
23 this compact, as determined by the rules of the commission.

24 3. The coordinated database administrator shall promptly notify
25 all compact states of any adverse action taken against, or significant
26 investigative information on, any licensee in a compact state.

27 4. Compact states reporting information to the coordinated

28 database may designate information that may not be shared with the
29 public without the express permission of the compact state reporting
30 the information.

31 5. Any information submitted to the coordinated database that
32 is subsequently required to be expunged by the law of the compact
33 state reporting the information shall be removed from the coordinated
34 database.

337.145. 1. The compact states hereby create and establish a
2 joint public agency known as the psychology interjurisdictional
3 compact commission.

4 (1) The commission is a body politic and an instrumentality of
5 the compact states.

6 (2) Venue is proper and judicial proceedings by or against the
7 commission shall be brought solely and exclusively in a court of
8 competent jurisdiction where the principal office of the commission is
9 located. The commission may waive venue and jurisdictional defenses
10 to the extent it adopts or consents to participate in alternative dispute
11 resolution proceedings.

12 (3) Nothing in this compact shall be construed to be a waiver of
13 sovereign immunity.

14 2. The commission shall consist of one voting representative
15 appointed by each compact state who shall serve as that state's
16 commissioner. The state psychology regulatory authority shall appoint
17 its delegate. This delegate shall be empowered to act on behalf of the
18 compact state. This delegate shall be limited to:

19 (1) Executive director, executive secretary or similar executive;

20 (2) Current member of the state psychology regulatory authority
21 of a compact state; or

22 (3) Designee empowered with the appropriate delegate authority
23 to act on behalf of the compact state.

24 3. (1) Any commissioner may be removed or suspended from
25 office as provided by the law of the state from which the commissioner
26 is appointed. Any vacancy occurring in the commission shall be filled
27 in accordance with the laws of the compact state in which the vacancy
28 exists.

29 (2) Each commissioner shall be entitled to one vote with regard
30 to the promulgation of rules and creation of bylaws and shall otherwise

31 have an opportunity to participate in the business and affairs of the
32 commission. A commissioner shall vote in person or by such other
33 means as provided in the bylaws. The bylaws may provide for
34 commissioners' participation in meetings by telephone or other means
35 of communication.

36 (3) The commission shall meet at least once during each calendar
37 year. Additional meetings shall be held as set forth in the bylaws.

38 (4) All meetings shall be open to the public, and public notice of
39 meetings shall be given in the same manner as required under the
40 rulemaking provisions in section 337.150.

41 (5) The commission may convene in a closed, nonpublic meeting
42 if the commission shall discuss:

43 (a) Noncompliance of a compact state with its obligations under
44 the compact;

45 (b) The employment, compensation, discipline or other personnel
46 matters, practices or procedures related to specific employees or other
47 matters related to the commission's internal personnel practices and
48 procedures;

49 (c) Current, threatened, or reasonably anticipated litigation
50 against the commission;

51 (d) Negotiation of contracts for the purchase or sale of goods,
52 services, or real estate;

53 (e) Accusation against any person of a crime or formally
54 censuring any person;

55 (f) Disclosure of trade secrets or commercial or financial
56 information which is privileged or confidential;

57 (g) Disclosure of information of a personal nature where
58 disclosure would constitute a clearly unwarranted invasion of personal
59 privacy;

60 (h) Disclosure of investigatory records compiled for law
61 enforcement purposes;

62 (i) Disclosure of information related to any investigatory reports
63 prepared by or on behalf of or for use of the commission or other
64 committee charged with responsibility for investigation or
65 determination of compliance issues pursuant to the compact;

66 (j) Matters specifically exempted from disclosure by federal and
67 state statute.

68 **(6) If a meeting, or portion of a meeting, is closed pursuant to**
69 **subdivision (5) of subsection 3 of this section, the commission's legal**
70 **counsel or designee shall certify that the meeting may be closed and**
71 **shall reference each relevant exempting provision. The commission**
72 **shall keep minutes which fully and clearly describe all matters**
73 **discussed in a meeting and shall provide a full and accurate summary**
74 **of actions taken, of any person participating in the meeting, and the**
75 **reasons therefore, including a description of the views expressed. All**
76 **documents considered in connection with an action shall be identified**
77 **in such minutes. All minutes and documents of a closed meeting shall**
78 **remain under seal, subject to release only by a majority vote of the**
79 **commission or order of a court of competent jurisdiction.**

80 **4. The commission shall, by a majority vote of the commissioners,**
81 **prescribe bylaws or rules to govern its conduct as may be necessary or**
82 **appropriate to carry out the purposes and exercise the powers of the**
83 **compact, including but not limited to:**

84 **(1) Establishing the fiscal year of the commission;**

85 **(2) Providing reasonable standards and procedures:**

86 **(a) For the establishment and meetings of other committees; and**

87 **(b) Governing any general or specific delegation of any authority**
88 **or function of the commission;**

89 **(3) Providing reasonable procedures for calling and conducting**
90 **meetings of the commission, ensuring reasonable advance notice of all**
91 **meetings and providing an opportunity for attendance of such meetings**
92 **by interested parties, with enumerated exceptions designed to protect**
93 **the public's interest, the privacy of individuals of such proceedings,**
94 **and proprietary information, including trade secrets. The commission**
95 **may meet in closed session only after a majority of the commissioners**
96 **vote to close a meeting to the public in whole or in part. As soon as**
97 **practicable, the commission shall make public a copy of the vote to**
98 **close the meeting revealing the vote of each commissioner with no**
99 **proxy votes allowed;**

100 **(4) Establishing the titles, duties and authority and reasonable**
101 **procedures for the election of the officers of the commission;**

102 **(5) Providing reasonable standards and procedures for the**
103 **establishment of the personnel policies and programs of the**
104 **commission. Notwithstanding any civil service or other similar law of**

105 any compact state, the bylaws shall exclusively govern the personnel
106 policies and programs of the commission;

107 (6) Promulgating a code of ethics to address permissible and
108 prohibited activities of commission members and employees;

109 (7) Providing a mechanism for concluding the operations of the
110 commission and the equitable disposition of any surplus funds that may
111 exist after the termination of the compact after the payment or
112 reserving of all of its debts and obligations.

113 5. (1) The commission shall publish its bylaws in a convenient
114 form and file a copy thereof and a copy of any amendment thereto, with
115 the appropriate agency or officer in each of the compact states;

116 (2) The commission shall maintain its financial records in
117 accordance with the bylaws; and

118 (3) The commission shall meet and take such actions as are
119 consistent with the provisions of this compact and the bylaws.

120 6. The commission shall have the following powers:

121 (1) The authority to promulgate uniform rules to facilitate and
122 coordinate implementation and administration of this compact. The
123 rule shall have the force and effect of law and shall be binding in all
124 compact states;

125 (2) To bring and prosecute legal proceedings or actions in the
126 name of the commission, provided that the standing of any state
127 psychology regulatory authority or other regulatory body responsible
128 for psychology licensure to sue or be sued under applicable law shall
129 not be affected;

130 (3) To purchase and maintain insurance and bonds;

131 (4) To borrow, accept or contract for services of personnel,
132 including, but not limited to, employees of a compact state;

133 (5) To hire employees, elect or appoint officers, fix compensation,
134 define duties, grant such individuals appropriate authority to carry out
135 the purposes of the compact, and to establish the commission's
136 personnel policies and programs relating to conflicts of interest,
137 qualifications of personnel, and other related personnel matters;

138 (6) To accept any and all appropriate donations and grants of
139 money, equipment, supplies, materials and services, and to receive,
140 utilize and dispose of the same; provided that at all times the
141 commission shall strive to avoid any appearance of impropriety or

142 **conflict of interest;**

143 **(7) To lease, purchase, accept appropriate gifts or donations of,**
144 **or otherwise to own, hold, improve or use, any property, real, personal**
145 **or mixed; provided that at all times the commission shall strive to avoid**
146 **any appearance of impropriety;**

147 **(8) To lease, purchase, accept appropriate gifts or donations of,**
148 **or otherwise to own, hold, improve or use, any property, real, personal**
149 **or mixed; provided that at all times the commission shall strive to avoid**
150 **any appearance of impropriety;**

151 **(9) To establish a budget and make expenditures;**

152 **(10) To borrow money;**

153 **(11) To appoint committees, including advisory committees**
154 **comprised of members, state regulators, state legislators or their**
155 **representatives, and consumer representatives, and such other**
156 **interested persons as may be designated in this compact and the**
157 **bylaws;**

158 **(12) To provide and receive information from, and to cooperate**
159 **with, law enforcement agencies;**

160 **(13) To adopt and use an official seal; and**

161 **(14) To perform such other functions as may be necessary or**
162 **appropriate to achieve the purposes of this compact consistent with the**
163 **state regulation of psychology licensure, temporary in-person, face-to-**
164 **face practice and telepsychology practice.**

165 **7. (1) The elected officers shall serve as the executive board,**
166 **which shall have the power to act on behalf of the commission**
167 **according to the terms of this compact.**

168 **(2) The executive board shall be comprised of six members:**

169 **(a) Five voting members who are elected from the current**
170 **membership of the commission by the commission;**

171 **(b) One ex officio, nonvoting member from the recognized**
172 **membership organization composed of state and provincial psychology**
173 **regulatory authorities.**

174 **(3) The ex officio member shall have served as staff or member**
175 **on a state psychology regulatory authority and will be selected by its**
176 **respective organization.**

177 **(4) The commission may remove any member of the executive**
178 **board as provided in bylaws.**

179 (5) The executive board shall meet at least annually.

180 (6) The executive board shall have the following duties and
181 responsibilities:

182 (a) Recommend to the entire commission changes to the rules or
183 bylaws, changes to this compact legislation, fees paid by compact states
184 such as annual dues, and any other applicable fees;

185 (b) Ensure compact administration services are appropriately
186 provided, contractual or otherwise;

187 (c) Prepare and recommend the budget;

188 (d) Maintain financial records on behalf of the commission;

189 (e) Monitor compact compliance of member states and provide
190 compliance reports to the commission;

191 (f) Establish additional committees as necessary; and

192 (g) Other duties as provided in rules or bylaws.

193 8. (1) The commission shall pay, or provide for the payment of
194 the reasonable expenses of its establishment, organization and ongoing
195 activities.

196 (2) The commission may accept any and all appropriate revenue
197 sources, donations and grants of money, equipment, supplies, materials
198 and services.

199 (3) The commission may levy on and collect an annual
200 assessment from each compact state or impose fees on other parties to
201 cover the cost of the operations and activities of the commission and its
202 staff which shall be in a total amount sufficient to cover its annual
203 budget as approved each year for which revenue is not provided by
204 other sources. The aggregate annual assessment amount shall be
205 allocated based upon a formula to be determined by the commission
206 which shall promulgate a rule binding upon all compact states.

207 (4) The commission shall not incur obligations of any kind prior
208 to securing the funds adequate to meet the same; nor shall the
209 commission pledge the credit of any of the compact states, except by
210 and with the authority of the compact state.

211 (5) The commission shall keep accurate accounts of all receipts
212 and disbursements. The receipts and disbursements of the commission
213 shall be subject to the audit and accounting procedures established
214 under its bylaws. However, all receipts and disbursements of funds
215 handled by the commission shall be audited yearly by a certified or

216 licensed public accountant and the report of the audit shall be included
217 in and become part of the annual report of the commission.

218 9. (1) The members, officers, executive director, employees and
219 representatives of the commission shall be immune from suit and
220 liability, either personally or in their official capacity, for any claim for
221 damage to or loss of property or personal injury or other civil liability
222 caused by or arising out of any actual or alleged act, error or omission
223 that occurred, or that the person against whom the claim is made had
224 a reasonable basis for believing occurred within the scope of
225 commission employment, duties or responsibilities; provided that
226 nothing in this subsection shall be construed to protect any such
227 person from suit or liability for any damage, loss, injury or liability
228 caused by the intentional or willful or wanton misconduct of that
229 person.

230 (2) The commission shall defend any member, officer, executive
231 director, employee or representative of the commission in any civil
232 action seeking to impose liability arising out of any actual or alleged
233 act, error or omission that occurred within the scope of commission
234 employment, duties or responsibilities, or that the person against whom
235 the claim is made had a reasonable basis for believing occurred within
236 the scope of commission employment, duties or responsibilities;
237 provided that nothing herein shall be construed to prohibit that person
238 from retaining his or her own counsel; and provided further, that the
239 actual or alleged act, error or omission did not result from that
240 person's intentional or willful or wanton misconduct.

241 (3) The commission shall indemnify and hold harmless any
242 member, officer, executive director, employee or representative of the
243 commission for the amount of any settlement or judgment obtained
244 against that person arising out of any actual or alleged act, error or
245 omission that occurred within the scope of commission employment,
246 duties or responsibilities, or that such person had a reasonable basis
247 for believing occurred within the scope of commission employment,
248 duties or responsibilities, provided that the actual or alleged act, error
249 or omission did not result from the intentional or willful or wanton
250 misconduct of that person.

 337.150. 1. The commission shall exercise its rulemaking powers
2 pursuant to the criteria set forth in this section and the rules adopted

3 thereunder. Rules and amendments shall become binding as of the date
4 specified in each rule or amendment.

5 2. If a majority of the legislatures of the compact states rejects
6 a rule, by enactment of a statute or resolution in the same manner used
7 to adopt the compact, then such rule shall have no further force and
8 effect in any compact state.

9 3. Rules or amendments to the rules shall be adopted at a regular
10 or special meeting of the commission.

11 4. Prior to promulgation and adoption of a final rule or rules by
12 the commission, and at least sixty days in advance of the meeting at
13 which the rule will be considered and voted upon, the commission shall
14 file a notice of proposed rulemaking:

15 (1) On the website of the commission; and

16 (2) On the website of each compact states' psychology regulatory
17 authority or the publication in which each state would otherwise
18 publish proposed rules.

19 5. The notice of proposed rulemaking shall include:

20 (1) The proposed time, date, and location of the meeting in which
21 the rule will be considered and voted upon;

22 (2) The text of the proposed rule or amendment and the reason
23 for the proposed rule;

24 (3) A request for comments on the proposed rule from any
25 interested person;

26 (4) The manner in which interested persons may submit notice
27 to the commission of their intention to attend the public hearing and
28 any written comments.

29 6. Prior to adoption of a proposed rule, the commission shall
30 allow persons to submit written data, facts, opinions, and arguments,
31 which shall be made available to the public.

32 7. The commission shall grant an opportunity for a public
33 hearing before it adopts a rule or amendment if a hearing is requested
34 by:

35 (1) At least twenty-five persons who submit comments
36 independently of each other;

37 (2) A governmental subdivision or agency; or

38 (3) A duly appointed person in an association that has at least
39 twenty-five members.

40 8. (1) If a hearing is held on the proposed rule or amendment,
41 the commission shall publish the place, time, and date of the scheduled
42 public hearing.

43 (2) All persons wishing to be heard at the hearing shall notify the
44 executive director of the commission or other designated member in
45 writing of their desire to appear and testify at the hearing not less than
46 five business days before the scheduled date of the hearing.

47 (3) Hearings shall be conducted in a manner providing each
48 person who wishes to comment a fair and reasonable opportunity to
49 comment orally or in writing.

50 (4) No transcript of the hearing is required, unless a written
51 request for a transcript is made, in which case the person requesting
52 the transcript shall bear the cost of producing the transcript. A
53 recording may be made in lieu of a transcript under the same terms
54 and conditions as a transcript. This subdivision shall not preclude the
55 commission from making a transcript or recording of the hearing if it
56 so chooses.

57 (5) Nothing in this section shall be construed as requiring a
58 separate hearing on each rule. Rules may be grouped for the
59 convenience of the commission at hearings required by this section.

60 9. Following the scheduled hearing date, or by the close of
61 business on the scheduled hearing date if the hearing was not held, the
62 commission shall consider all written and oral comments received.

63 10. The commission shall, by majority vote of all members, take
64 final action on the proposed rule and shall determine the effective date
65 of the rule, if any, based on the rulemaking record and the full text of
66 the rule.

67 11. If no written notice of intent to attend the public hearing by
68 interested parties is received, the commission may proceed with
69 promulgation of the proposed rule without a public hearing.

70 12. Upon determination that an emergency exists, the
71 commission may consider and adopt an emergency rule without prior
72 notice, opportunity for comment, or hearing, provided that the usual
73 rulemaking procedures provided in the compact and in this section
74 shall be retroactively applied to the rule as soon as reasonably possible,
75 in no event later than ninety days after the effective date of the
76 rule. For the purposes of this provision, an emergency rule is one that

77 shall be adopted immediately in order to:

78 (1) Meet an imminent threat to public health, safety, or welfare;

79 (2) Prevent a loss of commission or compact state funds;

80 (3) Meet a deadline for the promulgation of an administrative

81 rule that is established by federal law or rule; or

82 (4) Protect public health and safety.

83 13. (1) The commission or an authorized committee of the
84 commission may direct revisions to a previously adopted rule or
85 amendment for purposes of correcting typographical errors, errors in
86 format, errors in consistency, or grammatical errors. Public notice of
87 any revisions shall be posted on the website of the commission. The
88 revision shall be subject to challenge by any person for a period of
89 thirty days after posting. The revision may be challenged only on
90 grounds that the revision results in a material change to a rule.

91 (2) A challenge shall be made in writing, and delivered to the
92 chair of the commission prior to the end of the notice period. If no
93 challenge is made, the revision will take effect without further action.
94 If the revision is challenged, the revision may not take effect without
95 the approval of the commission.

337.155. 1. (1) The executive, legislative, and judicial branches
2 of state government in each compact state shall enforce this compact
3 and take all actions necessary and appropriate to effectuate the
4 compact's purposes and intent. The provisions of this compact and the
5 rules promulgated hereunder shall have standing as statutory law.

6 (2) All courts shall take judicial notice of the compact and the
7 rules in any judicial or administrative proceeding in a compact state
8 pertaining to the subject matter of this compact which may affect the
9 powers, responsibilities, or actions of the commission.

10 (3) The commission shall be entitled to receive service of process
11 in any such proceeding, and shall have standing to intervene in such
12 a proceeding for all purposes. Failure to provide service of process to
13 the commission shall render a judgment or order void as to the
14 commission, this compact or promulgated rules.

15 2. (1) If the commission determines that a compact state has
16 defaulted in the performance of its obligations or responsibilities under
17 this compact or the promulgated rules, the commission shall:

18 (a) Provide written notice to the defaulting state and other

19 compact states of the nature of the default, the proposed means of
20 remedying the default or any other action to be taken by the
21 commission; and

22 (b) Provide remedial training and specific technical assistance
23 regarding the default.

24 (2) If a state in default fails to remedy the default, the defaulting
25 state may be terminated from the compact upon an affirmative vote of
26 a majority of the compact states, and all rights, privileges, and benefits
27 conferred by this compact shall be terminated on the effective date of
28 termination. A remedy of the default does not relieve the offending
29 state of obligations or liabilities incurred during the period of default.

30 (3) Termination of membership in the compact shall be imposed
31 only after all other means of securing compliance have been
32 exhausted. Notice of intent to suspend or terminate shall be submitted
33 by the commission to the governor, the majority and minority leaders
34 of the defaulting state's legislature, and each of the compact states.

35 (4) A compact state which has been terminated is responsible for
36 all assessments, obligations, and liabilities incurred through the
37 effective date of termination, including obligations which extend
38 beyond the effective date of termination.

39 (5) The commission shall not bear any costs incurred by the state
40 which is found to be in default or which has been terminated from the
41 compact, unless agreed upon in writing between the commission and
42 the defaulting state.

43 (6) The defaulting state may appeal the action of the commission
44 by petitioning the U.S. District Court for the state of Georgia or the
45 federal district where the compact has its principal offices. The
46 prevailing member shall be awarded all costs of such litigation,
47 including reasonable attorney's fees.

48 3. (1) Upon request by a compact state, the commission shall
49 attempt to resolve disputes related to the compact which arise among
50 compact states and between compact and noncompact states.

51 (2) The commission shall promulgate a rule providing for both
52 mediation and binding dispute resolution for disputes that arise before
53 the commission.

54 4. (1) The commission, in the reasonable exercise of its
55 discretion, shall enforce the provisions and rules of this compact.

56 **(2) By majority vote, the commission may initiate legal action in**
57 **the United States District Court for the State of Georgia or the federal**
58 **district where the compact has its principal offices against a compact**
59 **state in default to enforce compliance with the provisions of the**
60 **compact and its promulgated rules and bylaws. The relief sought may**
61 **include both injunctive relief and damages. In the event judicial**
62 **enforcement is necessary, the prevailing member shall be awarded all**
63 **costs of such litigation, including reasonable attorney's fees.**

64 **(3) The remedies herein shall not be the exclusive remedies of**
65 **the commission. The commission may pursue any other remedies**
66 **available under federal or state law.**

337.160. 1. The compact shall come into effect on the date on
2 **which the compact is enacted into law in the seventh compact**
3 **state. The provisions which become effective at that time shall be**
4 **limited to the powers granted to the commission relating to assembly**
5 **and the promulgation of rules. Thereafter, the commission shall meet**
6 **and exercise rulemaking powers necessary to the implementation and**
7 **administration of the compact.**

8 **2. Any state which joins the compact subsequent to the**
9 **commission's initial adoption of the rules shall be subject to the rules**
10 **as they exist on the date on which the compact becomes law in that**
11 **state. Any rule which has been previously adopted by the commission**
12 **shall have the full force and effect of law on the day the compact**
13 **becomes law in that state.**

14 **3. (1) Any compact state may withdraw from this compact by**
15 **enacting a statute repealing the same.**

16 **(2) A compact state's withdrawal shall not take effect until six**
17 **months after enactment of the repealing statute.**

18 **(3) Withdrawal shall not affect the continuing requirement of the**
19 **withdrawing state's psychology regulatory authority to comply with the**
20 **investigative and adverse action reporting requirements of this act**
21 **prior to the effective date of withdrawal.**

22 **4. Nothing contained in this compact shall be construed to**
23 **invalidate or prevent any psychology licensure agreement or other**
24 **cooperative arrangement between a compact state and a noncompact**
25 **state which does not conflict with the provisions of this compact.**

26 **5. This compact may be amended by the compact states. No**

27 **amendment to this compact shall become effective and binding upon**
28 **any compact state until it is enacted into the law of all compact states.**

337.165. This compact shall be liberally construed so as to
2 **effectuate the purposes thereof. If this compact shall be held contrary**
3 **to the constitution of any state member thereto, the compact shall**
4 **remain in full force and effect as to the remaining compact states.**

337.315. 1. An applied behavior analysis intervention shall produce
2 socially significant improvements in human behavior through skill acquisition,
3 increase or decrease in behaviors under specific environmental conditions and the
4 reduction of problematic behavior. An applied behavior analysis intervention
5 shall:

6 (1) Be based on empirical research and the identification of functional
7 relations between behavior and environment, contextual factors, antecedent
8 stimuli and reinforcement operations through the direct observation and
9 measurement of behavior, arrangement of events and observation of effects on
10 behavior, as well as other information gathering methods such as record review
11 and interviews; and

12 (2) Utilize changes and arrangements of contextual factors, antecedent
13 stimuli, positive reinforcement, and other consequences to produce behavior
14 change.

15 2. Each person wishing to practice as a licensed behavior analyst shall:

16 (1) Submit a complete application on a form approved by the committee,
17 **which shall include a statement that the applicant has completed two**
18 **hours of suicide assessment, referral, treatment, and management**
19 **training;**

20 (2) Pay all necessary fees as set by the committee, **upon the approval**
21 **of the application. In the event that an application is denied or**
22 **rejected, no application fee shall be charged;**

23 (3) Submit a two-inch or three-inch photograph or passport photograph
24 taken no more than six months prior to the application date;

25 (4) Provide two classified sets of fingerprints for processing by the
26 Missouri state highway patrol under section 43.543. One set of fingerprints shall
27 be used by the highway patrol to search the criminal history repository and the
28 second set shall be forwarded to the Federal Bureau of Investigation for searching
29 the federal criminal history files;

30 (5) Have passed an examination and been certified as a board-certified

31 behavior analyst by a certifying entity, as defined in section 337.300;

32 (6) Provide evidence of active status as a board-certified behavior analyst;
33 and

34 (7) If the applicant holds a license as a behavior analyst in another state,
35 a statement from all issuing states verifying licensure and identifying any
36 disciplinary action taken against the license holder by that state.

37 3. Each person wishing to practice as a licensed assistant behavior
38 analyst shall:

39 (1) Submit a complete application on a form approved by the committee;

40 (2) Pay all necessary fees as set by the committee, **upon the approval**
41 **of the application. In the event that an application is denied or**
42 **rejected, no application fee shall be charged;**

43 (3) Submit a two-inch or three-inch photograph or passport photograph
44 taken no more than six months prior to the application date;

45 (4) Provide two classified sets of fingerprints for processing by the
46 Missouri state highway patrol under section 43.543. One set of fingerprints shall
47 be used by the highway patrol to search the criminal history repository and the
48 second set shall be forwarded to the Federal Bureau of Investigation for searching
49 the federal criminal history files;

50 (5) Have passed an examination and been certified as a board-certified
51 assistant behavior analyst by a certifying entity, as defined in section 337.300;

52 (6) Provide evidence of active status as a board-certified assistant
53 behavior analyst;

54 (7) If the applicant holds a license as an assistant behavior analyst in
55 another state, a statement from all issuing states verifying licensure and
56 identifying any disciplinary action taken against the license holder by that state;
57 and

58 (8) Submit documentation satisfactory to the committee that the applicant
59 will be directly supervised by a licensed behavior analyst in a manner consistent
60 with the certifying entity.

61 4. The committee shall be authorized to issue a temporary license to an
62 applicant for a behavior analyst license or assistant behavior analyst license upon
63 receipt of a complete application, submission of a fee as set by the committee by
64 rule for behavior analyst or assistant behavior analyst, and a showing of valid
65 licensure as a behavior analyst or assistant behavior analyst in another state,
66 only if the applicant has submitted fingerprints and no disqualifying criminal

67 history appears on the family care safety registry. The temporary license shall
68 expire upon issuance of a license or denial of the application but no later than
69 ninety days from issuance of the temporary license. Upon written request to the
70 committee, the holder of a temporary license shall be entitled to one extension of
71 ninety days of the temporary license.

72 5. (1) The committee shall, in accordance with rules promulgated by the
73 committee, issue a provisional behavior analyst license or a provisional assistant
74 behavior analyst license upon receipt by the committee of a complete application,
75 appropriate fee as set by the committee by rule, and proof of satisfaction of
76 requirements under subsections 2 and 3 of this section, respectively, and other
77 requirements established by the committee by rule, except that applicants for a
78 provisional license as either a behavior analyst or assistant behavior analyst need
79 not have passed an examination and been certified as a board-certified behavior
80 analyst or a board-certified assistant behavior analyst to obtain a provisional
81 behavior analyst or provisional assistant behavior analyst license.

82 (2) A provisional license issued under this subsection shall only authorize
83 and permit the licensee to render behavior analysis under the supervision and the
84 full professional responsibility and control of such licensee's licensed supervisor.

85 (3) A provisional license shall automatically terminate upon issuance of
86 a permanent license, upon a finding of cause to discipline after notice and hearing
87 under section 337.330, upon termination of supervision by a licensed supervisor,
88 or upon the expiration of one year from the date of issuance of the provisional
89 license, whichever first occurs. The provisional license may be renewed after one
90 year, with a maximum issuance of two years. Upon a showing of good cause, the
91 committee by rule shall provide procedures for exceptions and variances from the
92 requirement of a maximum issuance of two years.

93 6. No person shall hold himself or herself out to be licensed behavior
94 analysts or LBA, provisionally licensed behavior analyst or PLBA, provisionally
95 licensed assistant behavior analyst or PLABA, temporary licensed behavior
96 analyst or TLBA, or temporary licensed assistant behavior analyst or TLaBA,
97 licensed assistant behavior analysts or LaBA in the state of Missouri unless they
98 meet the applicable requirements.

99 7. No persons shall practice applied behavior analysis unless they are:

100 (1) Licensed behavior analysts;

101 (2) Licensed assistant behavior analysts working under the supervision
102 of a licensed behavior analyst;

103 (3) An individual who has a bachelor's or graduate degree and completed
104 course work for licensure as a behavior analyst and is obtaining supervised field
105 experience under a licensed behavior analyst pursuant to required supervised
106 work experience for licensure at the behavior analyst or assistant behavior
107 analyst level;

108 (4) Licensed psychologists practicing within the rules and standards of
109 practice for psychologists in the state of Missouri and whose practice is
110 commensurate with their level of training and experience;

111 (5) Provisionally licensed behavior analysts;

112 (6) Provisionally licensed assistant behavior analysts;

113 (7) Temporary licensed behavior analysts; or

114 (8) Temporary licensed assistant behavior analysts.

115 8. Notwithstanding the provisions in subsection 6 of this section, any
116 licensed or certified professional may practice components of applied behavior
117 analysis, as defined in section 337.300 if he or she is acting within his or her
118 applicable scope of practice and ethical guidelines.

119 9. All licensed behavior analysts and licensed assistant behavior analysts
120 shall be bound by the code of conduct adopted by the committee by rule.

121 10. Licensed assistant behavior analysts shall work under the direct
122 supervision of a licensed behavior analyst as established by committee rule.

123 11. Persons who provide services under the Individuals with Disabilities
124 Education Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the
125 federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are enrolled in a
126 course of study at a recognized educational institution through which the person
127 provides applied behavior analysis as part of supervised clinical experience shall
128 be exempt from the requirements of this section.

129 12. A violation of this section shall be punishable by probation,
130 suspension, or loss of any license held by the violator.

337.320. 1. The division shall mail a renewal notice to the last known
2 address of each licensee or registrant prior to the renewal date.

3 2. Each person wishing to renew the behavior analyst license or the
4 assistant behavior analyst license shall:

5 (1) Submit a complete application on a form approved by the committee,
6 **which shall include a statement that the applicant has completed two**
7 **hours of suicide assessment, referral, treatment, and management**
8 **training;**

- 9 (2) Pay all necessary fees as set by the committee; and
- 10 (3) Submit proof of active certification and fulfillment of all requirements
11 for renewal and recertification with the certifying entity.
- 12 3. Failure to provide the division with documentation required by
13 subsection 2 of this section or other information required for renewal shall effect
14 a revocation of the license after a period of sixty days from the renewal date.
- 15 4. Each person wishing to restore the license, within two years of the
16 renewal date, shall:
- 17 (1) Submit a complete application on a form approved by the committee;
- 18 (2) Pay the renewal fee and a delinquency fee as set by the committee;
- 19 and
- 20 (3) Submit proof of current certification from a certifying body approved
21 by the committee.
- 22 5. A new license to replace any certificate lost, destroyed, or mutilated
23 may be issued subject to the rules of the committee, upon payment of a fee
24 established by the committee.
- 25 6. The committee shall set the amount of the fees authorized by sections
26 337.300 to 337.345 and required by rules promulgated under section
27 536.021. The fees shall be set at a level to produce revenue which shall not
28 substantially exceed the cost and expense of administering sections 337.300 to
29 337.345.
- 30 7. The committee is authorized to issue an inactive license to any licensee
31 who makes written application for such license on a form provided by the
32 committee and remits the fee for an inactive license established by the committee.
33 An inactive license may be issued only to a person who has previously been
34 issued a license to practice as a licensed behavior analyst or a licensed assistant
35 behavior analyst who is no longer regularly engaged in such practice and who
36 does not hold himself or herself out to the public as being professionally engaged
37 in such practice in this state. Each inactive license shall be subject to all
38 provisions of this chapter, except as otherwise specifically provided. Each
39 inactive license may be renewed by the committee subject to all provisions of this
40 section and all other provisions of this chapter. The inactive licensee shall not
41 be required to submit evidence of completion of continuing education as required
42 by this chapter.
- 43 8. An inactive licensee may apply for a license to regularly engage in the
44 practice of behavioral analysis by:

45 (1) Submitting a complete application on a form approved by the
46 committee;

47 (2) Paying the reactivation fee as set by the committee; and

48 (3) Submitting proof of current certification from a certifying body
49 approved by the committee.

337.507. 1. Applications for examination and licensure as a professional
2 counselor shall be in writing, submitted to the division on forms prescribed by the
3 division and furnished to the applicant. **The form shall include a statement**
4 **that the applicant has completed two hours of suicide assessment,**
5 **referral, treatment, and management training.** The application shall
6 contain the applicant's statements showing his education, experience and such
7 other information as the division may require. Each application shall contain a
8 statement that it is made under oath or affirmation and that the information
9 contained therein is true and correct to the best knowledge and belief of the
10 applicant, subject to the penalties provided for the making of a false affidavit or
11 declaration. [Each application shall be accompanied by the fees required by the
12 committee.] **The committee shall not charge an application fee until such**
13 **time that the application has been approved. In the event that an**
14 **application is denied or rejected, no application fee shall be charged.**

15 2. The division shall mail a renewal notice to the last known address of
16 each licensee prior to the registration renewal date. Failure to provide the
17 division with the information required for registration, or to pay the registration
18 fee after such notice shall effect a revocation of the license after a period of sixty
19 days from the registration renewal date. The license shall be restored if, within
20 two years of the registration date, the applicant provides written application and
21 the payment of the registration fee and a delinquency fee.

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

24 4. The committee shall set the amount of the fees which sections 337.500
25 to 337.540 authorize and require by rules and regulations promulgated pursuant
26 to section 536.021. The fees shall be set at a level to produce revenue which shall
27 not substantially exceed the cost and expense of administering the provisions of
28 sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540
29 shall be collected by the director who shall deposit the same with the state
30 treasurer in a fund to be known as the "Committee of Professional Counselors
31 Fund".

32 5. The provisions of section 33.080 to the contrary notwithstanding, money
33 in this fund shall not be transferred and placed to the credit of general revenue
34 until the amount in the fund at the end of the biennium exceeds two times the
35 amount of the appropriation from the committee's fund for the preceding fiscal
36 year or, if the committee requires by rule renewal less frequently than yearly
37 then three times the appropriation from the committee's fund for the preceding
38 fiscal year. The amount, if any, in the fund which shall lapse is that amount in
39 the fund which exceeds the appropriate multiple of the appropriations from the
40 committee's fund for the preceding fiscal year.

41 6. The committee shall hold public examinations at least two times per
42 year, at such times and places as may be fixed by the committee, notice of such
43 examinations to be given to each applicant at least ten days prior thereto.

337.510. 1. Each applicant for licensure as a professional counselor shall
2 furnish evidence to the committee that the applicant is at least eighteen years of
3 age, is of good moral character, is a United States citizen or is legally present in
4 the United States; and

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

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

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

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

24 2. Any person who previously held a valid unrevoked, unsuspended license

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

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

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

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

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

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

60 5. All persons licensed to practice professional counseling in this state

61 shall pay on or before the license renewal date a renewal license fee and shall
62 furnish to the committee satisfactory evidence of the completion of the requisite
63 number of hours of continuing education as required by rule, **including two**
64 **hours of suicide assessment, referral, treatment, and management**
65 **training**, which shall be no more than forty hours biennially. The continuing
66 education requirements may be waived by the committee upon presentation to the
67 committee of satisfactory evidence of the illness of the licensee or for other good
68 cause.

337.612. 1. Applications for licensure as a clinical social worker,
2 baccalaureate social worker, advanced macro social worker or master social
3 worker shall be in writing, submitted to the committee on forms prescribed by the
4 committee and furnished to the applicant. **The form shall include a**
5 **statement that the applicant has completed two hours of suicide**
6 **assessment, referral, treatment, and management training.** The
7 application shall contain the applicant's statements showing the applicant's
8 education, experience, and such other information as the committee may
9 require. Each application shall contain a statement that it is made under oath
10 or affirmation and that the information contained therein is true and correct to
11 the best knowledge and belief of the applicant, subject to the penalties provided
12 for the making of a false affidavit or declaration. [Each application shall be
13 accompanied by the fees required by the committee.] **The committee shall not**
14 **charge an application fee until such time that the application has been**
15 **approved. In the event that an application is denied or rejected, no**
16 **application fee shall be charged.**

17 2. The committee shall mail a renewal notice to the last known address
18 of each licensee prior to the licensure renewal date. Failure to provide the
19 committee with the information required for licensure, or to pay the licensure fee
20 after such notice shall effect a revocation of the license after a period of sixty days
21 from the licensure renewal date. The license shall be restored if, within two
22 years of the licensure date, the applicant provides written application and the
23 payment of the licensure fee and a delinquency fee.

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

26 4. The committee shall set the amount of the fees which sections 337.600
27 to 337.689 authorize and require by rules and regulations promulgated pursuant
28 to section 536.021. The fees shall be set at a level to produce revenue which shall

29 not substantially exceed the cost and expense of administering the provisions of
30 sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689
31 shall be collected by the director who shall deposit the same with the state
32 treasurer in a fund to be known as the "Clinical Social Workers Fund". After
33 August 28, 2007, the clinical social workers fund shall be called the "Licensed
34 Social Workers Fund" and after such date all references in state law to the
35 clinical social workers fund shall be considered references to the licensed social
36 workers fund.

37 5. The provisions of section 33.080 to the contrary notwithstanding, money
38 in this fund shall not be transferred and placed to the credit of general revenue
39 until the amount in the fund at the end of the biennium exceeds two times the
40 amount of the appropriations from the clinical social workers fund for the
41 preceding fiscal year or, if the committee requires by rule renewal less frequently
42 than yearly, then three times the appropriation from the committee's fund for the
43 preceding fiscal year. The amount, if any, in the fund which shall lapse is that
44 amount in the fund which exceeds the appropriate multiple of the appropriations
45 from the clinical social workers fund for the preceding fiscal year.

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

337.662. 1. Applications for licensure as a baccalaureate social worker
2 shall be in writing, submitted to the committee on forms prescribed by the
3 committee and furnished to the applicant. **The form shall include a**
4 **statement that the applicant has completed two hours of suicide**
5 **assessment, referral, treatment, and management training.** The

6 application shall contain the applicant's statements showing the applicant's
7 education, experience and such other information as the committee may
8 require. Each application shall contain a statement that it is made under oath
9 or affirmation and that the information contained therein is true and correct to
10 the best knowledge and belief of the applicant, subject to the penalties provided
11 for the making of a false affidavit or declaration. [Each application shall be
12 accompanied by the fees required by the committee.] **The committee shall not**
13 **charge an application fee until such time that the application has been**
14 **approved. In the event that an application is denied or rejected, no**
15 **application fee shall be charged.**

16 2. The committee shall mail a renewal notice to the last known address
17 of each licensee prior to the licensure renewal date. Failure to provide the
18 committee with the information required for licensure **as provided in**
19 **subsection 1 of this section**, or to pay the licensure fee after such notice shall
20 effect a revocation of the license after a period of sixty days from the licensure
21 renewal date. The license shall be restored if, within two years of the licensure
22 date, the applicant provides written application and the payment of the licensure
23 fee and a delinquency fee.

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

26 4. The committee shall set the amount of the fees which sections 337.650
27 to 337.689 authorize and require by rules and regulations promulgated pursuant
28 to chapter 536. The fees shall be set at a level to produce revenue which shall
29 not substantially exceed the cost and expense of administering the provisions of
30 sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689
31 shall be collected by the director who shall deposit the same with the state
32 treasurer in the clinical social workers fund established in section 337.612.

337.712. 1. Applications for licensure as a baccalaureate social worker
2 shall be in writing, submitted to the committee on forms prescribed by the
3 committee and furnished to the applicant. **The form shall include a**
4 **statement that the applicant has completed two hours of suicide**
5 **assessment, referral, treatment, and management training.** The
6 application shall contain the applicant's statements showing the applicant's
7 education, experience and such other information as the committee may
8 require. Each application shall contain a statement that it is made under oath
9 or affirmation and that the information contained therein is true and correct to

10 the best knowledge and belief of the applicant, subject to the penalties provided
11 for the making of a false affidavit or declaration. [Each application shall be
12 accompanied by the fees required by the committee.] **The committee shall not**
13 **charge an application fee until such time that the application has been**
14 **approved. In the event that an application is denied or rejected, no**
15 **application fee shall be charged.**

16 2. The committee shall mail a renewal notice to the last known address
17 of each licensee prior to the licensure renewal date. Failure to provide the
18 committee with the information required for licensure, or to pay the licensure fee
19 after such notice shall effect a revocation of the license after a period of sixty days
20 from the licensure renewal date. The license shall be restored if, within two
21 years of the licensure date, the applicant provides written application and the
22 payment of the licensure fee and a delinquency fee.

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

25 4. The committee shall set the amount of the fees which sections 337.650
26 to 337.689 authorize and require by rules and regulations promulgated pursuant
27 to chapter 536. The fees shall be set at a level to produce revenue which shall
28 not substantially exceed the cost and expense of administering the provisions of
29 sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689
30 shall be collected by the director who shall deposit the same with the state
31 treasurer in the clinical social workers fund established in section 337.612.

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 licensed marital and family therapist shall furnish to the
9 committee satisfactory evidence of the completion of the requisite number of
10 hours of continuing education as defined by rule, which shall be no more than
11 forty contact hours biennially. **At least two hours of continuing education**
12 **shall be in suicide assessment, referral, treatment, and management**
13 **training.** The continuing education requirements may be waived by the
14 committee upon presentation to the committee of satisfactory evidence of illness

15 or for other good cause.

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

 338.013. 1. Any person desiring to assist a pharmacist in the practice of
2 pharmacy as defined in this chapter shall apply to the board of pharmacy for
3 registration as a pharmacy technician. Such applicant shall be, at a minimum,
4 legal working age and shall forward to the board the [appropriate fee and]
5 written application on a form provided by the board. **The board shall not**
6 **charge an application fee until such time that the application has been**
7 **approved. In the event that an application is denied or rejected, no**
8 **application fee shall be charged.** Such registration shall be the sole
9 authorization permitted to allow persons to assist licensed pharmacists in the
10 practice of pharmacy as defined in this chapter.

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

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

33 4. A certificate of registration issued by the board shall be conspicuously

34 displayed in the pharmacy or place of business where the registrant is employed.

35 5. Every pharmacy technician who desires to continue to be registered as
36 provided in this section shall, within thirty days before the registration expiration
37 date, file an application for the renewal, accompanied by the fee prescribed by the
38 board. The registration shall lapse and become null and void thirty days after
39 the expiration date.

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

47 7. The board may place on the employment disqualification list the name
48 of a pharmacy technician who has been adjudicated and found guilty, or has
49 entered a plea of guilty or nolo contendere, of a violation of any state, territory
50 or federal drug law, or to any felony or has violated any provision of subsection
51 2 of section 338.055.

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

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

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

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

62 (4) The person's right to file a complaint with the administrative hearing
63 commission as provided in chapter 621.

64 9. The length of time a person's name shall remain on the disqualification
65 list shall be determined by the board.

66 10. No hospital or licensed pharmacy shall knowingly employ any person
67 whose name appears on the employee disqualification list, except that a hospital
68 or licensed pharmacy may employ a person whose name appears on the
69 employment disqualification list but the board has authorized to work under

70 certain terms and conditions. Any hospital or licensed pharmacy shall report to
71 the board any final disciplinary action taken against a pharmacy technician or
72 the voluntary resignation of a pharmacy technician against whom any complaints
73 or reports have been made which might have led to final disciplinary action that
74 can be a cause of action for discipline by the board as provided for in subsection
75 2 of section 338.055. Compliance with the foregoing sentence may be interposed
76 as an affirmative defense by the employer. Any hospital or licensed pharmacy
77 which reports to the board in good faith shall not be liable for civil damages.

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

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

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

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

13 5. The board of pharmacy shall promulgate rules and regulations which
14 shall further regulate the duties of intern pharmacists and shall set the amount
15 of the fees which shall accompany the [license and] renewal applications for
16 intern pharmacists. **The board shall not charge a license fee until such**
17 **time that the application for licensure has been approved. In the event**
18 **that an application for licensure is denied or rejected, no application**
19 **fee shall be charged.**

20 6. No rule or portion of a rule promulgated under the authority of this
21 chapter shall become effective unless it has been promulgated pursuant to the
22 provisions of section 536.024.

338.070. 1. The board of pharmacy shall set the amount of the fees which
2 this chapter authorizes and requires by rules and regulations promulgated
3 pursuant to chapter 536. The fees shall be set at a level to produce revenue
4 which shall not substantially exceed the cost and expense of administering this
5 chapter. All fees shall be paid before an applicant may be admitted to
6 examination or his or her name placed upon the register of pharmacists, or before

7 any license or permit, or any renewal thereof, is issued by the board. **However,**
8 **the board shall not charge a fee until such time that the application has**
9 **been approved. In the event that an application is denied or rejected,**
10 **no application fee shall be charged.**

11 2. All fees payable pursuant to the provisions of this chapter shall be
12 collected by the division of professional registration and transmitted to the
13 department of revenue for deposit in the state treasury to the credit of the fund
14 to be known as the "Board of Pharmacy Fund".

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

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

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

- 20 (11) Class K: Internet;
21 (12) Class L: Veterinary;
22 (13) Class M: Specialty (bleeding disorder);
23 (14) Class N: Automated dispensing system (health care facility);
24 (15) Class O: Automated dispensing system (ambulatory care);
25 (16) Class P: Practitioner office/clinic.

26 2. Application for such permit or license shall be made upon a form
27 furnished to the applicant; shall contain a statement that it is made under oath
28 or affirmation and that its representations are true and correct to the best
29 knowledge and belief of the person signing same, subject to the penalties of
30 making a false affidavit or declaration[; and shall be accompanied by a permit or
31 license fee]. **The board shall not charge a permit or license fee until**
32 **such time that the application has been approved. In the event that an**
33 **application is denied or rejected, no application fee shall be**
34 **charged.** The permit or license issued shall be renewable upon payment of a
35 renewal fee. Separate applications shall be made and separate permits or
36 licenses required for each pharmacy opened, established, operated, or maintained
37 by the same owner.

38 3. All permits, licenses or renewal fees collected pursuant to the
39 provisions of sections 338.210 to 338.370 shall be deposited in the state treasury
40 to the credit of the Missouri board of pharmacy fund, to be used by the Missouri
41 board of pharmacy in the enforcement of the provisions of sections 338.210 to
42 338.370, when appropriated for that purpose by the general assembly.

43 4. Class L: veterinary permit shall not be construed to prohibit or
44 interfere with any legally registered practitioner of veterinary medicine in the
45 compounding, administering, prescribing, or dispensing of their own
46 prescriptions, or medicine, drug, or pharmaceutical product to be used for
47 animals.

48 5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions
49 of this section shall not apply to the sale, dispensing, or filling of a
50 pharmaceutical product or drug used for treating animals.

51 6. A "class B hospital pharmacy" shall be defined as a pharmacy owned,
52 managed, or operated by a hospital as defined by section 197.020 or a clinic or
53 facility under common control, management or ownership of the same hospital or
54 hospital system. This section shall not be construed to require a class B hospital
55 pharmacy permit or license for hospitals solely providing services within the

56 practice of pharmacy under the jurisdiction of, and the licensure granted by, the
57 department of health and senior services under and pursuant to chapter 197.

58 7. Upon application to the board, any hospital that holds a pharmacy
59 permit or license on August 28, 2014, shall be entitled to obtain a class B
60 pharmacy permit or license without fee, provided such application shall be
61 submitted to the board on or before January 1, 2015.

338.333. 1. Except as otherwise provided by the board of pharmacy by
2 rule in the event of an emergency or to alleviate a supply shortage, no person or
3 distribution outlet shall act as a wholesale drug distributor or pharmacy
4 distributor without first obtaining license to do so from the Missouri board of
5 pharmacy and paying the required fee. **Such required fee shall not be**
6 **charged until such time that the license to act as a wholesale drug**
7 **distributor has been approved.** The board may grant temporary licenses
8 when the wholesale drug distributor or pharmacy distributor first applies for a
9 license to operate within the state. Temporary licenses shall remain valid until
10 such time as the board shall find that the applicant meets or fails to meet the
11 requirements for regular licensure. No license shall be issued or renewed for a
12 wholesale drug distributor or pharmacy distributor to operate unless the same
13 shall be operated in a manner prescribed by law and according to the rules and
14 regulations promulgated by the board of pharmacy with respect thereto. Separate
15 licenses shall be required for each distribution site owned or operated by a
16 wholesale drug distributor or pharmacy distributor, unless such drug distributor
17 or pharmacy distributor meets the requirements of section 338.335.

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

22 3. The board may permit out-of-state wholesale drug distributors or out-
23 of-state pharmacy distributors to be licensed as required by sections 338.210 to
24 338.370 on the basis of reciprocity to the extent that an out-of-state wholesale
25 drug distributor or out-of-state pharmacy distributor both:

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

30 (2) Distributes into Missouri from a state which would extend reciprocal

31 treatment under its own laws to a wholesale drug distributor or pharmacy
32 distributor of this state.

339.513. 1. Applications for examination, original certification and
2 licensure, and renewal certification and licensure shall be made in writing to the
3 commission on forms provided by the commission. The application shall specify
4 the classification of certification, or licensure, for which application is being
5 made.

6 2. Appropriate fees shall accompany all applications for examination,
7 [original certification or licensure, and] renewal certification or licensure;
8 provided that such fees shall be in amounts set by the commission in order to
9 offset the cost and expense of administering sections 339.500 to 339.549, and in
10 amounts to be determined by the commission with reference to the requirements
11 of Section 1109 of the United States Public Law 101-73, as later codified and as
12 may be amended. **The commission shall not charge an application fee for**
13 **original certification or licensure until such time that the application**
14 **has been approved. In the event that an application for original**
15 **certification or licensure is denied or rejected, no application fee shall**
16 **be charged.** All fees collected pursuant to this subsection shall be collected by
17 the commission and deposited with the state treasurer into a fund to be known
18 as the "Missouri Real Estate Appraisers and Appraisal Management Company
19 Fund". The provisions of section 33.080 to the contrary notwithstanding, money
20 in this fund shall not be transferred and placed to the credit of general revenue
21 until the amount in the fund at the end of the biennium exceeds two times the
22 amount of the appropriation from the board's funds for the preceding fiscal year
23 or, if the board requires by rule permit renewal less frequently than yearly, then
24 three times the appropriation from the board's funds for the preceding fiscal
25 year. The amount, if any, in the fund which shall lapse is that amount in the
26 fund which exceeds the appropriate multiple of the appropriations from the
27 board's funds for the preceding fiscal year. In any proceeding in which a remedy
28 provided by subsection 1 or 2 of section 339.532 is imposed, the commission may
29 also require the respondent licensee to pay the costs of the proceeding if the
30 commission is a prevailing party or in settlement. The moneys shall be placed
31 in the state treasury to the credit of the Missouri real estate appraisers fund.

32 3. At the time of filing an application for certification or licensure, each
33 applicant shall sign a pledge to comply with the standards set forth in sections
34 339.500 to 339.549 and state that he or she understands the types of misconduct

35 for which disciplinary proceedings may be initiated.

340.232. 1. The application shall be accompanied by [registration and]
2 examination fees as established by board rule pursuant to section 340.210. **The**
3 **board shall not charge a registration fee until such time that the**
4 **application has been approved. In the event that an application is**
5 **denied or rejected, no registration fee shall be charged.** The registration
6 fee shall not be returned if the applicant is admitted to the practice of veterinary
7 medicine but shall be deemed to include payment of the registration fee for the
8 remainder of the licensing period in which the applicant is admitted.

9 2. The examination fee shall be returned to the applicant if the board
10 determines that the applicant is not qualified to sit for the
11 examination. However, the examination fee shall not be returned if the board
12 denied the application because the applicant provided false information.

13 3. If an applicant fails an examination, the applicant shall:

14 (1) Pay examination fees for each subsequent application;

15 (2) Wait for some period of time as prescribed by board rule from the date
16 of the failed examination to take the next examination; and

17 (3) Prior to the fourth and final attempt at passage, present to the board
18 a plan for passage and evidence of completion of at least thirty hours of board-
19 approved continuing education since last sitting for the examination or in the
20 calendar year preceding the final application.

340.302. 1. The applicant for registration as a veterinary technician shall
2 submit with the application the [registration and] examination fees as
3 established by board rule pursuant to section 340.210. **The board shall not**
4 **charge a registration fee until such time that the application has been**
5 **approved. In the event that an application is denied or rejected, no**
6 **registration fee shall be charged.** The registration fee shall not be returned
7 if the applicant is registered as a veterinary technician but shall be deemed to
8 include payment of the registration fee for the remainder of the registration
9 period in which the applicant is admitted.

10 2. If the applicant has complied with the requirements of subsection 2 of
11 section 340.312, the examination fee shall be returned to the applicant if the
12 board determines that the applicant is not qualified to sit for the
13 examination. The examination fee shall not be returned if the board denied the
14 application because the applicant provided false information in the application.

15 3. If an applicant fails an examination, the applicant shall:

- 16 (1) Pay examination fees for each subsequent application;
- 17 (2) Wait for some period of time as prescribed by board rule from the date
18 of the failed examination to take the next examination; and
- 19 (3) Prior to the fourth and final attempt at passage, present to the board,
20 for approval, a plan for passage and evidence of completion of at least ten hours
21 of board-approved continuing education taken since the last examination since
22 last sitting for the examination or in the calendar year preceding the final
23 application.

344.030. 1. An applicant for an initial license shall file a completed
2 application with the board on a form provided by the board, accompanied by an
3 application fee as provided by rule payable to the department of health and senior
4 services. Information provided in the application **shall be** attested by signature
5 to be true and correct to the best of the applicant's knowledge and belief.

6 2. No initial license shall be issued to a person as a nursing home
7 administrator unless:

8 (1) The applicant provides the board satisfactory proof that the applicant
9 is [twenty-one years of age or over,] of good moral character and a high school
10 graduate or equivalent;

11 (2) The applicant provides the board satisfactory proof that the applicant
12 has had a minimum of three years' experience in health care administration or
13 two years of postsecondary education in health care administration or has
14 satisfactorily completed a course of instruction and training prescribed by the
15 board, which includes instruction in the needs properly to be served by nursing
16 homes, the protection of the interests of residents therein, and the elements of
17 good nursing home administration, or has presented evidence satisfactory to the
18 board of sufficient education, training, or experience in the foregoing fields to
19 administer, supervise and manage a nursing home; and

20 (3) The applicant passes the examinations administered by the board. If
21 an applicant fails to make a passing grade on either of the examinations such
22 applicant may make application for reexamination on a form furnished by the
23 board and may be retested. If an applicant fails either of the examinations a
24 third time, the applicant shall be required to complete a course of instruction
25 prescribed and approved by the board. After completion of the board-prescribed
26 course of instruction, the applicant may reapply for examination. With regard to
27 the national examination required for licensure, no examination scores from other
28 states shall be recognized by the board after the applicant has failed his or her

29 third attempt at the national examination. There shall be a separate,
30 nonrefundable fee for each examination. The board shall set the amount of the
31 fee for examination by rules and regulations promulgated pursuant to section
32 536.021. The fee shall be set at a level to produce revenue which shall not
33 substantially exceed the cost and expense of administering the examination.

34 3. The board may issue a license through reciprocity to any person who
35 is regularly licensed as a nursing home administrator in any other state,
36 territory, or the District of Columbia, if the regulations for securing such license
37 are equivalent to those required in the state of Missouri. However, no license by
38 reciprocity shall be issued until the applicant passes a special examination
39 approved by the board, which will examine the applicant's knowledge of specific
40 provisions of Missouri statutes and regulations pertaining to nursing homes. The
41 applicant shall furnish satisfactory evidence that such applicant is of good moral
42 character and has acted in the capacity of a nursing home administrator in such
43 state, territory, or the District of Columbia at least one year after the securing
44 of the license. The board, in its discretion, may enter into written reciprocal
45 agreements pursuant to this section with other states which have equivalent laws
46 and regulations.

47 4. Nothing in sections 344.010 to 344.108, or the rules or regulations
48 thereunder shall be construed to require an applicant for a license as a nursing
49 home administrator, who is employed by an institution listed and certified by the
50 Commission for Accreditation of Christian Science Nursing
51 Organizations/Facilities, Inc., to administer institutions certified by such
52 commission for the care and treatment of the sick in accordance with the creed
53 or tenets of a recognized church or religious denomination, to demonstrate
54 proficiency in any techniques or to meet any educational qualifications or
55 standards not in accord with the remedial care and treatment provided in such
56 institutions. The applicant's license shall be endorsed to confine the applicant's
57 practice to such institutions.

58 5. The board may issue a temporary emergency license for a period not to
59 exceed ninety days to a person twenty-one years of age or over, of good moral
60 character and a high school graduate or equivalent to serve as an acting nursing
61 home administrator, provided such person is replacing a licensed nursing home
62 administrator who has died, has been removed or has vacated the nursing home
63 administrator's position. No temporary emergency license may be issued to a
64 person who has had a nursing home administrator's license denied, suspended or

65 revoked. A temporary emergency license may be renewed for one additional
66 ninety-day period upon a showing that the person seeking the renewal of a
67 temporary emergency license meets the qualifications for licensure and has filed
68 an application for a regular license, accompanied by the application fee, and the
69 applicant has taken the examination or examinations but the results have not
70 been received by the board. No temporary emergency license may be renewed
71 more than one time.

345.050. 1. To be eligible for licensure by the board by examination, each
2 applicant shall[submit the application fee and shall] furnish evidence of such
3 person's good moral and ethical character, current competence and shall:

4 (1) Hold a master's or a doctoral degree from a program accredited by the
5 Council on Academic Accreditation of the American Speech-Language-Hearing
6 Association or other accrediting agency approved by the board in the area in
7 which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or
9 universities presenting evidence of the completion of course work and clinical
10 practicum requirements equivalent to that required by the Council on Academic
11 Accreditation of the American Speech-Language-Hearing Association or other
12 accrediting agency approved by the board; and

13 (3) Pass an examination promulgated or approved by the board. The
14 board shall determine the subject and scope of the examinations.

15 **The board shall not charge an application fee until such time that the**
16 **application has been approved. In the event that an application is**
17 **denied or rejected, no application fee shall be charged.**

18 2. To be eligible for licensure by the board without examination, each
19 applicant shall make application on forms prescribed by the board, [submit the
20 application fee and] shall be of good moral and ethical character, **and** submit an
21 activity statement and meet one of the following requirements:

22 (1) The board shall issue a license to any speech-language pathologist or
23 audiologist who is licensed in another jurisdiction and who has had no violations,
24 suspension or revocations of a license to practice speech-language pathology or
25 audiology in any jurisdiction; provided that, such person is licensed in a
26 jurisdiction whose requirements are substantially equal to, or greater than,
27 Missouri at the time the applicant applies for licensure; or

28 (2) Hold the certificate of clinical competence issued by the American
29 Speech-Language-Hearing Association in the area in which licensure is sought.

30 **The board shall not charge an application fee until such time that the**
31 **application has been approved. In the event that an application is**
32 **denied or rejected, no application fee shall be charged.**

374.715. 1. Applications for examination and licensure as a bail bond
2 agent or general bail bond agent shall be in writing and on forms prescribed and
3 furnished by the department, and shall contain such information as the
4 department requires. Each application shall be accompanied by proof satisfactory
5 to the department that the applicant is a citizen of the United States, [is at least
6 twenty-one years of age,] has a high school diploma or general education
7 development certificate (GED), is of good moral character, and meets the
8 qualifications for surety on bail bonds as provided by supreme court rule. Each
9 application shall be accompanied by the examination and application fee set by
10 the department. Individuals currently employed as bail bond agents and general
11 bail bond agents shall not be required to meet the education requirements needed
12 for licensure pursuant to this section.

13 2. In addition, each applicant for licensure as a general bail bond agent
14 shall furnish proof satisfactory to the department that the applicant or, if the
15 applicant is a corporation, that each officer thereof has completed at least two
16 years as a bail bond agent, and that the applicant possesses liquid assets of at
17 least ten thousand dollars, along with a duly executed assignment of ten
18 thousand dollars to the state of Missouri. The assignment shall become effective
19 upon the applicant's violating any provision of sections 374.695 to 374.789. The
20 assignment required by this section shall be in the form and executed in the
21 manner prescribed by the department. The director may require by regulation
22 conditions by which additional assignments of assets of the general bail bond
23 agent may occur when the circumstances of the business of the general bail bond
24 agent warrants additional funds. However, such additional funds shall not
25 exceed twenty-five thousand dollars.

374.784. 1. Applications for examination and licensure as a surety
2 recovery agent shall be submitted on forms prescribed by the department and
3 shall contain such information as the department requires, along with a copy of
4 the front and back of a photographic identification card.

5 2. Each application shall be accompanied by proof satisfactory to the
6 director that the applicant is a citizen of the United States[, is at least
7 twenty-one years of age,] and has a high school diploma or a general educational
8 development certificate (GED). An applicant shall furnish evidence of such

9 person's qualifications by completing an approved surety recovery agent course
10 with at least twenty-four hours of initial minimum training. The director shall
11 determine which institutions, organizations, associations, and individuals shall
12 be eligible to provide said training. Said instructions and fees associated
13 therewith shall be identical or similar to those prescribed in section 374.710 for
14 bail bond agents and general bail bond agents.

15 3. In addition to said twenty-four hours of initial minimum training,
16 licensees shall be required to receive eight hours of biennial continuing education
17 of which said instructions and fees shall be identical or similar to those
18 prescribed in section 374.710 for bail bond agents and general bail bond agents.

19 4. Applicants for surety recovery agents licensing shall be exempt from
20 said requirements of the twenty-four hours of initial minimum training if
21 applicants provide proof of prior training as a law enforcement officer with at
22 least two years of such service within the ten years prior to the application being
23 submitted to the department.

24 5. The director may refuse to issue any license pursuant to sections
25 374.783 to 374.789, for any one or any combination of causes stated in section
26 374.787. The director shall notify the applicant in writing of the reason or
27 reasons for refusal and shall advise the applicant of the right to file a complaint
28 with the administrative hearing commission to appeal the refusal as provided by
29 chapter 621.

436.239. 1. [An application for registration or renewal of registration shall
2 be accompanied by a fee which shall be determined by the director and
3 established by rule.] **No application fee shall be charged for registration
4 or renewal until such time that the application has been approved. In
5 the event that an application is denied or rejected, no application fee
6 shall be charged.** All fees payable under the provisions of this section shall be
7 collected by the division of professional registration and transmitted to the
8 department of revenue for deposit in the state treasury to the credit of the fund
9 to be known as the "Athlete Agent Fund" which is hereby established. The
10 provisions of section 33.080 to the contrary notwithstanding, money in the athlete
11 agent fund shall not be transferred and placed to the credit of general revenue
12 until the amount in the athlete agent fund at the end of the biennium exceeds
13 two times the amount of the appropriations from such fund for the preceding
14 fiscal year or, if the director allows renewal of registration less frequently than
15 yearly, then three times the appropriations from such fund for the preceding

16 fiscal year; provided that no amount from such fund may be transferred to the
17 credit of general revenue earlier than August 28, 2006. The amount if any which
18 may be transferred to the credit of general revenue after August 28, 2006, is that
19 amount in the athlete agent fund which exceeds the appropriate multiple of the
20 appropriations from such fund for the preceding fiscal year.

21 2. The director may promulgate rules to authorize and file athlete agent
22 documents as that term is defined in section 536.010. Any rule promulgated
23 under the authority in this section shall become effective only if it complies with
24 and is subject to all of the provisions of chapter 536 and, if applicable, section
25 536.028. This section and chapter 536 are nonseverable and if any of the powers
26 vested with the general assembly under chapter 536 to review, to delay the
27 effective date, or to disapprove and annul a rule are subsequently held
28 unconstitutional then the grant of rulemaking authority and any rule proposed
29 or adopted after August 28, 2003, shall be invalid and void.

 632.005. As used in chapter 631 and this chapter, unless the context
2 clearly requires otherwise, the following terms shall mean:

3 (1) "Comprehensive psychiatric services", any one, or any combination of
4 two or more, of the following services to persons affected by mental disorders
5 other than intellectual disabilities or developmental disabilities: inpatient,
6 outpatient, day program or other partial hospitalization, emergency, diagnostic,
7 treatment, liaison, follow-up, consultation, education, rehabilitation, prevention,
8 screening, transitional living, medical prevention and treatment for alcohol abuse,
9 and medical prevention and treatment for drug abuse;

10 (2) "Council", the Missouri advisory council for comprehensive psychiatric
11 services;

12 (3) "Court", the court which has jurisdiction over the respondent or
13 patient;

14 (4) "Division", the division of comprehensive psychiatric services of the
15 department of mental health;

16 (5) "Division director", director of the division of comprehensive
17 psychiatric services of the department of mental health, or his designee;

18 (6) "Head of mental health facility", superintendent or other chief
19 administrative officer of a mental health facility, or his designee;

20 (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday
21 when the court is open for business, but excluding Saturdays, Sundays and legal
22 holidays;

23 (8) "Licensed physician", a physician licensed pursuant to the provisions
24 of chapter 334 or a person authorized to practice medicine in this state pursuant
25 to the provisions of section 334.150;

26 (9) "Licensed professional counselor", a person licensed as a professional
27 counselor under chapter 337 and with a minimum of one year training or
28 experience in providing psychiatric care, treatment, or services in a psychiatric
29 setting to individuals suffering from a mental disorder;

30 (10) "Likelihood of serious harm" means any one or more of the following
31 but does not require actual physical injury to have occurred:

32 (a) A substantial risk that serious physical harm will be inflicted by a
33 person upon his own person, as evidenced by recent threats, including verbal
34 threats, or attempts to commit suicide or inflict physical harm on
35 himself. Evidence of substantial risk may also include information about
36 patterns of behavior that historically have resulted in serious harm previously
37 being inflicted by a person upon himself;

38 (b) A substantial risk that serious physical harm to a person will result
39 or is occurring because of an impairment in his capacity to make decisions with
40 respect to his hospitalization and need for treatment as evidenced by his current
41 mental disorder or mental illness which results in an inability to provide for his
42 own basic necessities of food, clothing, shelter, safety or medical care or his
43 inability to provide for his own mental health care which may result in a
44 substantial risk of serious physical harm. Evidence of that substantial risk may
45 also include information about patterns of behavior that historically have resulted
46 in serious harm to the person previously taking place because of a mental
47 disorder or mental illness which resulted in his inability to provide for his basic
48 necessities of food, clothing, shelter, safety or medical or mental health care; or

49 (c) A substantial risk that serious physical harm will be inflicted by a
50 person upon another as evidenced by recent overt acts, behavior or threats,
51 including verbal threats, which have caused such harm or which would place a
52 reasonable person in reasonable fear of sustaining such harm. Evidence of that
53 substantial risk may also include information about patterns of behavior that
54 historically have resulted in physical harm previously being inflicted by a person
55 upon another person;

56 (11) "Mental health coordinator", a mental health professional who has
57 knowledge of the laws relating to hospital admissions and civil commitment and
58 who is authorized by the director of the department, or his designee, to serve a

59 designated geographic area or mental health facility and who has the powers,
60 duties and responsibilities provided in this chapter;

61 (12) "Mental health facility", any residential facility, public or private, or
62 any public or private hospital, which can provide evaluation, treatment and,
63 inpatient care to persons suffering from a mental disorder or mental illness and
64 which is recognized as such by the department or any outpatient treatment
65 program certified by the department of mental health. No correctional institution
66 or facility, jail, regional center or developmental disability facility shall be a
67 mental health facility within the meaning of this chapter;

68 (13) "Mental health professional", a psychiatrist, resident in psychiatry,
69 **psychiatric physician assistant, psychiatric assistant physician,**
70 **psychiatric advanced practice registered nurse,** psychologist, psychiatric
71 nurse, licensed professional counselor, or psychiatric social worker;

72 (14) "Mental health program", any public or private residential facility,
73 public or private hospital, public or private specialized service or public or private
74 day program that can provide care, treatment, rehabilitation or services, either
75 through its own staff or through contracted providers, in an inpatient or
76 outpatient setting to persons with a mental disorder or mental illness or with a
77 diagnosis of alcohol abuse or drug abuse which is recognized as such by the
78 department. No correctional institution or facility or jail may be a mental health
79 program within the meaning of this chapter;

80 (15) "Ninety-six hours" shall be construed and computed to exclude
81 Saturdays, Sundays and legal holidays which are observed either by the court or
82 by the mental health facility where the respondent is detained;

83 (16) "Peace officer", a sheriff, deputy sheriff, county or municipal police
84 officer or highway patrolman;

85 (17) **"Psychiatric advanced practice registered nurse", a**
86 **registered nurse who is currently recognized by the board of nursing**
87 **as an advanced practice registered nurse, who has at least two years of**
88 **experience in providing psychiatric treatment to individuals suffering**
89 **from mental disorders;**

90 (18) **"Psychiatric assistant physician", a licensed assistant**
91 **physician under chapter 334 and who has had at least two years of**
92 **experience as an assistant physician in providing psychiatric treatment**
93 **to individuals suffering from mental health disorders;**

94 (19) "Psychiatric nurse", a registered professional nurse who is licensed

95 under chapter 335 and who has had at least two years of experience as a
96 registered professional nurse in providing psychiatric nursing treatment to
97 individuals suffering from mental disorders;

98 [(18)] **(20) "Psychiatric physician assistant", a licensed physician**
99 **assistant under chapter 334 and who has had at least two years of**
100 **experience as a physician assistant in providing psychiatric treatment**
101 **to individuals suffering from mental health disorders or a graduate of**
102 **a postgraduate residency or fellowship for physician assistants in**
103 **psychiatry or is currently in a postgraduate physician assistant**
104 **residency or fellowship in psychiatry;**

105 **(21) "Psychiatric social worker", a person with a master's or further**
106 **advanced degree from an accredited school of social work, practicing pursuant to**
107 **chapter 337, and with a minimum of one year training or experience in providing**
108 **psychiatric care, treatment or services in a psychiatric setting to individuals**
109 **suffering from a mental disorder;**

110 [(19)] **(22) "Psychiatrist", a licensed physician who in addition has**
111 **successfully completed a training program in psychiatry approved by the**
112 **American Medical Association, the American Osteopathic Association or other**
113 **training program certified as equivalent by the department;**

114 [(20)] **(23) "Psychologist", a person licensed to practice psychology under**
115 **chapter 337 with a minimum of one year training or experience in providing**
116 **treatment or services to mentally disordered or mentally ill individuals;**

117 [(21)] **(24) "Resident in psychiatry", a licensed physician who is in a**
118 **training program in psychiatry approved by the American Medical Association,**
119 **the American Osteopathic Association or other training program certified as**
120 **equivalent by the department;**

121 [(22)] **(25) "Respondent", an individual against whom involuntary civil**
122 **detention proceedings are instituted pursuant to this chapter;**

123 [(23)] **(26) "Treatment", any effort to accomplish a significant change in**
124 **the mental or emotional conditions or the behavior of the patient consistent with**
125 **generally recognized principles or standards in the mental health professions.**

 [328.100. The board may at any time require any barber to
2 whom a certificate of registration is issued to be examined at the
3 licensee's expense by a licensed physician to ascertain if such
4 barber is free of infectious or contagious diseases and is not
5 afflicted with any physical or mental ailment which would render

6 him unfit to practice the occupation of barbering.]

Section B. The enactment of sections 337.100, 337.105, 337.110, 337.115,
2 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160,
3 and 337.165 shall become effective upon notification by the commission to the
4 revisor of statutes that seven states have adopted the psychology
5 interjurisdictional compact.

✓

Unofficial

Bill

Copy