

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 164**  
**100TH GENERAL ASSEMBLY**

0236H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 193.015, 195.100, 214.276, 256.477, 317.015, 324.008, 324.009, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.050, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.037, 334.104, 334.108, 334.414, 334.506, 334.530, 334.613, 334.616, 334.655, 334.715, 334.735, 334.736, 334.747, 334.749, 334.920, 335.046, 335.066, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035, 337.050, 337.068, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.712, 337.715, 337.730, 338.010, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.190, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 341.170, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, 436.230, 630.175, and 630.875, RSMo, and to enact in lieu thereof one hundred new sections relating to professional licensure, with penalty provisions.

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

Section A. Sections 193.015, 195.100, 214.276, 256.477, 317.015, 324.008, 324.009,  
2 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289,  
3 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.050,  
4 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.037,  
5 334.104, 334.108, 334.414, 334.506, 334.530, 334.613, 334.616, 334.655, 334.715, 334.735,  
6 334.736, 334.747, 334.749, 334.920, 335.046, 335.066, 336.030, 336.080, 336.110, 337.020,  
7 337.029, 337.035, 337.050, 337.068, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644,  
8 337.645, 337.665, 337.712, 337.715, 337.730, 338.010, 338.030, 338.055, 338.065, 338.185,  
9 339.040, 339.100, 339.190, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 341.170,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, 436.230, 630.175, and 630.875,  
11 RSMo, are repealed and one hundred new sections enacted in lieu thereof, to be known as  
12 sections 193.015, 195.100, 214.276, 256.477, 317.015, 324.009, 324.012, 324.025, 324.035,  
13 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289,  
14 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.050,  
15 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.037,  
16 334.104, 334.108, 334.414, 334.506, 334.530, 334.613, 334.616, 334.655, 334.715, 334.735,  
17 334.736, 334.747, 334.749, 334.920, 335.046, 335.066, 336.030, 336.080, 336.110, 337.020,  
18 337.029, 337.035, 337.050, 337.068, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644,  
19 337.645, 337.665, 337.712, 337.715, 337.730, 338.010, 338.030, 338.055, 338.065, 338.185,  
20 339.040, 339.100, 339.190, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 341.170,  
21 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, 436.230, 442.135, 630.175, and  
22 630.875, to read as follows:

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates  
2 otherwise, the following terms shall mean:

3 (1) "Advanced practice registered nurse", a person licensed to practice as an advanced  
4 practice registered nurse under chapter 335, and who has been delegated tasks outlined in section  
5 193.145 by a physician with whom they have entered into a collaborative practice arrangement  
6 under chapter 334;

7 (2) "Assistant physician", as such term is defined in section 334.036, and who has been  
8 delegated tasks outlined in section 193.145 by a physician with whom they have entered into a  
9 collaborative practice arrangement under chapter 334;

10 (3) "Dead body", a human body or such parts of such human body from the condition  
11 of which it reasonably may be concluded that death recently occurred;

12 (4) "Department", the department of health and senior services;

13 (5) "Final disposition", the burial, interment, cremation, removal from the state, or other  
14 authorized disposition of a dead body or fetus;

15 (6) "Institution", any establishment, public or private, which provides inpatient or  
16 outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary  
17 care, or to which persons are committed by law;

18 (7) "Live birth", the complete expulsion or extraction from its mother of a child,  
19 irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or  
20 shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or  
21 definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the  
22 placenta is attached;

23 (8) "Physician", a person authorized or licensed to practice medicine or osteopathy  
24 pursuant to chapter 334;

25 (9) "Physician assistant", a person licensed to practice as a physician assistant pursuant  
26 to chapter 334, and who has been delegated tasks outlined in section 193.145 by a physician with  
27 whom they have entered into a ~~[supervision agreement]~~ **collaborative practice arrangement**  
28 under chapter 334;

29 (10) "Spontaneous fetal death", a noninduced death prior to the complete expulsion or  
30 extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is  
31 indicated by the fact that after such expulsion or extraction the fetus does not breathe or show  
32 any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite  
33 movement of voluntary muscles;

34 (11) "State registrar", state registrar of vital statistics of the state of Missouri;

35 (12) "System of vital statistics", the registration, collection, preservation, amendment and  
36 certification of vital records; the collection of other reports required by sections 193.005 to  
37 193.325 and section 194.060; and activities related thereto including the tabulation, analysis and  
38 publication of vital statistics;

39 (13) "Vital records", certificates or reports of birth, death, marriage, dissolution of  
40 marriage and data related thereto;

41 (14) "Vital statistics", the data derived from certificates and reports of birth, death,  
42 spontaneous fetal death, marriage, dissolution of marriage and related reports.

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

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

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

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

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

214.276. 1. The division may refuse to issue or renew any license, required pursuant to  
2 sections 214.270 to 214.516 for one or any combination of causes stated in subsection 2 of this  
3 section. The division shall notify the applicant in writing of the reasons for the refusal and shall  
4 advise the applicant of his or her right to file a complaint with the administrative hearing  
5 commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing  
7 commission as provided in chapter 621 against any holder of any license, required by sections  
8 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or  
9 any combination of the following causes:

10           (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
11 an extent that such use impairs a person's ability to perform the work of any profession licensed  
12 or regulated by sections 214.270 to 214.516;

13           (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
14 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United  
15 States **or any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~  
16 ~~functions or]~~ duties ~~[of any profession licensed or regulated pursuant to sections 214.270 to~~  
17 ~~214.516, for any offense an essential element of which is fraud, dishonesty or an act of violence,~~  
18 ~~or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set**  
19 **forth in section 324.012, regardless of** whether or not sentence is imposed;

20           (3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued  
21 pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination  
22 given or required pursuant to sections 214.270 to 214.516;

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

25 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
26 in the performance of the functions or duties of any profession regulated by sections 214.270 to  
27 214.516;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
29 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to  
30 214.516;

31 (7) Impersonation of any person holding a license or allowing any person to use his or  
32 her license;

33 (8) Disciplinary action against the holder of a license or other right to practice any  
34 profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal  
35 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

38 (10) Assisting or enabling any person to practice or offer to practice any profession  
39 licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible  
40 to practice pursuant to sections 214.270 to 214.516;

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

42 (12) Failure to display a valid license;

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

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

46 (15) Willfully and through undue influence selling a burial space, cemetery services or  
47 merchandise.

48 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
49 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
50 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
51 division may singly or in combination, censure or place the person named in the complaint on  
52 probation on such terms and conditions as the division deems appropriate for a period not to  
53 exceed five years, or may suspend, or revoke the license or permit or may impose a penalty  
54 allowed by subsection 4 of section 214.410. No new license shall be issued to the owner or  
55 operator of a cemetery or to any corporation controlled by such owner for three years after the  
56 revocation of the certificate of the owner or of a corporation controlled by the owner.

57 4. The division may settle disputes arising under subsections 2 and 3 of this section by  
58 consent agreement or settlement agreement between the division and the holder of a license.  
59 Within such a settlement agreement, the division may singly or in combination impose any

60 discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of  
61 such disputes shall be entered into pursuant to the procedures set forth in section 621.045.

62 5. Use of the procedures set out in this section shall not preclude the application of any  
63 other remedy provided by this chapter.

256.477. 1. No person shall employ fraud or deceit in obtaining the certificate of  
2 registration. A violation of this subsection shall be a class B misdemeanor.

3 2. Any person found to have performed geologic work regulated under sections 256.450  
4 to 256.483 in a negligent manner shall be guilty of a class B misdemeanor.

5 3. Any person who uses the seal of a registered geologist, other than the person to whom  
6 the seal was issued, shall be guilty of a class B misdemeanor.

7 4. The board shall revoke the certification of registration for ~~[a] any person [convicted~~  
8 ~~of any felony or any crime involving moral turpitude or sentence of imprisonment or probation~~  
9 ~~in lieu thereof, or for any misdemeanor relating to or arising out of the practice of geology~~  
10 ~~affecting public health, safety and welfare]~~ **who has been finally adjudicated and found guilty,**  
11 **or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of**  
12 **any state, the United States, or any country, for any offense directly related to the duties**  
13 **and responsibilities of the occupation, as set forth in section 324.012, regardless of whether**  
14 **or not sentence is imposed.**

317.015. 1. Any person wishing to make a complaint against a licensee under sections  
2 317.001 to 317.014 shall file the written complaint with the division setting forth supporting  
3 details. If the division determines that the charges warrant a hearing to ascertain whether the  
4 licensee shall be disciplined, it shall file a complaint with the administrative hearing commission  
5 as provided in chapter 621. Any person holding more than one license issued by the division and  
6 disciplined under one license will automatically be disciplined under all licenses.

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for  
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this  
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and  
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative  
11 hearing commission as provided in chapter 621.

12 (2) The division may file a complaint with the administrative hearing commission, as  
13 provided in chapter 621, against any holder of any permit or license issued pursuant to this  
14 chapter, or against any person who has failed to renew or has surrendered their permit or license,  
15 for any one or more of the following reasons:

16 (a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195,  
17 before or during a bout;

18 (b) The person has been **finally adjudicated and** found guilty or has entered a plea of  
19 guilty or nolo contendere in a criminal prosecution under ~~[any state or federal law]~~ **the laws of**  
20 **any state, the United States, or any country** for any offense ~~[reasonably]~~ **directly** related to  
21 the ~~[qualifications, functions or]~~ **duties and responsibilities** of ~~[any profession licensed or~~  
22 ~~regulated under this chapter, for any offense an essential element of which is fraud, dishonesty~~  
23 ~~or an act of violence, or for any offense involving moral turpitude,]~~ **the occupation, as set forth**  
24 **in section 324.012, regardless of** whether or not a sentence is imposed;

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

27 (d) Providing false information on applications or medical forms;

28 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
29 in the performing of the functions or duties of any profession licensed or regulated by this  
30 chapter;

31 (f) Violating or enabling any person to violate any provision of this chapter or any rule  
32 adopted pursuant to this chapter;

33 (g) Impersonating any permit or license holder or allowing any person to use their permit  
34 or license;

35 (h) Contestants failing to put forth their best effort during a bout;

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

39 (j) A person adjudged mentally incompetent by a court of competent jurisdiction;

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

42 (l) Use of foul or abusive language or mannerisms or threats of physical harm by any  
43 person associated with any bout or contest licensed pursuant to this chapter; or

44 (m) Issuance of a permit or license based upon a mistake of fact.

45 (3) After the complaint is filed, the proceeding shall be conducted in accordance with  
46 the provisions of chapter 621. If the administrative hearing commission finds that a person has  
47 violated one or more of the grounds as provided in paragraphs (a) through (m) of subdivision (2)  
48 of this subsection, the division may censure or place the person named in the complaint on  
49 probation on appropriate terms and conditions for a period not to exceed five years, may suspend  
50 the person's license for a period not to exceed three years, or may revoke the person's license.

51 3. Upon a finding that the grounds provided in subsection 2 of this section for  
52 disciplinary action are met, the office may, singly or in combination, censure or place on  
53 probation on such terms and conditions as the office deems appropriate for a period not to exceed

54 five years, or may suspend for a period not to exceed three years or revoke the certificate, license,  
55 or permit. In any order of revocation, the office may provide that the person shall not apply for  
56 a new license for a maximum of three years and one day following the date of the order of  
57 revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or  
58 in addition to any remedy specifically provided in subsection 1 of this section, the office may  
59 require of a licensee:

60 (1) Satisfactory completion of medical testing and/or rehabilitation programs as the  
61 office may specify; and/or

62 (2) A review conducted as the office may specify and satisfactory completion of medical  
63 testing and/or rehabilitation programs as the office may specify.

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

2 (1) "License", a license, certificate, registration, permit, or accreditation that enables a  
3 person to legally practice an occupation or profession in a particular jurisdiction; except that  
4 "license" shall not include a certificate of license to teach in public schools under section  
5 168.021;

6 (2) "**Nonresident military spouse**", a **nonresident spouse of an active duty member**  
7 **of the Armed Forces of the United States who has been transferred or is scheduled to be**  
8 **transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to**  
9 **the state of Missouri on a permanent change-of-station basis;**

10 (3) "Oversight body", any board, department, agency, or office of a jurisdiction that  
11 issues licenses; except, for the purposes of this section, oversight body shall not include the state  
12 board of registration for the healing arts, the state board of nursing, the board of pharmacy, the  
13 state committee of psychologists, the Missouri dental board, the Missouri board for architects,  
14 professional engineers, professional land surveyors and professional landscape architects, the  
15 state board of optometry, or the Missouri veterinary medical board.

16 2. Any resident of Missouri **or any nonresident military spouse** who holds a valid  
17 current license issued by another state, territory of the United States, or the District of Columbia  
18 may submit an application for a license in Missouri in the same occupation or profession for  
19 which he or she holds the current license, along with **any required application fee and** proof  
20 of current licensure in ~~the~~ **all other [jurisdiction] jurisdictions**, to the relevant oversight body  
21 in this state.

22 3. The oversight body in this state shall, within ~~six months~~ **ninety days** of receiving  
23 an application described in subsection 2 of this section, waive any examination, educational, or  
24 experience requirements for licensure in this state for the applicant if it determines that the  
25 licensing requirements in the jurisdiction that issued the applicant's license are substantially

26 similar to or more stringent than the licensing requirements in Missouri for the same occupation  
27 or profession.

28 4. The oversight body shall not waive any examination, educational, or experience  
29 requirements for any applicant who is currently under disciplinary action with an oversight body  
30 outside the state or who does not hold a valid current license in the other jurisdiction on the date  
31 the oversight body receives his or her application under this section.

32 5. The oversight body shall not waive any examination, educational, or experience  
33 requirements for any applicant if it determines that waiving the requirements for the applicant  
34 may endanger the public health, safety, or welfare.

35 6. Nothing in this section shall prohibit the oversight body from denying a license to an  
36 applicant under this section for any reason described in any section associated with the  
37 occupation or profession for which the applicant seeks a license.

38 7. This section shall not be construed to waive any requirement for an applicant to pay  
39 any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license  
40 the applicant seeks.

41 8. This section shall not apply to business, professional, or occupational licenses issued  
42 or required by political subdivisions.

43 9. The provisions of this section shall not be construed to alter the authority granted by,  
44 or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts  
45 adopted by Missouri statute or any reciprocity agreements with other states [~~in effect on August~~  
46 ~~28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict~~  
47 ~~between it and any compact, or any reciprocity agreements with other states in effect on August~~  
48 ~~28, 2018]~~ **and should any conflict arise between the provisions of this section and the**  
49 **provisions of any interjurisdictional or interstate compact or reciprocity agreement, the**  
50 **provisions of such compact or agreement shall prevail. Should a conflict arise between the**  
51 **provisions of this section and any federal law or rule, the provisions of the federal law or**  
52 **rule shall prevail.**

53 **10. For the purposes of this section, nonresident military spouses shall be eligible**  
54 **to apply for a license with any board, department, agency, or office of a jurisdiction that**  
55 **issues licenses, including the state board of registration for the healing arts; the state board**  
56 **of nursing; the board of pharmacy; the state committee of psychologists; the Missouri**  
57 **dental board; the Missouri board for architects, professional engineers, professional land**  
58 **surveyors, and professional landscape architects; the state board of optometry; and the**  
59 **Missouri veterinary medical board.**

**324.012. 1. This section shall be known and may be cited as the "Fresh Start Act**  
2 **of 2019".**

3           **2. As used in this section, the following terms mean:**

4           **(1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea**  
5 **of nolo contendere;**

6           **(2) "Licensing", any required training, education, or fee to work in a specific**  
7 **occupation, profession, or activity in the state;**

8           **(3) "Licensing authority", an agency, examining board, credentialing board, or**  
9 **other office of the state with the authority to impose occupational fees or licensing**  
10 **requirements on any profession;**

11           **(4) "Political subdivision", a city, town, village, municipality, or county.**

12           **3. Notwithstanding any other provision of law, beginning January 1, 2020, no**  
13 **person shall be disqualified by a state licensing authority from pursuing, practicing, or**  
14 **engaging in any occupation for which a license is required solely or in part because of a**  
15 **prior conviction of a crime in this state or another state, unless the criminal conviction**  
16 **directly relates to the duties and responsibilities for the licensed occupation.**

17           **4. All state and political subdivision licensing authorities shall revise their existing**  
18 **licensing requirements to explicitly list the specific criminal offenses, civil penalties or**  
19 **judgments, or disciplinary actions taken by other licensing authorities that may disqualify**  
20 **an applicant from receiving a license. Such lists shall be made available to the public.**  
21 **Beginning August 28, 2019, applicants for examination of licensure who have pleaded**  
22 **guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following**  
23 **offenses or offenses of a similar nature established under the laws of this state, any other**  
24 **state, United States, or any other country, notwithstanding whether sentence is imposed,**  
25 **may be considered by state and political subdivision licensing authorities to have**  
26 **committed a criminal offense that directly relates to the duties and responsibilities of a**  
27 **licensed profession:**

28           **(1) Any dangerous felony as defined under section 556.061 or murder in the first**  
29 **degree;**

30           **(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,**  
31 **statutory rape in the first degree, statutory rape in the second degree, rape in the second**  
32 **degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the**  
33 **first degree, statutory sodomy in the second degree, child molestation in the first degree,**  
34 **child molestation in the second degree, sodomy in the second degree, deviate sexual assault,**  
35 **sexual misconduct involving a child, sexual misconduct in the first degree under section**  
36 **566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it**  
37 **existed prior to August 28, 2013, sexual abuse in the first degree, sexual abuse in the second**  
38 **degree, enticement of a child, or attempting to entice a child;**

39           **(3) Any of the following offenses against the family and related offenses: incest,**  
40 **abandonment of a child in the first degree, abandonment of a child in the second degree,**  
41 **endangering the welfare of a child in the first degree, abuse of a child, using a child in a**  
42 **sexual performance, promoting sexual performance by a child, or trafficking in children;**  
43 **and**

44           **(4) Any of the following offenses involving child pornography and related offenses:**  
45 **promoting obscenity in the first degree, promoting obscenity in the second degree when the**  
46 **penalty is enhanced to a class E felony, promoting child pornography in the first degree,**  
47 **promoting child pornography in the second degree, possession of child pornography in the**  
48 **first degree, possession of child pornography in the second degree, furnishing child**  
49 **pornography to a minor, furnishing pornographic materials to minors, or coercing**  
50 **acceptance of obscene material.**

51           **5. (1) Before January 1, 2020, each state licensing authority shall revise its existing**  
52 **licensing requirements to list the categories or specific criminal convictions that could**  
53 **disqualify an applicant from receiving a license. Licensing authorities shall not use vague**  
54 **or generic terms including, but not limited to, "moral turpitude" and "good character",**  
55 **or consider arrests without a subsequent conviction. Licensing authorities shall only list**  
56 **criminal convictions that are specific and directly related to the duties and responsibilities**  
57 **for the licensed occupation.**

58           **(2) The licensing authority shall use the clear and convincing standard of proof in**  
59 **examining the factors to determine whether an applicant with a criminal conviction listed**  
60 **under subdivision (1) of this subsection will be denied a license. The licensing authority**  
61 **shall make its determination based on the following factors:**

62           **(a) The nature and seriousness of the crime for which the individual was convicted;**

63           **(b) The passage of time since the commission of the crime, including consideration**  
64 **of the factors listed under subdivision (3) of this subsection;**

65           **(c) The relationship of the crime to the ability, capacity, and fitness required to**  
66 **perform the duties and discharge the responsibilities of the occupation; and**

67           **(d) Any evidence of rehabilitation or treatment undertaken by the individual that**  
68 **might mitigate against a direct relation.**

69           **(3) If an individual has a valid criminal conviction for a crime that could disqualify**  
70 **the individual from receiving a license, the disqualification shall not last longer than five**  
71 **years from the date of conviction, provided that the conviction is not for any crime set forth**  
72 **in subsection 4 of this section and the individual has not been convicted of any other crime**  
73 **directly related to the duties and responsibilities for the licensed occupation during the**  
74 **five-year disqualification period. If an individual was incarcerated at any time during the**

75 previous five years for a crime that could disqualify the individual from receiving a license,  
76 the disqualification may last longer than five years but shall not last longer than five years  
77 from the date the individual was incarcerated, provided that the incarceration was not for  
78 a crime set forth in subsection 4 of this section. The provisions of this subdivision shall not  
79 apply to an individual who has been exonerated for a crime for which he or she has  
80 previously been convicted of or incarcerated.

81 6. An individual with a criminal record may petition a licensing authority at any  
82 time for a determination of whether the individual's criminal record will disqualify the  
83 individual from obtaining a license. This petition shall include details on the individual's  
84 criminal record. The licensing authority shall inform the individual of his or her standing  
85 within thirty days after the licensing authority has met, but in no event more than four  
86 months after receiving the petition from the applicant. The decision shall be binding,  
87 unless the individual has subsequent criminal convictions or failed to disclose information  
88 in his or her petition. The licensing authority may charge a fee to recoup its costs not to  
89 exceed twenty-five dollars for each petition.

90 7. (1) If a licensing authority denies an individual a license solely or in part because  
91 of the individual's prior conviction of a crime, the licensing authority shall notify the  
92 individual in writing of the following:

93 (a) The grounds and reasons for the denial or disqualification;

94 (b) That the individual has the right to a hearing as provided by chapter 621 to  
95 challenge the licensing authority's decision;

96 (c) The earliest date the person may reapply for a license; and

97 (d) That evidence of rehabilitation may be considered upon reapplication.

98 (2) Any written determination by the licensing authority that an applicant's  
99 criminal conviction is a specifically listed disqualifying conviction and is directly related  
100 to the duties and responsibilities for the licensed occupation shall be documented with  
101 written findings for each of the grounds or reasons under paragraph (a) of subdivision (1)  
102 of this subsection by clear and convincing evidence sufficient for a reviewing court.

103 (3) In any administrative hearing or civil litigation authorized under this  
104 subsection, the licensing authority shall carry the burden of proof on the question of  
105 whether the applicant's criminal conviction directly relates to the occupation for which the  
106 license is sought.

107 8. The provisions of this section shall apply to any profession for which an  
108 occupational license is issued in this state, including any new occupational license created  
109 by a state licensing authority after August 28, 2019.

110           **9. Notwithstanding any other provision of law, political subdivisions shall be**  
111 **prohibited from creating any new occupational licenses after August 28, 2019. The**  
112 **provisions of this section shall not apply to business licenses where the terms "occupational**  
113 **licenses" and "business licenses" are used interchangeably in a city charter definition.**

114           **10. The provisions of this section shall not apply to peace officers or other law**  
115 **enforcement personnel licensed under the provisions of chapter 590 or to persons under**  
116 **the supervision or jurisdiction of the Missouri director of finance appointed under chapter**  
117 **361.**

118           **11. Any department with oversight over a licensing authority may promulgate all**  
119 **necessary rules and regulations for the implementation of this section. Any rule or portion**  
120 **of a rule, as that term is defined in section 536.010, that is created under the authority**  
121 **delegated in this section shall become effective only if it complies with and is subject to all**  
122 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
123 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**  
124 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
125 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
126 **any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**324.025. 1. The provisions of this section shall be known and may be cited as the**  
2 **"Expanded Workforce Access Act of 2019".**

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

4           **(1) "Apprenticeship", a program that meets the federal guidelines set out in 29**  
5 **CFR Part 29 and 29 U.S.C. Section 50;**

6           **(2) "License", a license, certificate, registration, permit, or accreditation that**  
7 **enables a person to legally practice an occupation, profession, or activity in the state;**

8           **(3) "Licensing authority", an agency, examining board, credentialing board, or**  
9 **other office of the state with the authority to impose occupational fees or licensing**  
10 **requirements on any profession.**

11           **3. Beginning January 1, 2020, within the parameters established under the federal**  
12 **Labor Standards For the Registration of Apprenticeship Programs under 29 CFR Part 29**  
13 **and 29 U.S.C. Section 50, each state licensing authority shall grant a license to any**  
14 **applicant who meets the following criteria:**

15           **(1) Successfully completed the eighth grade;**

16           **(2) Completed an apprenticeship approved by the appropriate licensing authority**  
17 **or the United States Department of Labor, or otherwise authorized under state or federal**  
18 **law. This apprenticeship may be completed under the supervision of a state-licensed**  
19 **practitioner or at a state-licensed school; and**

20           **(3) Passed the required licensure examination, if one is deemed to be necessary**  
21 **under state law.**

22           **4. (1) The appropriate licensing authority shall establish a passing score for any**  
23 **necessary examinations under the apprenticeship program which shall not exceed any**  
24 **passing scores that are otherwise required for a non-apprenticeship license for the specific**  
25 **profession.**

26           **(2) If there is no examination requirement for a non-apprenticeship license, no**  
27 **examination shall be required for applicants who complete an apprenticeship.**

28           **(3) The number of working hours required for a competency-based apprenticeship**  
29 **or a hybrid apprenticeship under 29 CFR 29.5 shall not exceed the number of educational**  
30 **hours otherwise required for a non-apprenticeship license for the specific profession.**

31           **5. Any department with oversight over a licensing authority may promulgate all**  
32 **necessary rules and regulations for the implementation of this section. Any rule or portion**  
33 **of a rule, as that term is defined in section 536.010, that is created under the authority**  
34 **delegated in this section shall become effective only if it complies with and is subject to all**  
35 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
36 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**  
37 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
38 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
39 **any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

**324.035. No board, commission, or committee within the division of professional**  
2 **registration shall utilize occupational fees, or any other fees associated with licensing**  
3 **requirements, or contract or partner with any outside vendor or agency for the purpose**  
4 **of offering continuing education classes.**

          324.086. 1. The board may refuse to issue or renew any certificate of registration or  
2 authority, permit or license required pursuant to sections 324.050 to 324.089 for one or any  
3 combination of causes stated in subsection 2 of this section. The board shall notify the applicant  
4 in writing of the reasons for the refusal and shall advise the applicant of his or her right to file  
5 a complaint with the administrative hearing commission as provided by chapter 621.

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

- 11 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,  
12 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work  
13 of an occupational therapist or occupational therapy assistant;
- 14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States  
16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
17 ~~duties [of any profession licensed or regulated by sections 324.050 to 324.089, for any offense~~  
18 ~~an essential element of which is fraud, dishonesty or an act of violence, or for any offense~~  
19 ~~involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section**  
20 **324.012, regardless of** whether or not sentence is imposed;
- 21 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
22 registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in  
23 obtaining permission to take any examination given or required pursuant to sections 324.050 to  
24 324.089;
- 25 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
26 fraud, deception or misrepresentation;
- 27 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
28 in the performance of the functions and duties of any profession licensed or regulated by sections  
29 324.050 to 324.089;
- 30 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
31 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections 324.050 to  
32 324.089;
- 33 (7) Impersonation of any person holding a certificate of registration or authority, permit  
34 or license or allowing any person to use his or her certificate of registration or authority, permit,  
35 license or diploma from any school;
- 36 (8) Disciplinary action against the holder of a license or other right to practice any  
37 profession regulated by sections 324.050 to 324.089 granted by another state, territory, federal  
38 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 39 (9) A person is finally adjudged insane or incompetent by a court of competent  
40 jurisdiction;
- 41 (10) Assisting or enabling any person to practice or offer to practice any profession  
42 licensed or regulated by sections 324.050 to 324.089 who is not registered and currently eligible  
43 to practice pursuant to sections 324.050 to 324.089;
- 44 (11) Issuance of a certificate of registration or authority, permit or license based upon  
45 a material mistake of fact;
- 46 (12) Violation of any professional trust or confidence;

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

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

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

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

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

324.217. 1. The committee may refuse to issue any license or renew any license required  
2 by the provisions of sections 324.200 to 324.225 for one or any combination of reasons stated  
3 in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the right to file a complaint with the  
5 administrative hearing commission as provided in chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided in chapter 621 against the holder of any license required by sections  
8 324.200 to 324.225 or any person who has failed to renew or has surrendered the person's license  
9 for any one or any combination of the following causes:

10 (1) Use of fraud, deception, misrepresentation or bribery in securing a license issued  
11 pursuant to the provisions of sections 324.200 to 324.225 or in obtaining permission to take the  
12 examination required pursuant to sections 324.200 to 324.225;

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

15 (3) Disciplinary action against the holder of a license or other right to practice medical  
16 nutrition therapy by another state, territory, federal agency or country upon grounds for which  
17 revocation or suspension is authorized in this state;

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

19 (5) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
20 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or the United  
21 States **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications;~~  
22 ~~functions, or~~] duties [~~of the professional who is regulated pursuant to sections 324.200 to~~  
23 ~~324.225, for any offense an essential element of which is fraud, dishonesty or act of violence;~~  
24 ~~or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set**  
25 **forth in section 324.012**, regardless of whether or not sentence is imposed;

26 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
27 in the performance of the functions or duties of the profession that is regulated by sections  
28 324.200 to 324.225;

29 (7) Violation of, or assisting or enabling any person to violate, any provision of sections  
30 324.200 to 324.225, or any lawful rule or regulation adopted pursuant to such sections;

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

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

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

37 (11) Use or unlawful possession of any controlled substance, as defined in chapter 195,  
38 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work  
39 of any profession that is licensed or regulated by sections 324.200 to 324.225;

40 (12) Violation of the drug laws or rules and regulations of this state, any other state or  
41 the federal government; or

42 (13) Violation of any professional trust or confidence.

43 3. Any person, organization, association or corporation who reports or provides  
44 information to the committee pursuant to the provisions of sections 324.200 to 324.225 and who  
45 does so in good faith shall not be subject to an action for civil damages as a result thereof.

46 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings  
47 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the  
48 administrative hearing commission that the grounds, provided in subsection 2 of this section, for  
49 disciplinary action are met, the committee may, singly or in combination, censure or place the  
50 person named in the complaint on probation on such terms and conditions as the committee  
51 deems appropriate for a period not to exceed five years, or may suspend, for a period not to  
52 exceed three years, or revoke the license of the person. An individual whose license has been  
53 revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure

54 shall be at the discretion of the committee after compliance with all requirements of sections  
55 324.200 to 324.225 relative to the licensing of an applicant for the first time.

56 5. The committee shall maintain an information file containing each complaint filed with  
57 the committee relating to a holder of a license.

58 6. The committee shall recommend for prosecution violations of sections 324.200 to  
59 324.225 to an appropriate prosecuting or circuit attorney.

324.262. 1. The board may refuse to issue, renew or reinstate any license required by  
2 sections 324.240 to 324.275 for one or any combination of causes stated in subsection 2 of this  
3 section. The board shall notify the applicant in writing of the reasons for the refusal and shall  
4 advise the applicant of his or her right to file a complaint with the administrative hearing  
5 commission as provided by chapter 621.

6 2. The board may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license issued pursuant to  
8 sections 324.240 to 324.275 or any person who has failed to renew or has surrendered his or her  
9 license for any one or any combination of the following causes:

10 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
11 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United  
12 States **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications;~~  
13 ~~functions or~~] duties [~~of the profession regulated pursuant to sections 324.240 to 324.275, for any~~  
14 ~~offense an essential element of which is fraud, dishonesty or act of violence, or for any offense~~  
15 ~~involving moral turpitude,~~] **and responsibilities of the occupation, as set forth in section**  
16 **324.012**, whether or not sentence is imposed;

17 (2) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
18 pursuant to sections 324.240 to 324.275 or in obtaining permission to take any examination  
19 given or required pursuant to sections 324.240 to 324.275;

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

22 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
23 in the performance of the functions or duties of the profession regulated by sections 324.240 to  
24 324.275;

25 (5) Violation of, or assisting or enabling any person to violate, any provision of sections  
26 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to  
27 324.275, including providing massage therapy under subdivision (7) of section 324.240 at a  
28 massage business as defined in subdivision (5) of section 324.240 that is not licensed under this  
29 chapter;

30 (6) Impersonation of any person holding a license or allowing any other person to use  
31 his or her certificate or diploma from any school;

32 (7) Disciplinary action against the holder of a license or other right to practice the  
33 profession regulated by sections 324.240 to 324.275 granted by another state, territory, federal  
34 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

37 (9) Issuance of a license based upon a material mistake of fact;

38 (10) Use of any advertisement or solicitation which is false, misleading or deceptive to  
39 the general public or persons to whom the advertisement or solicitation is primarily directed.

40 3. Any person, organization, association or corporation who reports or provides  
41 information to the division pursuant to the provisions of sections 324.240 to 324.275 and who  
42 does so in good faith and without negligence shall not be subject to an action for civil damages  
43 as a result thereof.

44 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings  
45 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the  
46 administrative hearing commission that one or more of the grounds for disciplinary action  
47 provided in subsection 2 of this section are met, the board may, singly or in combination, censure  
48 or place the person named in the complaint on probation or suspension or revoke the license of  
49 the person on such terms and conditions as the division deems appropriate.

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

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

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

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

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

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

28 3. Each license issued pursuant to the provisions of this section shall expire on its  
29 renewal date. The board shall renew any license upon:

30 (1) Application for renewal;

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

33 (3) Payment of the appropriate renewal fee.

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

40 4. An applicant who possesses the qualifications specified in subsection 2 of this section  
41 to take the examination approved by the board may be granted a provisional license to engage  
42 in the practice of massage therapy. An applicant for a provisional license shall submit proof that  
43 the applicant has applied for the examination approved by the board. A provisional license shall  
44 be valid for one year from the date of issuance and shall be deemed void upon its expiration date.  
45 A provisional licensee is prohibited from practicing massage therapy after expiration of the  
46 provisional license.

47 5. As determined by the board, students making substantial progress toward completion  
48 of their training in an approved curriculum shall be granted a student license for the purpose of  
49 practicing massage therapy on the public while under the supervision of a massage therapy  
50 instructor.

51 6. A student license may be renewed until the student completes such student's training.  
52 Upon request, the board may extend a provisional license for good cause at the discretion of the

53 board. An application for the extension of a provisional license shall be submitted to the board  
54 prior to the expiration of the provisional license.

55 7. The following practitioners are exempt from the provisions of this section upon filing  
56 written proof with the board that they meet one or more of the following:

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

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

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

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

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

71 9. Any nonresident person holding a current license, registration, or certification in  
72 massage therapy from another state or recognized national certification system determined as  
73 acceptable by the board shall be exempt from licensure as defined in this chapter when  
74 temporarily present in this state for the purpose of providing massage therapy services at special  
75 events such as conventions, sporting events, educational field trips, conferences, and traveling  
76 shows or exhibitions.

324.496. 1. The board, with recommendation by the committee, may refuse to issue,  
2 renew or reinstate any license required by sections 324.475 to 324.499 for one or any  
3 combination of causes stated in subsection 2 of this section. The board shall notify the applicant  
4 in writing of the reasons for the refusal and shall advise the applicant of his or her right to file  
5 a complaint with the administrative hearing commission as provided by chapter 621.

6 2. The board, with recommendation by the committee, may cause a complaint to be filed  
7 with the administrative hearing commission as provided by chapter 621 against any holder of any  
8 license issued pursuant to sections 324.475 to 324.499 or any person who has failed to renew or  
9 has surrendered his or her license for any one or any combination of the following causes:

10 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
11 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United  
12 States **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications~~;

13 ~~functions or] duties [of the profession regulated pursuant to sections 324.475 to 324.499, for any~~  
14 ~~offense an essential element of which is fraud, dishonesty or act of violence, or for any offense~~  
15 ~~involving moral turpitude,] and responsibilities of the occupation, as set forth in section~~  
16 **324.012**, whether or not sentence is imposed;

17 (2) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
18 pursuant to sections 324.475 to 324.499 or in obtaining permission to take any examination  
19 given or required pursuant to sections 324.475 to 324.499;

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

22 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
23 in the performance of the functions or duties of the profession regulated by sections 324.475 to  
24 324.499;

25 (5) Violation of, or assisting or enabling any person to violate, any provision of sections  
26 324.475 to 324.499, or of any lawful rule or regulation adopted pursuant to such sections;

27 (6) Impersonation of any person holding a license or allowing any person to use his or  
28 her certificate or diploma from any school or certification entity;

29 (7) Disciplinary action against the holder of a license or other right to practice the  
30 profession regulated by sections 324.475 to 324.499 granted by another state, territory, federal  
31 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

34 (9) Issuance of a license based upon a material mistake of fact;

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

37 (11) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
38 to an extent that such use impairs a person's ability to perform the work of any profession  
39 licensed or regulated by sections 324.475 to 324.499.

40 3. Any person, organization, association or corporation who reports or provides  
41 information to the division, board or committee pursuant to the provisions of sections 324.475  
42 to 324.499 and who does so in good faith and without negligence shall not be subject to an action  
43 for civil damages as a result thereof.

44 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings  
45 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the  
46 administrative hearing commission that the grounds, provided in subsection 2 of this section, for  
47 disciplinary action are met, the board may, upon recommendation of the committee, singly or in

48 combination, censure or place the person named in the complaint on probation, suspension or  
49 revoke the license of the person on such terms and conditions as the division deems appropriate.

324.523. 1. The division may refuse to issue or cause a complaint to be filed with the  
2 administrative hearing commission as provided by chapter 621 against any holder of any  
3 certificate of registration or authority, permit or license required under sections 324.520 to  
4 324.526, or any person who has failed to renew or has surrendered his or her certificate of  
5 registration or authority, permit, or license for any one or any combination of the following  
6 causes:

7 (1) Use or illegal possession of any controlled substance, as defined in chapter 195, or  
8 use of any alcoholic beverage to an extent that such use impairs a person's ability to perform the  
9 work of any profession that is licensed or regulated under sections 324.520 to 324.526;

10 (2) Final adjudication and finding of guilt, or the ~~[entrance of a]~~ plea of guilty or nolo  
11 contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or**  
12 **any country** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~  
13 duties ~~[of any profession that is licensed or regulated under sections 324.520 to 324.526, and the~~  
14 ~~regulations promulgated thereunder, for any offense an essential element of which is fraud,~~  
15 ~~dishonesty or act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities**  
16 **of the occupation, as set forth in section 324.012**, whether or not sentence is imposed;

17 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of  
18 registration or authority, permit or license required under sections 324.520 to 324.526;

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

21 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty  
22 in the performance of the functions or duties of any profession that is licensed or regulated under  
23 sections 324.520 to 324.526;

24 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
25 324.520 to 324.526, or any lawful rule or regulation adopted under sections 324.520 to 324.526;

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

29 (8) Disciplinary action against the holder of a license or other right to practice any  
30 profession regulated under sections 324.520 to 324.526 granted by another state, territory, federal  
31 agency, or country upon grounds for which revocation or suspension is authorized in this state;

32 (9) Final adjudication by a court of competent jurisdiction that a person is insane or  
33 incompetent;

34 (10) Assisting or enabling any person to practice or offer to practice any profession  
35 licensed or regulated under sections 324.520 to 324.526 who is licensed and is currently  
36 ineligible to practice under sections 324.520 to 324.526;

37 (11) Causing the division to issue a certificate of registration or authority, permit, or  
38 license based upon a material mistake of fact;

39 (12) Failure to display a valid license;

40 (13) Violation of any advertisement or solicitation that is false, misleading, or deceptive  
41 to the general public, or persons to whom the advertisement or solicitation is primarily directed;

42 (14) Failure or refusal to properly guard against contagious, infectious, or communicable  
43 diseases and the spread thereof.

44 2. After the filing of such complaint, the proceedings shall be conducted in accordance  
45 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
46 that grounds, provided in subsection 1 of this section, for disciplinary action are met, the division  
47 may, singly, or in combination, censure or place the person named in the complaint on probation  
48 on such terms and conditions as the division deems appropriate for a period not to exceed five  
49 years, or may suspend, for a period not to exceed three years, or revoke the license, certificate,  
50 or permit.

51 3. The division, acting upon its own knowledge or written or verified complaint filed by  
52 any person, may discipline a person as provided in subsections 1 or 2 of this section or the  
53 division may bring an action to enjoin any person, establishment, firm, or corporation from  
54 engaging in an occupation regulated by the provisions of sections 324.520 to 324.526, if such  
55 person, firm, or corporation without being licensed to do so by the division engages in or  
56 practices an occupation licensed under sections 324.520 to 324.526. The action shall be brought  
57 in the county in which such person resides, or, in the case of an establishment, firm, or  
58 corporation, where the establishment, firm, or corporation maintains its principal office; and  
59 unless it appears that such person, establishment, firm, or corporation so engaging or practicing  
60 such occupation is licensed, the injunction shall be issued, and such person, firm, or corporation  
61 shall be perpetually enjoined from engaging in such activities throughout the state.

324.1112. 1. The board may deny a request for a license if the applicant:

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

4 (2) Has been convicted of or entered a plea of guilty or nolo contendere ~~to a felony~~  
5 ~~offense, including the receiving of a suspended imposition of sentence following a plea or~~  
6 ~~finding of guilty to a felony offense;~~

7 ~~— (3) Has been convicted of or entered a plea of guilty or nolo contendere to a~~  
8 ~~misdemeanor offense involving moral turpitude, including receiving a suspended imposition of~~

9 sentence following a plea of guilty to a misdemeanor offense] in a criminal prosecution under  
 10 the laws of any state, or the United States, or any country, for any offense directly related  
 11 to the duties and responsibilities of the occupation, as set forth in section 324.012,  
 12 regardless of whether or not a sentence has been imposed;

13 ~~[(4)]~~ (3) Has been refused a license under sections 324.1100 to 324.1148 or had a  
 14 license revoked or denied in this state or any other state;

15 ~~[(5)]~~ (4) Has falsified or willfully misrepresented information in an employment  
 16 application, records of evidence, or in testimony under oath;

17 ~~[(6)]~~ (5) Has been dependent on or abused alcohol or drugs; or

18 ~~[(7)]~~ (6) Has used, possessed, or trafficked in any illegal substance;

19 ~~[(8)]~~ (7) While unlicensed, committed or aided and abetted the commission of any act  
 20 for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

21 ~~[(9)]~~ (8) Knowingly made any false statement in the application to the board.

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

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

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

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

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

10 ~~—— (b) Has been convicted of or entered a plea of guilty or nolo contendere to a~~  
 11 ~~misdemeanor offense involving moral turpitude, including receiving a suspended imposition of~~  
 12 ~~sentence following a plea of guilty to a misdemeanor offense] in a criminal prosecution under~~  
 13 **the laws of any state, or the United States, or any country, for any offense directly related**  
 14 **to the duties and responsibilities of the occupation, as set forth in section 324.012,**  
 15 **regardless of whether a sentence has been imposed;**

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

18 ~~[(d)]~~ (c) Has been dependent on or abused alcohol or drugs; or

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

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

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

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

326.280. 1. A license shall be granted by the board to any person who meets the  
2 requirements of this chapter and who:

3 (1) Is a resident of this state or has a place of business in this state or, as an employee,  
4 is regularly employed in this state;

5 (2) Has attained the age of eighteen years;

6 (3) ~~Is of good moral character;~~

7 ~~——(4)]~~ Either:

8 (a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate  
9 degree conferred by an accredited college or university recognized by the board, with a  
10 concentration in accounting or the substantial equivalent of a concentration in accounting as  
11 determined by the board; or

12 (b) Applied for the initial examination on or after June 30, 1999, and has at least one  
13 hundred fifty semester hours of college education, including a baccalaureate or higher degree  
14 conferred by an accredited college or university recognized by the board, with the total  
15 educational program including an accounting concentration or equivalent as determined by board  
16 rule to be appropriate;

17 ~~[(5)]~~ (4) Has passed an examination in accounting, auditing and such other related  
18 subjects as the board shall determine is appropriate; and

19 ~~[(6)]~~ (5) Has had one year of experience. Experience shall be verified by a licensee and  
20 shall include any type of service or advice involving the use of accounting, attest, compilation,  
21 management advisory, financial advisory, tax or consulting skills including governmental  
22 accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning  
23 the verifying licensee's review of the applicant's experience.

24 2. The board may prescribe by rule the terms and conditions for reexaminations and fees  
25 to be paid for reexaminations.

26 3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the  
27 laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280  
28 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections  
29 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286  
30 for renewal of licenses.

31 4. Upon application, the board may issue a temporary license to an applicant pursuant  
32 to this subsection for a person who has made a prima facie showing that the applicant meets all  
33 of the requirements for a license and possesses the experience required. The temporary license

34 shall be effective only until the board has had the opportunity to investigate the applicant's  
35 qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that  
36 the applicant's application for a license has been granted or rejected. In no event shall a  
37 temporary license be in effect for more than twelve months after the date of issuance nor shall  
38 a temporary license be reissued to the same applicant. No fee shall be charged for a temporary  
39 license. The holder of a temporary license which has not expired, been suspended or revoked  
40 shall be deemed to be the holder of a license issued pursuant to this section until the temporary  
41 license expires, is terminated, suspended or revoked.

42 5. An applicant for an examination who meets the educational requirements of  
43 subdivision (4) of subsection 1 of this section or who reasonably expects to meet those  
44 requirements within sixty days after the examination shall be eligible for examination if the  
45 applicant also meets the requirements of subdivisions (1), (2) and (3) of subsection 1 of this  
46 section. For an applicant admitted to examination on the reasonable expectation that the  
47 applicant will meet the educational requirements within sixty days, no license shall be issued nor  
48 credit for the examination or any part thereof given unless the educational requirement is in fact  
49 met within the sixty-day period.

326.289. 1. The board may grant or renew permits to practice as a certified public  
2 accounting firm to applicants that demonstrate their qualifications in accordance with this  
3 chapter.

4 (1) The following shall hold a permit issued under this chapter:

5 (a) Any firm with an office in this state, as defined by the board by rule, offering or  
6 performing attest or compilation services; or

7 (b) Any firm with an office in this state that uses the title "CPA" or "CPA firm".

8 (2) Any firm that does not have an office in this state may offer or perform attest or  
9 compilation services in this state without a valid permit only if it meets each of the following  
10 requirements:

11 (a) It complies with the qualifications described in subdivision (1) of subsection 4 of this  
12 section;

13 (b) It complies with the requirements of peer review as set forth in this chapter and the  
14 board's promulgated regulations;

15 (c) It performs such services through an individual with practice privileges under section  
16 326.283; and

17 (d) It can lawfully do so in the state where said individual with the privilege to practice  
18 has his or her principal place of business.

19 (3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this  
20 subsection may perform other nonattest or noncompilation services while using the title "CPA"  
21 or "CPA firm" in this state without a permit issued under this section only if it:

22 (a) Performs such services through an individual with the privilege to practice under  
23 section 326.283; and

24 (b) Can lawfully do so in the state where said individual with privilege to practice has  
25 his or her principal place of business.

26 (4) (a) All firms practicing public accounting in this state shall register with the  
27 secretary of state.

28 (b) Firms which may be exempt from this requirement include:

29 a. Sole proprietorships;

30 b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural  
31 person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or  
32 326.286;

33 c. General partnerships not operating as a limited liability partnership; or

34 d. Foreign professional corporations which do not meet criteria of chapter 356 due to  
35 name or ownership, shall obtain a certificate of authority as a general corporation.  
36 Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of  
37 authority to a foreign professional corporation which does not meet the criteria of chapter 356  
38 due to name or ownership, if the corporation meets the requirements of this section and the rules  
39 of the board.

40 2. Permits shall be initially issued and renewed for periods of not more than three years  
41 or for a specific period as prescribed by board rule following issuance or renewal.

42 3. The board shall determine by rule the form for application and renewal of permits and  
43 shall annually determine the fees for permits and their renewals.

44 4. An applicant for initial issuance or renewal of a permit to practice under this section  
45 shall be required to show that:

46 (1) A simple majority of the ownership of the firm, in terms of financial interests and  
47 voting rights of all partners, officers, principals, shareholders, members or managers, belongs  
48 to licensees who are licensed in some state, and the partners, officers, principals, shareholders,  
49 members or managers, whose principal place of business is in this state and who perform  
50 professional services in this state are licensees under section 326.280 or the corresponding  
51 provision of prior law. Although firms may include nonlicensee owners, the firm and its  
52 ownership shall comply with rules promulgated by the board;

53 (2) Any certified public accounting firm may include owners who are not licensees  
54 provided that:

55 (a) The firm designates a licensee of this state, or in the case of a firm which must have  
56 a permit under this section designates a licensee of another state who meets the requirements of  
57 section 326.283, who is responsible for the proper registration of the firm and identifies that  
58 individual to the board;

59 (b) All nonlicensee owners are active individual participants in the certified public  
60 accounting firm or affiliated entities; **and**

61 (c) ~~[All owners are of good moral character; and~~

62 ~~——(d)]~~ The firm complies with other requirements as the board may impose by rule;

63 (3) Any licensee who is responsible for supervising attest services, or signs or authorizes  
64 someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet  
65 competency requirements as determined by the board by rule which shall include one year of  
66 experience in addition to the experience required under subdivision (6) of subsection 1 of section  
67 326.280 and shall be verified by a licensee. The additional experience required by this  
68 subsection shall include experience in attest work supervised by a licensee.

69 5. An applicant for initial issuance or renewal of a permit to practice shall register each  
70 office of the firm within this state with the board and show that all attest and compilation  
71 services rendered in this state are under the charge of a licensee.

72 6. No licensee or firm holding a permit under this chapter shall use a professional or firm  
73 name or designation that is misleading as to:

74 (1) The legal form of the firm;

75 (2) The persons who are partners, officers, members, managers or shareholders of the  
76 firm; or

77 (3) Any other matter.

78 The names of one or more former partners, members or shareholders may be included in the  
79 name of a firm or its successor unless the firm becomes a sole proprietorship because of the  
80 death or withdrawal of all other partners, officers, members or shareholders. A firm may use a  
81 fictitious name if the fictitious name is registered with the board and is not otherwise misleading.  
82 The name of a firm shall not include the name or initials of an individual who is not a present  
83 or a past partner, member or shareholder of the firm or its predecessor. The name of the firm  
84 shall not include the name of an individual who is not a licensee.

85 7. Applicants for initial issuance or renewal of permits shall list in their application all  
86 states in which they have applied for or hold permits as certified public accounting firms and list  
87 any past denial, revocation, suspension or any discipline of a permit by any other state. Each  
88 holder of or applicant for a permit under this section shall notify the board in writing within  
89 thirty days after its occurrence of any change in the identities of partners, principals, officers,  
90 shareholders, members or managers whose principal place of business is in this state; any change

91 in the number or location of offices within this state; any change in the identity of the persons  
92 in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of  
93 a permit by any other state.

94 8. Firms which fall out of compliance with the provisions of this section due to changes  
95 in firm ownership or personnel after receiving or renewing a permit shall take corrective action  
96 to bring the firm back into compliance as quickly as possible. The board may grant a reasonable  
97 period of time for a firm to take such corrective action. Failure to bring the firm back into  
98 compliance within a reasonable period as defined by the board may result in the suspension or  
99 revocation of the firm permit.

100 9. The board shall require by rule, as a condition to the renewal of permits, that firms  
101 undergo, no more frequently than once every three years, peer reviews conducted in a manner  
102 as the board shall specify. The review shall include a verification that individuals in the firm  
103 who are responsible for supervising attest and compilation services or sign or authorize someone  
104 to sign the accountant's report on the financial statements on behalf of the firm meet the  
105 competency requirements set out in the professional standards for such services, provided that  
106 any such rule:

107 (1) Shall include reasonable provision for compliance by a firm showing that it has  
108 within the preceding three years undergone a peer review that is a satisfactory equivalent to peer  
109 review generally required under this subsection;

110 (2) May require, with respect to peer reviews, that peer reviews be subject to oversight  
111 by an oversight body established or sanctioned by board rule, which shall periodically report to  
112 the board on the effectiveness of the review program under its charge and provide to the board  
113 a listing of firms that have participated in a peer review program that is satisfactory to the board;  
114 and

115 (3) Shall require, with respect to peer reviews, that the peer review processes be operated  
116 and documents maintained in a manner designed to preserve confidentiality, and that the board  
117 or any third party other than the oversight body shall not have access to documents furnished or  
118 generated in the course of the peer review of the firm except as provided in subdivision (2) of  
119 this subsection.

120 10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the  
121 fee charged shall be substantially equivalent to the cost of oversight.

122 11. In connection with proceedings before the board or upon receipt of a complaint  
123 involving the licensee performing peer reviews, the board shall not have access to any documents  
124 furnished or generated in the course of the performance of the peer reviews except for peer  
125 review reports, letters of comment and summary review memoranda. The documents shall be

126 furnished to the board only in a redacted manner that does not specifically identify any firm or  
127 licensee being peer reviewed or any of their clients.

128           12. The peer review processes shall be operated and the documents generated thereby  
129 be maintained in a manner designed to preserve their confidentiality. No third party, other than  
130 the oversight body, the board, subject to the provisions of subsection 11 of this section, or the  
131 organization performing peer review shall have access to documents furnished or generated in  
132 the course of the review. All documents shall be privileged and closed records for all purposes  
133 and all meetings at which the documents are discussed shall be considered closed meetings under  
134 subdivision (1) of section 610.021. The proceedings, records and workpapers of the board and  
135 any peer review subjected to the board process shall be privileged and shall not be subject to  
136 discovery, subpoena or other means of legal process or introduction into evidence at any civil  
137 action, arbitration, administrative proceeding or board proceeding. No member of the board or  
138 person who is involved in the peer review process shall be permitted or required to testify in any  
139 civil action, arbitration, administrative proceeding or board proceeding as to any matters  
140 produced, presented, disclosed or discussed during or in connection with the peer review process  
141 or as to any findings, recommendations, evaluations, opinions or other actions of such  
142 committees or any of its members; provided, however, that information, documents or records  
143 that are publicly available shall not be subject to discovery or use in any civil action, arbitration,  
144 administrative proceeding or board proceeding merely because they were presented or considered  
145 in connection with the peer review process.

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

6           2. The board may file a complaint with the administrative hearing commission as  
7 provided by chapter 621 or may initiate settlement procedures as provided by section 621.045  
8 against any certified public accountant or permit holder required by this chapter or any person  
9 who fails to renew or surrenders the person's certificate, license or permit for any one or any  
10 combination of the following causes:

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

14           (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]

17 duties ~~[of any profession licensed or regulated pursuant to this chapter, for any offense an~~  
18 ~~essential element of which is fraud, dishonesty or act of violence, or for any offense involving~~  
19 ~~moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012,**  
20 **regardless of** whether or not sentence is imposed;

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

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

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

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

31 (7) Impersonation of any person holding a certificate or permit or allowing any person  
32 to use his or her certificate or permit or diploma from any school;

33 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
34 censure, probation or other final disciplinary action against the holder of or applicant for a  
35 license or other right to practice any profession regulated by this chapter by another state,  
36 territory, federal agency or country, whether voluntarily agreed to by the certified public  
37 accountant or applicant, including but not limited to the denial of licensure, surrender of a  
38 license, allowing a license to expire or lapse, or discontinuing or limiting the practice of  
39 accounting while subject to an investigation or while actually under investigation by any  
40 licensing authority, branch of the Armed Forces of the United States of America, court, agency  
41 of the state or federal government, PCAOB, or employer;

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

44 (10) Assisting or enabling any person to practice or offer to practice accountancy  
45 pursuant to this chapter who is not eligible to practice pursuant to this chapter;

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

47 (12) Failure to display a valid certificate, license, or permit required by this chapter or  
48 any rule promulgated pursuant to this chapter;

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

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

52 (15) Violation of professional standards or rules of professional conduct applicable to  
53 the accountancy profession as promulgated by the board;

54 (16) Failure to comply with any final order of a court of competent jurisdiction enforcing  
55 a subpoena or subpoena duces tecum from the board;

56 (17) Failure to comply with any final order of the board;

57 (18) Failure to maintain documentation evidencing compliance with the board's  
58 continuing professional education requirements;

59 (19) Failure, on the part of a holder of a certificate, license or permit pursuant to section  
60 326.280 or 326.289, to maintain compliance with the requirements for issuance or renewal of  
61 such certificate, license, permit or provisional license or to report changes to the board pursuant  
62 to sections 326.280 to 326.289;

63 (20) Making any false or misleading statement or verification in support of an  
64 application for a certificate, license or permit filed by another.

65 3. Proceedings pursuant to this section shall be conducted in accordance with the  
66 provisions of chapter 621. Upon a finding that the grounds provided in subsection 2 of this  
67 section for disciplinary action are met, the board may, singly or in combination, assess an  
68 administrative penalty not to exceed two thousand dollars per violation, censure or place on  
69 probation on such terms and conditions as the board deems appropriate for a period not to exceed  
70 five years, or may suspend for a period not to exceed three years or revoke the certificate, license  
71 or permit. In any order of revocation, the board may provide that the person shall not apply for  
72 a new license for a maximum of three years and one day following the date of the order of  
73 revocation. All stay orders shall toll this time period. In lieu of or in addition to any remedy  
74 specifically provided in subsection 1 of this section, the board may require of a licensee:

75 (1) A peer review conducted as the board may specify; or

76 (2) Satisfactory completion of continuing professional education programs or other  
77 training as the board may specify; or

78 (3) A peer review conducted as the board may specify and satisfactory completion of  
79 continuing professional education programs as the board may specify.

327.131. Any person may apply to the board for licensure as an architect who is over the  
2 age of twenty-one, ~~[is of good moral character,]~~ has acquired an accredited degree from an  
3 accredited degree program from a school of architecture, holds a certified Intern Development  
4 Program (IDP) record with the National Council of Architectural Registration Boards, and has  
5 taken and passed all divisions of the Architect Registration Examination.

6 327.221. Any person may apply to the board for licensure as a professional engineer  
7 ~~[who is of good moral character, and]~~ who is a graduate of and holds a degree in engineering  
8 from an accredited school of engineering, or who possesses an education which includes at the

9 minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals  
10 or exceeds the education received by a graduate of an accredited school, and has acquired at least  
11 four years of satisfactory engineering experience, after such person has graduated and has  
12 received a degree or education as provided in this section; provided that the board shall by rule  
13 provide what shall constitute satisfactory engineering experience based upon recognized  
14 education and training equivalents, but in any event such rule shall provide that no more than one  
15 year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory  
16 teaching of engineering subjects accomplished after a person has graduated from and has  
17 received a degree from an accredited school of engineering or after receiving an education as  
18 provided in this section shall count as equivalent years of satisfactory engineering experience.

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

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

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

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

21 2. The board shall issue a certificate of completion to each applicant who satisfies the  
22 requirements of the aforementioned land surveyor-in-training program and passes such  
23 examination or examinations as shall be required by the board.

327.381. The board may license, in its discretion, any architect, professional engineer,  
2 professional land surveyor, or professional landscape architect licensed in another state or  
3 territory of the United States, province of Canada, or in another country, when such applicant has

4 qualifications which are at least equivalent to the requirements for licensure as an architect,  
5 professional engineer, professional land surveyor, or professional landscape architect in this  
6 state, and provided further that the board may establish by rule the conditions under which it  
7 shall require any such applicant to take any examination it considers necessary, ~~and provided~~  
8 ~~further that the board is satisfied by proof adduced by such applicant that the applicant is of good~~  
9 ~~moral character,~~ and provided further that any such application is accompanied by the required  
10 fee.

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country**, for any offense ~~reasonably~~ **directly** related to the ~~qualifications, functions or~~  
17 ~~duties [of any profession licensed or regulated under this chapter, for any offense an essential~~  
18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
19 ~~turpitude,~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

42 (11) Issuance of a professional license or a certificate of authority based upon a material  
43 mistake of fact;

44 (12) Failure to display a valid license or certificate of authority if so required by this  
45 chapter or any rule promulgated pursuant to this chapter;

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

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

49 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
50 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
51 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
52 board may, singly or in combination, censure or place the person named in the complaint on  
53 probation on such terms and conditions as the board deems appropriate for a period not to exceed  
54 five years, or may suspend, for a period not to exceed three years, or order a civil penalty under  
55 section 327.077, or revoke the license or certificate of authority of the person named in the  
56 complaint.

327.612. Any person who ~~[is of good moral character,]~~ has attained the age of twenty-  
2 one years, and has a degree in landscape architecture from an accredited school of landscape  
3 architecture and has acquired at least three years satisfactory landscape architectural experience  
4 after acquiring such a degree may apply to the board for licensure as a professional landscape  
5 architect.

328.075. 1. Any person desiring to practice as an apprentice for barbering in this state  
2 shall apply to the board, shall be registered as an apprentice with the board, and shall pay the

3 appropriate fees prior to beginning their apprenticeship. Barber apprentices [~~shall be of good~~  
4 ~~moral character and~~] shall be at least seventeen years of age.

5         2. Any person desiring to act as an apprentice supervisor for barbering in this state shall  
6 first possess a license to practice the occupation of barbering, apply to the board, pay the  
7 appropriate fees, complete an eight-hour apprentice supervision instruction course certified by  
8 the board, and be issued a license as a barber apprentice supervisor prior to supervising barber  
9 apprentices.

10         3. The board may promulgate rules establishing the criteria for the supervision and  
11 training of barber apprentices.

12         4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
13 under the authority delegated in this section shall become effective only if it complies with and  
14 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
15 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
16 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
17 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
18 proposed or adopted after August 28, 2004, shall be invalid and void.

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

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

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

14             (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country** for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
17 duties [~~of any profession licensed or regulated under this chapter, for any offense an essential~~  
18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
19 ~~turpitude,~~] **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) They shall provide documentation of successful completion of courses approved by  
4 the board, have an education equivalent to the successful completion of the tenth grade, and be  
5 at least seventeen years of age;

6 (2) If the applicants are apprentices, they shall have served and completed, as an  
7 apprentice under the supervision of a licensed cosmetologist, the time and studies required by  
8 the board which shall be no less than three thousand hours for cosmetologists, and no less than  
9 eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics.  
10 However, when the classified occupation of manicurist is apprenticed in conjunction with the  
11 classified occupation of cosmetologist, the apprentice shall be required to successfully complete  
12 an apprenticeship of no less than a total of three thousand hours;

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

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

37           2. A person may apply to take the examination required by subsection 1 of this section  
38 if the person is a graduate of a school of cosmetology or apprentice program in another state or  
39 territory of the United States which has substantially the same requirements as an educational  
40 establishment licensed pursuant to this chapter. A person may apply to take the examination  
41 required by subsection 1 of this section if the person is a graduate of an educational  
42 establishment in a foreign country that provides training for a classified occupation of  
43 cosmetology, as defined by section 329.010, and has educational requirements that are  
44 substantially the same requirements as an educational establishment licensed under this chapter.  
45 The board has sole discretion to determine the substantial equivalency of such educational  
46 requirements. The board may require that transcripts from foreign schools be submitted for its  
47 review, and the board may require that the applicant provide an approved English translation of  
48 such transcripts.

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

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

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

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

61           (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,  
62 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,  
63 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,  
64 statutory sodomy in the second degree, child molestation in the first degree, child molestation  
65 in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct  
66 involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior  
67 to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013,  
68 sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

69           (3) Any of the following offenses against the family and related offenses: incest,  
70 abandonment of a child in the first degree, abandonment of a child in the second degree,  
71 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual  
72 performance, promoting sexual performance by a child, or trafficking in children; and

73 (4) Any of the following offenses involving child pornography and related offenses:  
74 promoting obscenity in the first degree, promoting obscenity in the second degree when the  
75 penalty is enhanced to a class E felony, promoting child pornography in the first degree,  
76 promoting child pornography in the second degree, possession of child pornography in the first  
77 degree, possession of child pornography in the second degree, furnishing child pornography to  
78 a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene  
79 material.

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
17 ~~duties [of any profession licensed or regulated under this chapter, for any offense an essential~~  
18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
19 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57 4. The board, acting upon its own knowledge or written or verified complaint filed by  
58 any person, may discipline a person as provided in subsections 1 to 3 of this section or the board  
59 may bring an action to enjoin any person, firm or corporation from engaging in an occupation  
60 regulated by the provisions of this chapter, if such person, firm or corporation without being  
61 licensed to do so by the board, engages in or practices an occupation licensed pursuant to this  
62 chapter. The action shall be brought in the county in which such person resides, or, in the case  
63 of a firm or corporation, where the firm or corporation maintains its principal office; and, unless  
64 it appears that such person, firm or corporation so engaging or practicing such occupation is

65 licensed, the injunction shall be issued, and such person, firm or corporation shall be perpetually  
66 enjoined from engaging in such activities throughout the state.

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

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

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

33 4. Each applicant shall pay upon application an application or examination fee. All  
34 moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be

35 collected by the director of the division of professional registration who shall transmit it to the  
36 department of revenue for deposit in the state treasury to the credit of the chiropractic board fund.  
37 Any person failing to pass a practical examination administered or approved by the board may  
38 be reexamined upon fulfilling such requirements, including the payment of a reexamination fee,  
39 as the board may by rule prescribe.

40         5. Every applicant for licensure by examination shall have taken and successfully passed  
41 all required and optional parts of the written examination given by the National Board of  
42 Chiropractic Examiners, including the written clinical competency examination, under such  
43 conditions as established by rule of the board, and all applicants for licensure by examination  
44 shall successfully pass a practical examination administered or approved by the board and a  
45 written examination testing the applicant's knowledge and understanding of the laws and  
46 regulations regarding the practice of chiropractic in this state. The board shall issue to each  
47 applicant who meets the standards and successful completion of the examinations, as established  
48 by rule of the board, a license to practice chiropractic. The board shall not recognize any  
49 correspondence work in any chiropractic school or college as credit for meeting the requirements  
50 of this chapter.

51         6. The board shall issue a license without examination to persons who have been  
52 regularly licensed to practice chiropractic in any foreign country, provided that the regulations  
53 for securing a license in the other country are equivalent to those required for licensure in the  
54 state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has  
55 continuously practiced chiropractic for at least one year immediately preceding the applicant's  
56 application to the board [~~and that the applicant is of good moral character~~], and upon the  
57 payment of the reciprocity license fee as established by rule of the board. The board may require  
58 an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC)  
59 administered by the National Board of Chiropractic Examiners if the requirements for securing  
60 a license in the other country are not equivalent to those required for licensure in the state of  
61 Missouri at the time application is made for licensure under this subsection.

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

65         8. A chiropractic physician currently licensed in Missouri shall apply to the board for  
66 certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each  
67 such application shall be accompanied by the required fee. The board shall establish by rule the  
68 minimum requirements for the specialty certification under this subsection. "Meridian  
69 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a  
70 patient by stimulating specific points on or within the body by various methods including but not

71 limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and  
72 short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve  
73 stimulation.

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

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

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

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
17 duties [~~of any profession licensed or regulated under this chapter, for any offense an essential~~  
18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
19 ~~turpitude,~~] **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
20 **of** whether or not sentence is imposed;

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

- 24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
25 fraud, deception or misrepresentation;
- 26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
27 in the performance of the functions or duties of any profession licensed or regulated by this  
28 chapter;
- 29 (6) Violation of, or assisting or enabling any person to violate, any provision of this  
30 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- 31 (7) Impersonation of any person holding a certificate of registration or authority, permit  
32 or license or allowing any person to use his or her certificate of registration or authority, permit,  
33 license or diploma from school;
- 34 (8) Disciplinary action against the holder of a license or other right to practice any  
35 profession regulated by this chapter granted by another state, territory, federal agency or country  
36 upon grounds for which revocation or suspension is authorized in this state;
- 37 (9) A person is finally adjudged insane or incompetent by a court of competent  
38 jurisdiction;
- 39 (10) Assisting or enabling any person to practice or offer to practice any profession  
40 licensed or regulated by this chapter who is not registered and currently eligible to practice under  
41 this chapter;
- 42 (11) Issuance of a certificate of registration or authority, permit or license based upon  
43 a material mistake of fact;
- 44 (12) Failure to display a valid certificate or license if so required by this chapter or any  
45 rule promulgated hereunder;
- 46 (13) Violation of any professional trust or confidence;
- 47 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to  
48 the general public or persons to whom the advertisement or solicitation is primarily directed.  
49 False, misleading or deceptive advertisements or solicitations shall include, but not be limited  
50 to:
- 51 (a) Promises of cure, relief from pain or other physical or mental condition, or improved  
52 physical or mental health;
- 53 (b) Any self-laudatory statement;
- 54 (c) Any misleading or deceptive statement offering or promising a free service. Nothing  
55 herein shall be construed to make it unlawful to offer a service for no charge if the offer is  
56 announced as part of a full disclosure of routine fees including consultation fees;
- 57 (d) Any misleading or deceptive claims of patient cure, relief or improved condition;  
58 superiority in service, treatment or materials; new or improved service, treatment or material, or  
59 reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use

60 any such claim if it is readily verifiable by existing documentation, data or other substantial  
61 evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation,  
62 data or evidence is misleading or deceptive;

63 (e) Failure to use the term "chiropractor", "doctor of chiropractic", "chiropractic  
64 physician", or "D.C." in any advertisement, solicitation, sign, letterhead, or any other method of  
65 addressing the public;

66 (f) Attempting to attract patronage in any manner which castigates, impugns, disparages,  
67 discredits or attacks other healing arts and sciences or other chiropractic physicians;

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

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

72 (17) Fails to maintain a chiropractic office in a safe and sanitary condition;

73 (18) Engaging in unprofessional or improper conduct in the practice of chiropractic;

74 (19) Administering or prescribing any drug or medicine or attempting to practice  
75 medicine, surgery, or osteopathy within the meaning of chapter 334;

76 (20) Being unable to practice as a chiropractic physician with reasonable skill and safety  
77 to patients because of one of the following: professional incompetency; illness, drunkenness,  
78 or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing  
79 this subdivision the board shall, after a hearing before the board, upon a finding of probable  
80 cause, require the chiropractor for the purpose of establishing his competency to practice as a  
81 chiropractic physician to submit to a reexamination, which shall be conducted in accordance with  
82 rules adopted for this purpose by the board, including rules to allow the examination of the  
83 chiropractic physician's professional competence by at least three chiropractic physicians, or to  
84 submit to a mental or physical examination or combination thereof by at least three physicians.  
85 One examiner shall be selected by the chiropractic physician compelled to take the examination,  
86 one selected by the board, and one shall be selected by the two examiners so selected. Notice  
87 of the physical or mental examination shall be given by personal service or certified mail.  
88 Failure of the chiropractic physician to submit to an examination when directed shall constitute  
89 an admission of the allegations against him, unless the failure was due to circumstances beyond  
90 his control. A chiropractic physician whose right to practice has been affected under this  
91 subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can  
92 resume competent practice with reasonable skill and safety to patients.

93 (a) In any proceeding under this subdivision, neither the record of proceedings nor the  
94 orders entered by the board shall be used against a chiropractic physician in any other

95 proceeding. Proceedings under this subdivision shall be conducted by the board without the  
96 filing of a complaint with the administrative hearing commission;

97 (b) When the board finds any person unqualified because of any of the grounds set forth  
98 in this subdivision, it may enter an order imposing one or more of the following: denying his  
99 application for a license; permanently withholding issuance of a license; administering a public  
100 or private reprimand; suspending or limiting or restricting his license to practice as a chiropractic  
101 physician for a period of not more than five years; revoking his license to practice as a  
102 chiropractic physician; requiring him to submit to the care, counseling or treatment of physicians  
103 designated by the chiropractic physician compelled to be treated. For the purpose of this  
104 subdivision, "license" includes the certificate of registration, or license, or both, issued by the  
105 board.

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

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

112 (2) May suspend the license, certificate or permit for a period not to exceed three years;  
113 or

114 (3) Revoke the license, certificate or permit.

115 4. If at any time after disciplinary sanctions have been imposed under this section or  
116 under any provision of this chapter, the licensee removes himself from the state of Missouri,  
117 ceases to be currently licensed under the provisions of this chapter, or fails to keep the Missouri  
118 state board of chiropractic examiners advised of his current place of business and residence, the  
119 time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken  
120 as any part of the time of discipline so imposed.

332.231. Any person ~~[who is of good moral character and reputation and]~~ who has  
2 satisfactorily completed a course in dental hygiene in an accredited dental hygiene school may  
3 apply to the board for examination and registration as a dental hygienist in Missouri.

332.251. 1. Each applicant for examination as a dental hygienist shall ~~[after the board  
2 has determined that he is a person of good moral character and reputation,]~~ appear before the  
3 board at the time and place specified by the board in a written notice to each such applicant. The  
4 fee accompanying the application as provided in section 332.241 shall not be refunded to any  
5 applicant who fails to appear at the time and place so specified, but the board for good cause  
6 shown, as defined by rule, may permit any applicant to take the examination or examinations at  
7 a later time without paying an additional fee.

8           2. The board shall determine and specify by rule whether dental hygienist examinations  
9 shall be written or oral or clinical or all three, but in any event the examination shall be of such  
10 form and of such content and character as to thoroughly test the qualifications of the applicant  
11 to practice as a dental hygienist in Missouri. Completion of the national board theoretical  
12 examination with scores acceptable to the board, as promulgated by rule, is a prerequisite to  
13 taking the dental hygienist examinations.

14           3. Any applicant who passes the dental hygienist examination or examinations with the  
15 average grade specified in a rule promulgated by the board shall be entitled to registration as a  
16 dental hygienist in Missouri, and shall receive a certificate of registration. Irrespective of the fact  
17 that an applicant may have made passing grades on his examinations, he shall not be entitled to  
18 a certificate of registration as a dental hygienist if the board finds that at any time prior to the  
19 issuance of the certificate the applicant has cheated on his examination or examinations, or has  
20 made false or misleading statements in any application filed for such examination with intent to  
21 deceive the board~~], or that he is not a person of good moral character and reputation].~~

22           4. The board shall determine and specify by rule the number of times an applicant may  
23 fail all or a portion of the dental hygiene examinations without completing additional education  
24 in an accredited dental hygiene school, and shall specify by rule the type and amount of  
25 additional education which shall be required of an applicant, which type and amount may vary  
26 depending upon the failed portions of the dental hygiene examinations. However, no applicant  
27 shall be refused permission to take the dental hygiene examinations twice without completing  
28 additional education, nor shall additional education be required if the applicant only fails an  
29 examination over Missouri laws.

332.281. The board shall grant without examination a certificate of registration and  
2 license to a dental hygienist who has been licensed in another state for at least two consecutive  
3 years immediately preceding his application to practice in Missouri if the board is satisfied by  
4 proof adduced by the applicant that his qualifications are at least equivalent to the requirements  
5 for initial registration as a dental hygienist in Missouri under the provisions of this chapter ~~and~~  
6 ~~that he is of good moral character and reputation];~~ provided that the board may by rule require  
7 an applicant under this section to take any examination over Missouri laws given to dental  
8 hygienist initially seeking licensure under section 332.251 and to take a practical examination  
9 if his licensure in any state was ever denied, revoked or suspended for incompetency or inability  
10 to practice in a safe manner, or if he has failed any practical examination given as a prerequisite  
11 to licensure as a dental hygienist in any state. Any such dental hygienist applying to be so  
12 registered and licensed shall accompany his application with a fee not greater than the dental  
13 hygienist examination and license fees and if registered and licensed shall renew his license as  
14 provided in section 332.261.

332.291. Any person registered and currently licensed as a dental hygienist~~[-who is of~~  
 2 ~~good moral character,]~~ who has been practicing as a dental hygienist in Missouri immediately  
 3 preceding the date of his application under the continuous supervision of a registered and  
 4 currently licensed dentist in Missouri, may apply to the board for a certificate to be signed and  
 5 attested by a designee of the board and bearing the board's seal, certifying that the holder is a  
 6 person of good moral character, that he was registered and licensed in Missouri as a dental  
 7 hygienist on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and has been practicing as a dental hygienist  
 8 continuously under the supervision of a duly registered and currently licensed dentist in Missouri  
 9 for \_\_\_\_\_ year(s) immediately preceding the date of the certificate, and that he has represented  
 10 to the board that he intends to apply to practice as a dental hygienist in the state of \_\_\_\_\_;  
 11 provided that the required fee shall accompany each application.

333.041. 1. Each applicant for a license to practice funeral directing shall furnish  
 2 evidence to establish to the satisfaction of the board that he or she is~~[-~~  
 3 ~~\_\_\_\_\_-(1)]~~ at least eighteen years of age, and possesses a high school diploma, a general  
 4 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board~~[-and~~  
 5 ~~\_\_\_\_\_-(2) A person of good moral character].~~

2. Every person desiring to enter the profession of embalming dead human bodies within  
 7 the state of Missouri and who is enrolled in a program accredited by the American Board of  
 8 Funeral Service Education, any successor organization, or other accrediting entity as approved  
 9 by the board shall register with the board as a practicum student upon the form provided by the  
 10 board. After such registration, a student may assist, under the direct supervision of Missouri  
 11 licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while  
 12 serving his or her practicum. The form for registration as a practicum student shall be  
 13 accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish  
 15 to the satisfaction of the board that he or she:

16 (1) Is at least eighteen years of age, and possesses a high school diploma, a general  
 17 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

18 (2) ~~[Is a person of good moral character;~~

19 ~~\_\_\_\_\_-(3)]~~ Has completed a funeral service education program accredited by the American  
 20 Board of Funeral Service Education, any successor organization, or other accrediting entity as  
 21 approved by the board. If an applicant does not complete all requirements for licensure within  
 22 five years from the date of his or her completion of an accredited program, his or her registration  
 23 as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to  
 24 file a new application and pay applicable fees. No previous apprenticeship shall be considered  
 25 for the new application;

26           ~~[(4)]~~ (3) Upon due examination administered by the board, is possessed of a knowledge  
27 of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration,  
28 chemistry, restorative art, together with statutes, rules and regulations governing the care,  
29 custody, shelter and disposition of dead human bodies and the transportation thereof or has  
30 passed the national board examination of the Conference of Funeral Service Examining Boards.  
31 If any applicant fails to pass the state examination, he or she may retake the examination at the  
32 next regular examination meeting. The applicant shall notify the board office of his or her desire  
33 to retake the examination at least thirty days prior to the date of the examination. Each time the  
34 examination is retaken, the applicant shall pay a new examination fee in an amount established  
35 by the board;

36           ~~[(5)]~~ (4) Has been employed full time in funeral service in a licensed funeral  
37 establishment and has personally embalmed at least twenty-five dead human bodies under the  
38 personal supervision of an embalmer who holds a current and valid Missouri embalmer's license  
39 during an apprenticeship of not less than twelve consecutive months. "Personal supervision"  
40 means that the licensed embalmer shall be physically present during the entire embalming  
41 process in the first six months of the apprenticeship period and physically present at the  
42 beginning of the embalming process and available for consultation and personal inspection  
43 within a period of not more than one hour in the remaining six months of the apprenticeship  
44 period. All transcripts and other records filed with the board shall become a part of the board  
45 files.

46           4. If the applicant does not complete the application process within the five years after  
47 his or her completion of an approved program, then he or she must file a new application and no  
48 fees paid previously shall apply toward the license fee.

49           5. Examinations required by this section and section 333.042 shall be held at least twice  
50 a year at times and places fixed by the board. The board shall by rule and regulation prescribe  
51 the standard for successful completion of the examinations.

52           6. Upon establishment of his or her qualifications as specified by this section or section  
53 333.042, the board shall issue to the applicant a license to practice funeral directing or  
54 embalming, as the case may require, and shall register the applicant as a duly licensed funeral  
55 director or a duly licensed embalmer. Any person having the qualifications required by this  
56 section and section 333.042 may be granted both a license to practice funeral directing and to  
57 practice embalming.

58           7. The board shall, upon request, waive any requirement of this chapter and issue a  
59 temporary funeral director's license, valid for six months, to the surviving spouse or next of kin  
60 or the personal representative of a licensed funeral director, or to the spouse, next of kin,

61 employee or conservator of a licensed funeral director disabled because of sickness, mental  
62 incapacity or injury.

63 **8. Upon the successful completion of an embalming apprenticeship and pending the**  
64 **successful completion of the examination as set forth in subdivision (3) of subsection 3 of**  
65 **this section, and also pending the successful completion of all other requirements for an**  
66 **embalmer's license, the applicant may continue to be employed by the funeral**  
67 **establishment where the apprenticeship took place under the terms of subdivision (4) of**  
68 **subsection 3 of this section for a period not to exceed six months or until the applicant's**  
69 **embalmer's license is issued, whichever comes first. An applicant shall not continue to**  
70 **practice as an embalmer apprentice under the provisions of this subsection without**  
71 **providing a written notice to the board to extend his or her apprenticeship registration for**  
72 **up to six months. The board shall grant the extension upon receipt of the written notice.**

333.151. 1. The state board of embalmers and funeral directors shall consist of six  
2 members, including one voting public member appointed by the governor with the advice and  
3 consent of the senate. Each member, other than the public member, appointed shall possess  
4 either a license to practice embalming or a license to practice funeral directing in this state or  
5 both said licenses and shall have been actively engaged in the practice of embalming or funeral  
6 directing for a period of five years next before his or her appointment. Each member shall be  
7 a United States citizen, a resident of this state for a period of at least one year, **and** a qualified  
8 voter of this state [~~and shall be of good moral character~~]. Not more than three members of the  
9 board shall be of the same political party. The nonpublic members shall be appointed by the  
10 governor, with the advice and consent of the senate. A majority of the members shall constitute  
11 a quorum. Members shall be appointed to represent diversity in gender, race, ethnicity, and the  
12 various geographic regions of the state.

13 2. Each member of the board shall serve for a term of five years. Any vacancy on the  
14 board shall be filled by the governor and the person appointed to fill the vacancy shall possess  
15 the qualifications required by this chapter and shall serve until the end of the unexpired term of  
16 his or her predecessor, if any.

17 3. The public member shall be at the time of his or her appointment a person who is not  
18 and never was a member of any profession licensed or regulated pursuant to this chapter or the  
19 spouse of such person; and a person who does not have and never has had a material, financial  
20 interest in either the providing of the professional services regulated by this chapter, or an  
21 activity or organization directly related to any profession licensed or regulated pursuant to this  
22 chapter. All members, including public members, shall be chosen from lists submitted by the  
23 director of the division of professional registration. The duties of the public member shall not  
24 include the determination of the technical requirements to be met for licensure or whether any

25 person meets such technical requirements or of the technical competence or technical judgment  
26 of a licensee or a candidate for licensure.

334.037. 1. A physician may enter into collaborative practice arrangements with  
2 assistant physicians. Collaborative practice arrangements shall be in the form of written  
3 agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care  
4 services. Collaborative practice arrangements, which shall be in writing, may delegate to an  
5 assistant physician the authority to administer or dispense drugs and provide treatment as long  
6 as the delivery of such health care services is within the scope of practice of the assistant  
7 physician and is consistent with that assistant physician's skill, training, and competence and the  
8 skill and training of the collaborating physician.

9 2. The written collaborative practice arrangement shall contain at least the following  
10 provisions:

11 (1) Complete names, home and business addresses, zip codes, and telephone numbers  
12 of the collaborating physician and the assistant physician;

13 (2) A list of all other offices or locations besides those listed in subdivision (1) of this  
14 subsection where the collaborating physician authorized the assistant physician to prescribe;

15 (3) A requirement that there shall be posted at every office where the assistant physician  
16 is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure  
17 statement informing patients that they may be seen by an assistant physician and have the right  
18 to see the collaborating physician;

19 (4) All specialty or board certifications of the collaborating physician and all  
20 certifications of the assistant physician;

21 (5) The manner of collaboration between the collaborating physician and the assistant  
22 physician, including how the collaborating physician and the assistant physician shall:

23 (a) Engage in collaborative practice consistent with each professional's skill, training,  
24 education, and competence;

25 (b) Maintain geographic proximity; except, the collaborative practice arrangement may  
26 allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar  
27 year for rural health clinics as defined by Pub. L. 95-210 (42 U.S.C. Section 1395x), as amended,  
28 as long as the collaborative practice arrangement includes alternative plans as required in  
29 paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to  
30 independent rural health clinics, provider-based rural health clinics if the provider is a critical  
31 access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics  
32 if the main location of the hospital sponsor is greater than fifty miles from the clinic. The  
33 collaborating physician shall maintain documentation related to such requirement and present  
34 it to the state board of registration for the healing arts when requested; and

35 (c) Provide coverage during absence, incapacity, infirmity, or emergency by the  
36 collaborating physician;

37 (6) A description of the assistant physician's controlled substance prescriptive authority  
38 in collaboration with the physician, including a list of the controlled substances the physician  
39 authorizes the assistant physician to prescribe and documentation that it is consistent with each  
40 professional's education, knowledge, skill, and competence;

41 (7) A list of all other written practice agreements of the collaborating physician and the  
42 assistant physician;

43 (8) The duration of the written practice agreement between the collaborating physician  
44 and the assistant physician;

45 (9) A description of the time and manner of the collaborating physician's review of the  
46 assistant physician's delivery of health care services. The description shall include provisions  
47 that the assistant physician shall submit a minimum of ten percent of the charts documenting the  
48 assistant physician's delivery of health care services to the collaborating physician for review by  
49 the collaborating physician, or any other physician designated in the collaborative practice  
50 arrangement, every fourteen days; and

51 (10) The collaborating physician, or any other physician designated in the collaborative  
52 practice arrangement, shall review every fourteen days a minimum of twenty percent of the  
53 charts in which the assistant physician prescribes controlled substances. The charts reviewed  
54 under this subdivision may be counted in the number of charts required to be reviewed under  
55 subdivision (9) of this subsection.

56 3. The state board of registration for the healing arts under section 334.125 shall  
57 promulgate rules regulating the use of collaborative practice arrangements for assistant  
58 physicians. Such rules shall specify:

59 (1) Geographic areas to be covered;

60 (2) The methods of treatment that may be covered by collaborative practice  
61 arrangements;

62 (3) In conjunction with deans of medical schools and primary care residency program  
63 directors in the state, the development and implementation of educational methods and programs  
64 undertaken during the collaborative practice service which shall facilitate the advancement of  
65 the assistant physician's medical knowledge and capabilities, and which may lead to credit  
66 toward a future residency program for programs that deem such documented educational  
67 achievements acceptable; and

68 (4) The requirements for review of services provided under collaborative practice  
69 arrangements, including delegating authority to prescribe controlled substances.

70

71 Any rules relating to dispensing or distribution of medications or devices by prescription or  
72 prescription drug orders under this section shall be subject to the approval of the state board of  
73 pharmacy. Any rules relating to dispensing or distribution of controlled substances by  
74 prescription or prescription drug orders under this section shall be subject to the approval of the  
75 department of health and senior services and the state board of pharmacy. The state board of  
76 registration for the healing arts shall promulgate rules applicable to assistant physicians that shall  
77 be consistent with guidelines for federally funded clinics. The rulemaking authority granted in  
78 this subsection shall not extend to collaborative practice arrangements of hospital employees  
79 providing inpatient care within hospitals as defined in chapter 197 or population-based public  
80 health services as defined by 20 CSR 2150- 5.100 as of April 30, 2008.

81 4. The state board of registration for the healing arts shall not deny, revoke, suspend, or  
82 otherwise take disciplinary action against a collaborating physician for health care services  
83 delegated to an assistant physician provided the provisions of this section and the rules  
84 promulgated thereunder are satisfied.

85 5. Within thirty days of any change and on each renewal, the state board of registration  
86 for the healing arts shall require every physician to identify whether the physician is engaged in  
87 any collaborative practice arrangement, including collaborative practice arrangements delegating  
88 the authority to prescribe controlled substances, and also report to the board the name of each  
89 assistant physician with whom the physician has entered into such arrangement. The board may  
90 make such information available to the public. The board shall track the reported information  
91 and may routinely conduct random reviews of such arrangements to ensure that arrangements  
92 are carried out for compliance under this chapter.

93 6. A collaborating physician [~~or supervising physician~~] shall not enter into a  
94 collaborative practice arrangement [~~or supervision agreement~~] with more than six full-time  
95 equivalent assistant physicians, full-time equivalent physician assistants, or full-time equivalent  
96 advance practice registered nurses, or any combination thereof. Such limitation shall not apply  
97 to collaborative arrangements of hospital employees providing inpatient care service in hospitals  
98 as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-  
99 5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia  
100 services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who  
101 is immediately available if needed as set out in subsection 7 of section 334.104.

102 7. The collaborating physician shall determine and document the completion of at least  
103 a one-month period of time during which the assistant physician shall practice with the  
104 collaborating physician continuously present before practicing in a setting where the  
105 collaborating physician is not continuously present. No rule or regulation shall require the  
106 collaborating physician to review more than ten percent of the assistant physician's patient charts

107 or records during such one-month period. Such limitation shall not apply to collaborative  
108 arrangements of providers of population-based public health services as defined by 20 CSR  
109 2150-5.100 as of April 30, 2008.

110 8. No agreement made under this section shall supersede current hospital licensing  
111 regulations governing hospital medication orders under protocols or standing orders for the  
112 purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020  
113 if such protocols or standing orders have been approved by the hospital's medical staff and  
114 pharmaceutical therapeutics committee.

115 9. No contract or other agreement shall require a physician to act as a collaborating  
116 physician for an assistant physician against the physician's will. A physician shall have the right  
117 to refuse to act as a collaborating physician, without penalty, for a particular assistant physician.  
118 No contract or other agreement shall limit the collaborating physician's ultimate authority over  
119 any protocols or standing orders or in the delegation of the physician's authority to any assistant  
120 physician, but such requirement shall not authorize a physician in implementing such protocols,  
121 standing orders, or delegation to violate applicable standards for safe medical practice  
122 established by a hospital's medical staff.

123 10. No contract or other agreement shall require any assistant physician to serve as a  
124 collaborating assistant physician for any collaborating physician against the assistant physician's  
125 will. An assistant physician shall have the right to refuse to collaborate, without penalty, with  
126 a particular physician.

127 11. All collaborating physicians and assistant physicians in collaborative practice  
128 arrangements shall wear identification badges while acting within the scope of their collaborative  
129 practice arrangement. The identification badges shall prominently display the licensure status  
130 of such collaborating physicians and assistant physicians.

131 12. (1) An assistant physician with a certificate of controlled substance prescriptive  
132 authority as provided in this section may prescribe any controlled substance listed in Schedule  
133 III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated  
134 the authority to prescribe controlled substances in a collaborative practice arrangement.  
135 Prescriptions for Schedule II medications prescribed by an assistant physician who has a  
136 certificate of controlled substance prescriptive authority are restricted to only those medications  
137 containing hydrocodone. Such authority shall be filed with the state board of registration for the  
138 healing arts. The collaborating physician shall maintain the right to limit a specific scheduled  
139 drug or scheduled drug category that the assistant physician is permitted to prescribe. Any  
140 limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall  
141 not prescribe controlled substances for themselves or members of their families. Schedule III  
142 controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day

143 supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply  
144 without refill for patients receiving medication-assisted treatment for substance use disorders  
145 under the direction of the collaborating physician. Assistant physicians who are authorized to  
146 prescribe controlled substances under this section shall register with the federal Drug  
147 Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall  
148 include the Drug Enforcement Administration registration number on prescriptions for controlled  
149 substances.

150 (2) The collaborating physician shall be responsible to determine and document the  
151 completion of at least one hundred twenty hours in a four-month period by the assistant physician  
152 during which the assistant physician shall practice with the collaborating physician on-site prior  
153 to prescribing controlled substances when the collaborating physician is not on-site. Such  
154 limitation shall not apply to assistant physicians of population-based public health services as  
155 defined in 20 CSR 2150-5.100 as of April 30, 2009, or assistant physicians providing opioid  
156 addiction treatment.

157 (3) An assistant physician shall receive a certificate of controlled substance prescriptive  
158 authority from the state board of registration for the healing arts upon verification of licensure  
159 under section 334.036.

160 13. Nothing in this section or section 334.036 shall be construed to limit the authority  
161 of hospitals or hospital medical staff to make employment or medical staff credentialing or  
162 privileging decisions.

334.104. 1. A physician may enter into collaborative practice arrangements with  
2 registered professional nurses. Collaborative practice arrangements shall be in the form of  
3 written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health  
4 care services. Collaborative practice arrangements, which shall be in writing, may delegate to  
5 a registered professional nurse the authority to administer or dispense drugs and provide  
6 treatment as long as the delivery of such health care services is within the scope of practice of  
7 the registered professional nurse and is consistent with that nurse's skill, training and  
8 competence.

9 2. Collaborative practice arrangements, which shall be in writing, may delegate to a  
10 registered professional nurse the authority to administer, dispense or prescribe drugs and provide  
11 treatment if the registered professional nurse is an advanced practice registered nurse as defined  
12 in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an  
13 advanced practice registered nurse, as defined in section 335.016, the authority to administer,  
14 dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017,  
15 and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not  
16 delegate the authority to administer any controlled substances listed in Schedules III, IV, and V

17 of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general  
18 anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled  
19 substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-  
20 hour supply without refill. Such collaborative practice arrangements shall be in the form of  
21 written agreements, jointly agreed-upon protocols or standing orders for the delivery of health  
22 care services. An advanced practice registered nurse may prescribe buprenorphine for up to a  
23 thirty-day supply without refill for patients receiving medication-assisted treatment for substance  
24 use disorders under the direction of the collaborating physician.

25 3. The written collaborative practice arrangement shall contain at least the following  
26 provisions:

27 (1) Complete names, home and business addresses, zip codes, and telephone numbers  
28 of the collaborating physician and the advanced practice registered nurse;

29 (2) A list of all other offices or locations besides those listed in subdivision (1) of this  
30 subsection where the collaborating physician authorized the advanced practice registered nurse  
31 to prescribe;

32 (3) A requirement that there shall be posted at every office where the advanced practice  
33 registered nurse is authorized to prescribe, in collaboration with a physician, a prominently  
34 displayed disclosure statement informing patients that they may be seen by an advanced practice  
35 registered nurse and have the right to see the collaborating physician;

36 (4) All specialty or board certifications of the collaborating physician and all  
37 certifications of the advanced practice registered nurse;

38 (5) The manner of collaboration between the collaborating physician and the advanced  
39 practice registered nurse, including how the collaborating physician and the advanced practice  
40 registered nurse will:

41 (a) Engage in collaborative practice consistent with each professional's skill, training,  
42 education, and competence;

43 (b) Maintain geographic proximity, except the collaborative practice arrangement may  
44 allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar  
45 year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice  
46 arrangement includes alternative plans as required in paragraph (c) of this subdivision. This  
47 exception to geographic proximity shall apply only to independent rural health clinics, provider-  
48 based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C.  
49 Section 1395i-4, and provider-based rural health clinics where the main location of the hospital  
50 sponsor is greater than fifty miles from the clinic. The collaborating physician is required to  
51 maintain documentation related to this requirement and to present it to the state board of  
52 registration for the healing arts when requested; and

53 (c) Provide coverage during absence, incapacity, infirmity, or emergency by the  
54 collaborating physician;

55 (6) A description of the advanced practice registered nurse's controlled substance  
56 prescriptive authority in collaboration with the physician, including a list of the controlled  
57 substances the physician authorizes the nurse to prescribe and documentation that it is consistent  
58 with each professional's education, knowledge, skill, and competence;

59 (7) A list of all other written practice agreements of the collaborating physician and the  
60 advanced practice registered nurse;

61 (8) The duration of the written practice agreement between the collaborating physician  
62 and the advanced practice registered nurse;

63 (9) A description of the time and manner of the collaborating physician's review of the  
64 advanced practice registered nurse's delivery of health care services. The description shall  
65 include provisions that the advanced practice registered nurse shall submit a minimum of ten  
66 percent of the charts documenting the advanced practice registered nurse's delivery of health care  
67 services to the collaborating physician for review by the collaborating physician, or any other  
68 physician designated in the collaborative practice arrangement, every fourteen days; and

69 (10) The collaborating physician, or any other physician designated in the collaborative  
70 practice arrangement, shall review every fourteen days a minimum of twenty percent of the  
71 charts in which the advanced practice registered nurse prescribes controlled substances. The  
72 charts reviewed under this subdivision may be counted in the number of charts required to be  
73 reviewed under subdivision (9) of this subsection.

74 4. The state board of registration for the healing arts pursuant to section 334.125 and the  
75 board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of  
76 collaborative practice arrangements. Such rules shall be limited to specifying geographic areas  
77 to be covered, the methods of treatment that may be covered by collaborative practice  
78 arrangements and the requirements for review of services provided pursuant to collaborative  
79 practice arrangements including delegating authority to prescribe controlled substances. Any  
80 rules relating to dispensing or distribution of medications or devices by prescription or  
81 prescription drug orders under this section shall be subject to the approval of the state board of  
82 pharmacy. Any rules relating to dispensing or distribution of controlled substances by  
83 prescription or prescription drug orders under this section shall be subject to the approval of the  
84 department of health and senior services and the state board of pharmacy. In order to take effect,  
85 such rules shall be approved by a majority vote of a quorum of each board. Neither the state  
86 board of registration for the healing arts nor the board of nursing may separately promulgate rules  
87 relating to collaborative practice arrangements. Such jointly promulgated rules shall be  
88 consistent with guidelines for federally funded clinics. The rulemaking authority granted in this

89 subsection shall not extend to collaborative practice arrangements of hospital employees  
90 providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based  
91 public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

92         5. The state board of registration for the healing arts shall not deny, revoke, suspend or  
93 otherwise take disciplinary action against a physician for health care services delegated to a  
94 registered professional nurse provided the provisions of this section and the rules promulgated  
95 thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action  
96 imposed as a result of an agreement between a physician and a registered professional nurse or  
97 registered physician assistant, whether written or not, prior to August 28, 1993, all records of  
98 such disciplinary licensure action and all records pertaining to the filing, investigation or review  
99 of an alleged violation of this chapter incurred as a result of such an agreement shall be removed  
100 from the records of the state board of registration for the healing arts and the division of  
101 professional registration and shall not be disclosed to any public or private entity seeking such  
102 information from the board or the division. The state board of registration for the healing arts  
103 shall take action to correct reports of alleged violations and disciplinary actions as described in  
104 this section which have been submitted to the National Practitioner Data Bank. In subsequent  
105 applications or representations relating to his medical practice, a physician completing forms or  
106 documents shall not be required to report any actions of the state board of registration for the  
107 healing arts for which the records are subject to removal under this section.

108         6. Within thirty days of any change and on each renewal, the state board of registration  
109 for the healing arts shall require every physician to identify whether the physician is engaged in  
110 any collaborative practice agreement, including collaborative practice agreements delegating the  
111 authority to prescribe controlled substances, or physician assistant agreement and also report to  
112 the board the name of each licensed professional with whom the physician has entered into such  
113 agreement. The board may make this information available to the public. The board shall track  
114 the reported information and may routinely conduct random reviews of such agreements to  
115 ensure that agreements are carried out for compliance under this chapter.

116         7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as  
117 defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services  
118 without a collaborative practice arrangement provided that he or she is under the supervision of  
119 an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if  
120 needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered  
121 nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a  
122 collaborative practice arrangement under this section, except that the collaborative practice  
123 arrangement may not delegate the authority to prescribe any controlled substances listed in  
124 Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

125           8. A collaborating physician [~~or supervising physician~~] shall not enter into a  
126 collaborative practice arrangement [~~or supervision agreement~~] with more than six full-time  
127 equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants,  
128 or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not  
129 apply to collaborative arrangements of hospital employees providing inpatient care service in  
130 hospitals as defined in chapter 197 or population-based public health services as defined by 20  
131 CSR 2150- 5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing  
132 anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or  
133 podiatrist who is immediately available if needed as set out in subsection 7 of this section.

134           9. It is the responsibility of the collaborating physician to determine and document the  
135 completion of at least a one-month period of time during which the advanced practice registered  
136 nurse shall practice with the collaborating physician continuously present before practicing in  
137 a setting where the collaborating physician is not continuously present. This limitation shall not  
138 apply to collaborative arrangements of providers of population-based public health services as  
139 defined by 20 CSR 2150-5.100 as of April 30, 2008.

140           10. No agreement made under this section shall supersede current hospital licensing  
141 regulations governing hospital medication orders under protocols or standing orders for the  
142 purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020  
143 if such protocols or standing orders have been approved by the hospital's medical staff and  
144 pharmaceutical therapeutics committee.

145           11. No contract or other agreement shall require a physician to act as a collaborating  
146 physician for an advanced practice registered nurse against the physician's will. A physician  
147 shall have the right to refuse to act as a collaborating physician, without penalty, for a particular  
148 advanced practice registered nurse. No contract or other agreement shall limit the collaborating  
149 physician's ultimate authority over any protocols or standing orders or in the delegation of the  
150 physician's authority to any advanced practice registered nurse, but this requirement shall not  
151 authorize a physician in implementing such protocols, standing orders, or delegation to violate  
152 applicable standards for safe medical practice established by hospital's medical staff.

153           12. No contract or other agreement shall require any advanced practice registered nurse  
154 to serve as a collaborating advanced practice registered nurse for any collaborating physician  
155 against the advanced practice registered nurse's will. An advanced practice registered nurse shall  
156 have the right to refuse to collaborate, without penalty, with a particular physician.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment  
2 through telemedicine, as defined in section 191.1145, or the internet, a physician shall establish  
3 a valid physician-patient relationship as described in section 191.1146. This relationship shall  
4 include:

- 5 (1) Obtaining a reliable medical history and performing a physical examination of the  
6 patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify  
7 underlying conditions or contraindications to the treatment recommended or provided;
- 8 (2) Having sufficient dialogue with the patient regarding treatment options and the risks  
9 and benefits of treatment or treatments;
- 10 (3) If appropriate, following up with the patient to assess the therapeutic outcome;
- 11 (4) Maintaining a contemporaneous medical record that is readily available to the patient  
12 and, subject to the patient's consent, to the patient's other health care professionals; and
- 13 (5) Maintaining the electronic prescription information as part of the patient's medical  
14 record.
- 15 2. The requirements of subsection 1 of this section may be satisfied by the prescribing  
16 physician's designee when treatment is provided in:
- 17 (1) A hospital as defined in section 197.020;
- 18 (2) A hospice program as defined in section 197.250;
- 19 (3) Home health services provided by a home health agency as defined in section  
20 197.400;
- 21 (4) Accordance with a collaborative practice agreement as defined in section 334.104;
- 22 (5) Conjunction with a physician assistant licensed pursuant to section 334.738;
- 23 (6) Conjunction with an assistant physician licensed under section 334.036;
- 24 (7) Consultation with another physician who has an ongoing physician-patient  
25 relationship with the patient, and who has agreed to supervise the patient's treatment, including  
26 use of any prescribed medications; or
- 27 (8) On-call or cross-coverage situations.
- 28 3. No health care provider, as defined in section 376.1350, shall prescribe any drug,  
29 controlled substance, or other treatment to a patient based solely on an evaluation over the  
30 telephone; except that, a physician[;] **or** such physician's on-call designee, **or** an advanced  
31 practice registered nurse, **a physician assistant, or an assistant physician** in a collaborative  
32 practice arrangement with such physician, [~~a physician assistant in a supervision agreement with  
33 such physician, or an assistant physician in a supervision agreement with such physician~~] may  
34 prescribe any drug, controlled substance, or other treatment that is within his or her scope of  
35 practice to a patient based solely on a telephone evaluation if a previously established and  
36 ongoing physician-patient relationship exists between such physician and the patient being  
37 treated.
- 38 4. No health care provider shall prescribe any drug, controlled substance, or other  
39 treatment to a patient based solely on an internet request or an internet questionnaire.

- 334.414. 1. The board shall issue a certificate of registration to any applicant that meets  
2 the qualifications for an anesthesiologist assistant and that has paid the required fees.
- 3 2. The board shall promulgate rules and regulations pertaining to:
- 4 (1) Establishing application forms to be furnished to all persons seeking registration  
5 pursuant to sections 334.400 to 334.430;
- 6 (2) Accepting certification by the National Commission on Certification of  
7 Anesthesiologist Assistants or its successor in lieu of examinations for applicants for registration  
8 pursuant to sections 334.400 to 334.430;
- 9 (3) Determining the form and design of the registration to be issued pursuant to sections  
10 334.400 to 334.430;
- 11 (4) Setting the amount of the fees for registration, licensure, and renewal pursuant to  
12 sections 334.400 to 334.430. The fees shall be set at a level to produce revenue which shall not  
13 substantially exceed the cost and expense of administering the provisions of sections 334.400  
14 to 334.430;
- 15 (5) Keeping a record of all of its proceedings regarding sections 334.400 to 334.430 and  
16 of all anesthesiologist assistants registered in this state.
- 17 No rule or portion of a rule promulgated pursuant to the authority of sections 334.400 to 334.430  
18 shall become effective unless it has been promulgated pursuant to chapter 536.
- 19 3. The board shall have the authority to:
- 20 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings  
21 to deny, suspend, or revoke registration; and
- 22 (2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400 to  
23 334.430.
- 24 4. The board may refuse to issue, suspend, revoke, or renew any certificate of registration  
25 or authority, permit, or license required pursuant to sections 334.400 to 334.430 for one or any  
26 combination of causes stated in subsection 5 of this section. The board shall notify the applicant  
27 in writing of the reasons for the refusal, suspension, or revocation and shall advise the applicant  
28 of the right to file a complaint with the administrative hearing commission as provided by  
29 chapter 621.
- 30 5. The board may cause a complaint to be filed with the administrative hearing  
31 commission as provided by chapter 621 against any holder of any certificate of registration or  
32 authority, permit, or license required pursuant to sections 334.400 to 334.430 or against any  
33 person who has failed to renew or has surrendered a certificate of registration or authority,  
34 permit, or license for any one or any combination of the following causes:

- 35 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,  
36 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work  
37 of an anesthesiologist assistant;
- 38 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
39 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
40 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions,~~  
41 ~~or~~] duties [~~of an anesthesiologist assistant, for any offense for which an essential element is~~  
42 ~~fraud, dishonesty or act of violence, or for any offense involving moral turpitude,~~] **and**  
43 **responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or  
44 not sentence is imposed;
- 45 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of  
46 registration or authority, permit or license issued pursuant to sections 334.400 to 334.430 or in  
47 obtaining permission to take any examination given or required pursuant to sections 334.400 to  
48 334.430;
- 49 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by  
50 fraud, deception, or misrepresentation;
- 51 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty  
52 in the performance of the functions and duties of an anesthesiologist assistant;
- 53 (6) Violation of, or assisting or enabling any person to violate any provision of sections  
54 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections 334.400 to  
55 334.430;
- 56 (7) Impersonation of any person holding a certificate of registration or authority, permit,  
57 or license, or allowing any person to use a certificate of registration or authority, permit, license  
58 or diploma from any school;
- 59 (8) Disciplinary action against the holder of a license or other right relating to the  
60 practice of an anesthesiologist assistant granted by another state, territory, federal agency, or  
61 country upon grounds for which revocation or suspension is authorized in this state;
- 62 (9) Final adjudication of insanity or incompetency by a court of competent jurisdiction;
- 63 (10) Assisting or enabling any person to practice or offer to practice as an  
64 anesthesiologist assistant who is not registered and currently eligible to practice pursuant to  
65 sections 334.400 to 334.430;
- 66 (11) Issuance of a certificate of registration or authority, permit, or license based upon  
67 a material mistake of fact;
- 68 (12) Violation of any professional trust or confidence;
- 69 (13) Violation of the ethical standards for an anesthesiologist assistant as defined by  
70 board rule; or

71 (14) Violation of chapter 195 or rules and regulations of this state, any other state, or the  
72 federal government.

73 6. After the filing of such complaint, the proceedings shall be conducted in accordance  
74 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
75 that the grounds, provided in subsection 5 of this section, for disciplinary action are met, the  
76 board may, singly or in combination, censure or place the person named in the complaint on  
77 probation with such terms and conditions as the board deems appropriate for a period not to  
78 exceed ten years, or suspend his or her license for a period not to exceed seven years, or revoke  
79 his or her license, certificate, or permit.

80 7. An individual whose license has been revoked shall wait at least one year from the  
81 date of revocation to apply for relicensure and shall not be eligible for a temporary license.  
82 Relicensure shall be at the discretion of the board after compliance with all requirements of  
83 sections 334.400 to 334.430.

84 8. Any person who violates any of the provisions of sections 334.400 to 334.430 is guilty  
85 of class A misdemeanor.

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

7 2. A physical therapist ~~shall not~~ **may evaluate and** initiate treatment ~~[for a new injury~~  
8 ~~or illness]~~ **on a patient** without a prescription **or referral** from an approved health care provider,  
9 **provided that the physical therapist has a doctorate of physical therapy degree or has**  
10 **completed five years of clinical practice as a physical therapist.**

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

15 4. ~~[A physical therapist may examine and treat without the prescription and direction of~~  
16 ~~an approved health care provider any person with a recurring self-limited injury within one year~~  
17 ~~of diagnosis by an approved health care provider or a chronic illness that has been previously~~  
18 ~~diagnosed by an approved health care provider. The]~~ **A physical therapist shall:**

19 (1) ~~[Contact the patient's current approved health care provider within seven days of~~  
20 ~~initiating physical therapy services under this subsection]~~ **Refer to an approved health care**

21 **provider any patient whose condition at the time of evaluation or treatment is determined**  
22 **to be beyond the scope of practice of physical therapy;**

23 (2) ~~[Not change an existing physical therapy referral available to the physical therapist~~  
24 ~~without approval of the patient's current approved health care provider]~~ **Refer to an approved**  
25 **health care provider any patient who does not demonstrate measurable or functional**  
26 **improvement after ten visits or twenty-one business days, whichever occurs first; or**

27 (3) ~~[Refer to an approved health care provider any patient whose medical condition at the~~  
28 ~~time of examination or treatment is determined to be beyond the scope of practice of physical~~  
29 ~~therapy;]~~ **Consult with an approved health care provider if, after ten visits or twenty-one**  
30 **business days, whichever occurs first, the patient has demonstrated measurable or**  
31 **functional improvement from the course of physical therapy services or treatment provided**  
32 **and the physical therapist believes that continuation of the course of physical therapy**  
33 **services or treatment is reasonable and necessary based on the physical therapist's physical**  
34 **therapy evaluation of the patient. The physical therapist shall not provide further physical**  
35 **therapy services or treatment after the ten visits or twenty-one business days until the**  
36 **consultation has occurred. No consultation with an approved health care provider is**  
37 **required if the course of physical therapy services or treatment is completed within ten**  
38 **visits or twenty-one business days. "Consult" and "consultation" for purposes of this**  
39 **provision mean communication by telephone, fax, in writing, or in person, with the**  
40 **patient's personal licensed approved health care provider or a licensed health care**  
41 **provider of the patient's designation. The consultation with the approved health care**  
42 **provider shall include information concerning the patient's condition for which physical**  
43 **therapy services or treatment were provided; the basis for the course of services or**  
44 **treatment indicated, as determined from the physical therapy evaluation of the patient; the**  
45 **physical therapy services or treatment provided to date of the consultation; the patient's**  
46 **demonstrated measurable or functional improvement from the services or treatment**  
47 **provided to the date of the consultation; the continuing physical therapy services or**  
48 **treatment proposed to be provided following the consultation; and the professional**  
49 **physical therapy basis for the continued physical therapy services or treatment to be**  
50 **provided. Continued physical therapy services or treatment under the course of services**  
51 **or treatment following the consultation with an approved health care provider shall**  
52 **proceed in accordance with any feedback, advice, opinion, or direction of the approved**  
53 **health care provider. The physical therapist shall notify the consulting approved health**  
54 **care provider of continuing physical therapy services or treatment every thirty days after**  
55 **the initial consultation unless the consulting approved health care provider directs**  
56 **otherwise.**

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

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

64 5. The provision of physical therapy services of evaluation and screening pursuant to this  
65 section shall be limited to a physical therapist, and any authority for evaluation and screening  
66 granted within this section may not be delegated. Upon each reinitiation of physical therapy  
67 services, a physical therapist shall provide a full physical therapy evaluation prior to the  
68 reinitiation of physical therapy treatment. ~~[Physical therapy treatment provided pursuant to the~~  
69 ~~provisions of subsection 4 of this section may be delegated by physical therapists to physical~~  
70 ~~therapist assistants only if the patient's current approved health care provider has been so~~  
71 ~~informed as part of the physical therapist's seven-day notification upon reinitiation of physical~~  
72 ~~therapy services as required in subsection 4 of this section.]~~ Nothing in this subsection shall be  
73 construed as to limit the ability of physical therapists or physical therapist assistants to provide  
74 physical therapy services in accordance with the provisions of this chapter, and upon the referral  
75 of an approved health care provider. Nothing in this subsection shall prohibit an approved health  
76 care provider from acting within the scope of their practice as defined by the applicable chapters  
77 of RSMo.

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

80 7. A physical therapist shall only delegate physical therapy treatment to a physical  
81 therapist assistant or to a person in an entry level of a professional education program approved  
82 by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies  
83 supervised clinical education requirements related to the person's physical therapist or physical  
84 therapist assistant education. The entry-level person shall be under the supervision of a physical  
85 therapist.

334.530. 1. A candidate for license to practice as a physical therapist shall furnish  
2 evidence of such person's ~~[good moral character and the person's]~~ educational qualifications by  
3 submitting satisfactory evidence of completion of a program of physical therapy education  
4 approved as reputable by the board. A candidate who presents satisfactory evidence of the  
5 person's graduation from a school of physical therapy approved as reputable by the American  
6 Medical Association or, if graduated before 1936, by the American Physical Therapy  
7 Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy

8 Education or its successor, is deemed to have complied with the educational qualifications of this  
9 subsection.

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

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

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

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

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

16 administrative hearing commission within the thirty-day period, the right to seek review of the  
17 board's decision shall be considered as waived.

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

22             (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
23 an extent that such use impairs a person's ability to perform the work of a physical therapist or  
24 physical therapist assistant;

25             (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
26 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
27 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions,~~  
28 ~~or~~] ~~duties [of a physical therapist or physical therapist assistant, for any offense an essential~~  
29 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
30 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
31 **of** whether or not sentence is imposed;

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

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

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

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

45                 (c) Willfully and continually performing inappropriate or unnecessary treatment or  
46 services;

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

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

- 51 (f) Performing services which have been declared by board rule to be of no physical  
52 therapy value;
- 53 (g) Final disciplinary action by any professional association, professional society,  
54 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other  
55 state or territory, whether agreed to voluntarily or not, and including but not limited to any  
56 removal, suspension, limitation, or restriction of the person's professional employment,  
57 malpractice, or any other violation of any provision of this chapter;
- 58 (h) Administering treatment without sufficient examination, or for other than medically  
59 accepted therapeutic or experimental or investigative purposes duly authorized by a state or  
60 federal agency, or not in the course of professional physical therapy practice;
- 61 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,  
62 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual  
63 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of  
64 a sexual nature with patients or clients;
- 65 (j) Terminating the care of a patient without adequate notice or without making other  
66 arrangements for the continued care of the patient;
- 67 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,  
68 other physical therapists, or hospitals upon proper request; or failing to comply with any other  
69 law relating to physical therapy records;
- 70 (l) Failure of any applicant or licensee, other than the licensee subject to the  
71 investigation, to cooperate with the board during any investigation;
- 72 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or  
73 an order of the board;
- 74 (n) Failure to timely pay license renewal fees specified in this chapter;
- 75 (o) Violating a probation agreement with this board or any other licensing agency;
- 76 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's  
77 current telephone number, residence, and business address;
- 78 (q) Advertising by an applicant or licensee which is false or misleading, or which  
79 violates any rule of the board, or which claims without substantiation the positive cure of any  
80 disease, or professional superiority to or greater skill than that possessed by any other physical  
81 therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this  
82 provision if the applicant or licensee has a financial interest in any organization, corporation, or  
83 association which issues or conducts such advertising;
- 84 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
85 physical health of a patient or the public; or incompetency, gross negligence, or repeated  
86 negligence in the performance of the functions or duties of a physical therapist or physical

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

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

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

95 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
96 censure, probation, or other final disciplinary action against a physical therapist or physical  
97 therapist assistant for a license or other right to practice as a physical therapist or physical  
98 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily  
99 agreed to by the licensee or applicant, including but not limited to the denial of licensure,  
100 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the  
101 practice of physical therapy while subject to an investigation or while actually under  
102 investigation by any licensing authority, medical facility, branch of the Armed Forces of the  
103 United States of America, insurance company, court, agency of the state or federal government,  
104 or employer;

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

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

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

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

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

117 (14) Soliciting patronage in person or by agents or representatives, or by any other means  
118 or manner, under the person's own name or under the name of another person or concern, actual  
119 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
120 necessity for or appropriateness of physical therapy services for all patients, or the qualifications  
121 of an individual person or persons to render, or perform physical therapy services;

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

127 (16) Knowingly making or causing to be made a false statement or misrepresentation of  
128 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for  
129 payment from Title XVIII or Title XIX of the Social Security Act;

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

135 (18) Any candidate for licensure or person licensed to practice as a physical therapist or  
136 physical therapist assistant paying or offering to pay a referral fee or ~~notwithstanding section~~  
137 ~~334.010 to the contrary, practicing or offering to practice professional physical therapy~~  
138 ~~independent of the prescription and direction of a person licensed and registered as a physician~~  
139 ~~and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor~~  
140 ~~under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an~~  
141 ~~advanced practice registered nurse under chapter 335, or any licensed and registered physician,~~  
142 ~~chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another~~  
143 ~~jurisdiction, whose license is in good standing] **evaluating or treating a patient in a manner**~~  
144 **inconsistent with section 334.506;**

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

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

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

152 (22) Attempting to engage in conduct that subverts or undermines the integrity of the  
153 licensing examination or the licensing examination process, including but not limited to utilizing  
154 in any manner recalled or memorized licensing examination questions from or with any person  
155 or entity, failing to comply with all test center security procedures, communicating or attempting  
156 to communicate with any other examinees during the test, or copying or sharing licensing  
157 examination questions or portions of questions;

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

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

168 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a  
169 finding of probable cause, require a physical therapist or physical therapist assistant to submit  
170 to a reexamination for the purpose of establishing his or her competency to practice as a physical  
171 therapist or physical therapist assistant conducted in accordance with rules adopted for this  
172 purpose by the board, including rules to allow the examination of the pattern and practice of such  
173 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental  
174 or physical examination or combination thereof by a facility or professional approved by the  
175 board;

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

179 (c) In addition to ordering a physical or mental examination to determine competency,  
180 the board may, notwithstanding any other law limiting access to medical or other health data,  
181 obtain medical data and health records relating to a physical therapist, physical therapist assistant  
182 or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

183 (d) Written notice of the reexamination or the physical or mental examination shall be  
184 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the  
185 physical therapist or physical therapist assistant at the physical therapist's or physical therapist  
186 assistant's last known address. Failure of a physical therapist or physical therapist assistant to  
187 submit to the examination when directed shall constitute an admission of the allegations against  
188 the physical therapist or physical therapist assistant, in which case the board may enter a final  
189 order without the presentation of evidence, unless the failure was due to circumstances beyond  
190 the physical therapist's or physical therapist assistant's control. A physical therapist or physical  
191 therapist assistant whose right to practice has been affected under this subdivision shall, at  
192 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or

193 physical therapist assistant can resume the competent practice as a physical therapist or physical  
194 therapist assistant with reasonable skill and safety to patients;

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

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

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

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

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

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

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

214 (5) Administer a public or private reprimand;

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

216 (7) Permanently withhold issuance of a license;

217 (8) Require the physical therapist or physical therapist assistant to submit to the care,  
218 counseling or treatment of physicians designated by the board at the expense of the physical  
219 therapist or physical therapist assistant to be examined;

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

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

226 5. Before restoring to good standing a license issued under this chapter which has been  
227 in a revoked, suspended, or inactive state for any cause for more than two years, the board may

228 require the applicant to attend such continuing medical education courses and pass such  
229 examinations as the board may direct.

230           6. In any investigation, hearing or other proceeding to determine a physical therapist's,  
231 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient  
232 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the  
233 board and admissible into evidence, regardless of any statutory or common law privilege which  
234 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might  
235 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,  
236 or record custodian may withhold records or testimony bearing upon a physical therapist's,  
237 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between  
238 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.616. 1. A license issued under this chapter by the Missouri state board of  
2 registration for the healing arts shall be automatically revoked at such time as the final trial  
3 proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has  
4 entered a plea of guilty or nolo contendere, in a ~~[felony]~~ criminal prosecution under the laws of  
5 ~~[the state of Missouri, the laws of any other]~~ **any** state, or the laws of the United States ~~[of~~  
6 ~~America]~~ **, or any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~  
7 ~~functions or]~~ duties ~~[of their profession, or for any felony offense, an essential element of which~~  
8 ~~is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,]~~ **and**  
9 **responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or  
10 not sentence is imposed, or, upon the final and unconditional revocation of the license to practice  
11 their profession in another state or territory upon grounds for which revocation is authorized in  
12 this state following a review of the record of the proceedings and upon a formal motion of the  
13 state board of registration for the healing arts. The license of any such licensee shall be  
14 automatically reinstated if the conviction or the revocation is ultimately set aside upon final  
15 appeal in any court of competent jurisdiction.

16           2. Anyone who has been denied a license, permit, or certificate to practice in another  
17 state shall automatically be denied a license to practice in this state. However, the board of  
18 healing arts may set up other qualifications by which such person may ultimately be qualified  
19 and licensed to practice in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall  
2 furnish evidence of the person's ~~[good moral character and of the person's]~~ educational  
3 qualifications. The educational requirements for licensure as a physical therapist assistant are:  
4           (1) A certificate of graduation from an accredited high school or its equivalent; and  
5           (2) Satisfactory evidence of completion of an associate degree program of physical  
6 therapy education accredited by the commission on accreditation of physical therapy education.

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

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

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

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

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

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

334.715. 1. The board may refuse to issue or renew any license required under sections  
2 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section  
3 or any cause listed in section 334.100. The board shall notify the applicant in writing of the  
4 reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint  
5 with the administrative hearing commission as provided in chapter 621. As an alternative to a  
6 refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion,

7 issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant  
8 for licensure for any one or any combination of causes listed in subsection 2 of this section or  
9 section 334.100. The board's order of reprimand, probation, limitation, or restriction shall  
10 contain a statement of the discipline imposed, the basis therefor, the date such action shall  
11 become effective, and a statement that the applicant has thirty days to request in writing a hearing  
12 before the administrative hearing commission. If the board issues a probationary, limited, or  
13 restricted license to an applicant for licensure, either party may file a written petition with the  
14 administrative hearing commission within thirty days of the effective date of the probationary,  
15 limited, or restricted license seeking review of the board's determination. If no written request  
16 for a hearing is received by the administrative hearing commission within the thirty-day period,  
17 the right to seek review of the board's decision shall be considered waived.

18 2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided in chapter 621 against any holder of a certificate of registration or  
20 authority, permit, or license required by sections 334.700 to 334.725 or any person who has  
21 failed to renew or has surrendered the person's certification of registration or license for any one  
22 or any combination of the following causes:

23 (1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any  
24 provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

25 (2) Has been found guilty of unethical conduct as defined in the ethical standards of the  
26 National Athletic Trainers Association or the National Athletic Trainers Association Board of  
27 Certification, or its successor agency, as adopted and published by the committee and the board  
28 and filed with the secretary of state; **except the board shall not use any determinations based**  
29 **on vague or generic terms including, but not limited to, "moral turpitude" and "good**  
30 **character", when making such determination;** or

31 (3) Any cause listed in section 334.100.

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

36 (1) Warn, censure, or place the person named in the complaint on probation on such  
37 terms and conditions as the board deems appropriate for a period not to exceed ten years; or

38 (2) Suspend the person's license, certificate, or permit for a period not to exceed three  
39 years; or

40 (3) Administer a public or private reprimand; or

41 (4) Deny the person's application for a license; or

42 (5) Permanently withhold issuance of a license or require the person to submit to the  
 43 care, counseling, or treatment of physicians designated by the board at the expense of the  
 44 individual to be examined; or

45 (6) Require the person to attend such continuing education courses and pass such  
 46 examinations as the board may direct; or

47 (7) Restrict or limit the person's license for an indefinite period of time; or

48 (8) Revoke the person's license.

49 4. In any order of revocation, the board may provide that the person shall not apply for  
 50 reinstatement of the person's license for a period of time ranging from two to seven years  
 51 following the date of the order of revocation. All stay orders shall toll such time period.

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

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

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

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

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

8 (4) **"Collaborative practice arrangement", written agreements, jointly agreed upon**  
 9 **protocols, or standing orders, all of which shall be in writing, for the delivery of health care**  
 10 **services;**

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

13 ~~[(5)]~~ (6) "License", a document issued to an applicant by the board acknowledging that  
 14 the applicant is entitled to practice as a physician assistant;

15 ~~[(6)]~~ (7) "Physician assistant", a person who has graduated from a physician assistant  
 16 program accredited by the ~~[American Medical Association's Committee on Allied Health~~  
 17 ~~Education and Accreditation or by its successor agency]~~ **Accreditation Review Commission**  
 18 **on Education for the Physician Assistant or its successor agency, prior to 2001, or the**  
 19 **Committee on Allied Health Education and Accreditation or the Commission on**  
 20 **Accreditation of Allied Health Education Programs**, who has passed the certifying  
 21 examination administered by the National Commission on Certification of Physician Assistants  
 22 and has active certification by the National Commission on Certification of Physician Assistants

23 who provides health care services delegated by a licensed physician. A person who has been  
24 employed as a physician assistant for three years prior to August 28, 1989, who has passed the  
25 National Commission on Certification of Physician Assistants examination, and has active  
26 certification of the National Commission on Certification of Physician Assistants;

27 ~~[(7)]~~ (8) "Recognition", the formal process of becoming a certifying entity as required  
28 by the provisions of sections 334.735 to 334.749;

29 ~~[(8)]~~ "Supervision", control exercised over a physician assistant working with a  
30 supervising physician and oversight of the activities of and accepting responsibility for the  
31 physician assistant's delivery of care. The physician assistant shall only practice at a location  
32 where the physician routinely provides patient care, except existing patients of the supervising  
33 physician in the patient's home and correctional facilities. The supervising physician must be  
34 immediately available in person or via telecommunication during the time the physician assistant  
35 is providing patient care. Prior to commencing practice, the supervising physician and physician  
36 assistant shall attest on a form provided by the board that the physician shall provide supervision  
37 appropriate to the physician assistant's training and that the physician assistant shall not practice  
38 beyond the physician assistant's training and experience. Appropriate supervision shall require  
39 the supervising physician to be working within the same facility as the physician assistant for at  
40 least four hours within one calendar day for every fourteen days on which the physician assistant  
41 provides patient care as described in subsection 3 of this section. Only days in which the  
42 physician assistant provides patient care as described in subsection 3 of this section shall be  
43 counted toward the fourteen-day period. The requirement of appropriate supervision shall be  
44 applied so that no more than thirteen calendar days in which a physician assistant provides  
45 patient care shall pass between the physician's four hours working within the same facility. The  
46 board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the  
47 physician assistant activity by the supervising physician and the physician assistant.

48 ~~2.~~ (1) A supervision agreement shall limit the physician assistant to practice only at  
49 locations described in subdivision (8) of subsection 1 of this section, within a geographic  
50 proximity to be determined by the board of registration for the healing arts.

51 ~~(2)~~ For a physician-physician assistant team working in a certified community behavioral  
52 health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health  
53 Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined  
54 in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended, no supervision  
55 requirements in addition to the minimum federal law shall be required.

56 ~~3.]~~ 2. The scope of practice of a physician assistant shall consist only of the following  
57 services and procedures:

58 (1) Taking patient histories;

- 59 (2) Performing physical examinations of a patient;
- 60 (3) Performing or assisting in the performance of routine office laboratory and patient  
61 screening procedures;
- 62 (4) Performing routine therapeutic procedures;
- 63 (5) Recording diagnostic impressions and evaluating situations calling for attention of  
64 a physician to institute treatment procedures;
- 65 (6) Instructing and counseling patients regarding mental and physical health using  
66 procedures reviewed and approved by a ~~[licensed]~~ **collaborating** physician;
- 67 (7) Assisting the supervising physician in institutional settings, including reviewing of  
68 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and  
69 ordering of therapies, using procedures reviewed and approved by a licensed physician;
- 70 (8) Assisting in surgery; **and**
- 71 (9) Performing such other tasks not prohibited by law under the ~~[supervision of]~~  
72 **collaborative practice arrangement with** a licensed physician as the physician~~['s]~~ assistant has  
73 been trained and is proficient to perform~~[-]; and~~  
74 ~~——(10)] .~~
- 75 3. Physician assistants shall not perform or prescribe abortions.
- 76 4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless  
77 pursuant to a ~~[physician supervision agreement]~~ **collaborative practice arrangement** in  
78 accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or  
79 correction of vision or the measurement of visual power or visual efficiency of the human eye,  
80 nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery  
81 or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician  
82 assistant shall be pursuant to a ~~[physician assistant supervision agreement]~~ **collaborative**  
83 **practice arrangement** which is specific to the clinical conditions treated by the supervising  
84 physician and the physician assistant shall be subject to the following:
- 85 (1) A physician assistant shall only prescribe controlled substances in accordance with  
86 section 334.747;
- 87 (2) The types of drugs, medications, devices or therapies prescribed by a physician  
88 assistant shall be consistent with the scopes of practice of the physician assistant and the  
89 ~~[supervising]~~ **collaborating** physician;
- 90 (3) All prescriptions shall conform with state and federal laws and regulations and shall  
91 include the name, address and telephone number of the physician assistant and the supervising  
92 physician;

93 (4) A physician assistant, or advanced practice registered nurse as defined in section  
94 335.016 may request, receive and sign for noncontrolled professional samples and may distribute  
95 professional samples to patients; and

96 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies  
97 the ~~supervising~~ **collaborating** physician is not qualified or authorized to prescribe.

98 5. A physician assistant shall clearly identify himself or herself as a physician assistant  
99 and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr."  
100 or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician  
101 assistant shall practice or attempt to practice without physician ~~supervision~~ **collaboration** or  
102 in any location where the ~~supervising~~ **collaborating** physician is not immediately available for  
103 consultation, assistance and intervention, except as otherwise provided in this section, and in an  
104 emergency situation, nor shall any physician assistant bill a patient independently or directly for  
105 any services or procedure by the physician assistant; except that, nothing in this subsection shall  
106 be construed to prohibit a physician assistant from enrolling with **a third party plan or the**  
107 department of social services as a MO HealthNet or Medicaid provider while acting under a  
108 ~~supervision agreement~~ **collaborative practice arrangement** between the physician and  
109 physician assistant.

110 6. ~~For purposes of this section, the~~ **The** licensing of physician assistants shall take  
111 place within processes established by the state board of registration for the healing arts through  
112 rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter  
113 536 establishing licensing and renewal procedures, ~~supervision, supervision agreements~~  
114 **collaboration, collaborative practice arrangements**, fees, and addressing such other matters  
115 as are necessary to protect the public and discipline the profession. An application for licensing  
116 may be denied or the license of a physician assistant may be suspended or revoked by the board  
117 in the same manner and for violation of the standards as set forth by section 334.100, or such  
118 other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to  
119 the provisions of chapter 335 shall not be required to be licensed as physician assistants. All  
120 applicants for physician assistant licensure who complete a physician assistant training program  
121 after January 1, 2008, shall have a master's degree from a physician assistant program.

122 7. ~~["Physician assistant supervision agreement" means a written agreement, jointly~~  
123 ~~agreed-upon protocols or standing order between a supervising physician and a physician~~  
124 ~~assistant, which provides for the delegation of health care services from a supervising physician~~  
125 ~~to a physician assistant and the review of such services. The agreement shall contain at least the~~  
126 ~~following provisions:~~

127 ~~——(1) Complete names, home and business addresses, zip codes, telephone numbers, and~~  
128 ~~state license numbers of the supervising physician and the physician assistant;~~

129 ~~—— (2) A list of all offices or locations where the physician routinely provides patient care,~~  
130 ~~and in which of such offices or locations the supervising physician has authorized the physician~~  
131 ~~assistant to practice;~~

132 ~~—— (3) All specialty or board certifications of the supervising physician;~~

133 ~~—— (4) The manner of supervision between the supervising physician and the physician~~  
134 ~~assistant, including how the supervising physician and the physician assistant shall:~~

135 ~~—— (a) Attest on a form provided by the board that the physician shall provide supervision~~  
136 ~~appropriate to the physician assistant's training and experience and that the physician assistant~~  
137 ~~shall not practice beyond the scope of the physician assistant's training and experience nor the~~  
138 ~~supervising physician's capabilities and training; and~~

139 ~~—— (b) Provide coverage during absence, incapacity, infirmity, or emergency by the~~  
140 ~~supervising physician;~~

141 ~~—— (5) The duration of the supervision agreement between the supervising physician and~~  
142 ~~physician assistant; and~~

143 ~~—— (6) A description of the time and manner of the supervising physician's review of the~~  
144 ~~physician assistant's delivery of health care services. Such description shall include provisions~~  
145 ~~that the supervising physician, or a designated supervising physician listed in the supervision~~  
146 ~~agreement review a minimum of ten percent of the charts of the physician assistant's delivery of~~  
147 ~~health care services every fourteen days.~~

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

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

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

160 ~~—— 11.]~~ **8. A physician may enter into collaborative practice arrangements with**  
161 **physician assistants. Collaborative practice arrangements, which shall be in writing, may**  
162 **delegate to a physician assistant the authority to prescribe, administer, or dispense drugs**  
163 **and provide treatment which is within the skill, training, and competence of the physician**  
164 **assistant. Collaborative practice arrangements may delegate to a physician assistant, as**

165 defined under section 334.735, the authority to administer, dispense, or prescribe  
166 controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule  
167 II - hydrocodone. Schedule III narcotic controlled substances and Schedule II -  
168 hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without  
169 refill. Such collaborative practice arrangements shall be in the form of a written  
170 arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health  
171 care services.

172 9. The written collaborative practice arrangement shall contain at least the  
173 following provisions:

174 (1) Complete names, home and business addresses, zip codes, and telephone  
175 numbers of the collaborating physician and the physician assistant;

176 (2) A list of all other offices or locations, other than those listed in subdivision (1)  
177 of this subsection, where the collaborating physician has authorized the physician assistant  
178 to prescribe;

179 (3) A requirement that there shall be posted at every office where the physician  
180 assistant is authorized to prescribe, in collaboration with a physician, a prominently  
181 displayed disclosure statement informing patients that they may be seen by a physician  
182 assistant and have the right to see the collaborating physician;

183 (4) All specialty or board certifications of the collaborating physician and all  
184 certifications of the physician assistant;

185 (5) The manner of collaboration between the collaborating physician and the  
186 physician assistant, including how the collaborating physician and the physician assistant  
187 will:

188 (a) Engage in collaborative practice consistent with each professional's skill,  
189 training, education, and competence;

190 (b) Maintain geographic proximity, as determined by the board of registration for  
191 the healing arts; and

192 (c) Provide coverage during absence, incapacity, infirmity, or emergency of the  
193 collaborating physician;

194 (6) A list of all other written collaborative practice arrangements of the  
195 collaborating physician and the physician assistant;

196 (7) The duration of the written practice arrangement between the collaborating  
197 physician and the physician assistant;

198 (8) A description of the time and manner of the collaborating physician's review  
199 of the physician assistant's delivery of health care services. The description shall include  
200 provisions that the physician assistant shall submit a minimum of ten percent of the charts

201 **documenting the physician assistant's delivery of health care services to the collaborating**  
202 **physician for review by the collaborating physician, or any other physician designated in**  
203 **the collaborative practice arrangement, every fourteen days. Reviews may be conducted**  
204 **electronically;**

205 **(9) The collaborating physician, or any other physician designated in the**  
206 **collaborative practice arrangement, shall review every fourteen days a minimum of twenty**  
207 **percent of the charts in which the physician assistant prescribes controlled substances. The**  
208 **charts reviewed under this subdivision may be counted in the number of charts required**  
209 **to be reviewed under subdivision (8) of this subsection; and**

210 **(10) A statement that no collaboration requirements in addition to the federal law**  
211 **shall be required for a physician-physician assistant team working in a certified**  
212 **community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic**  
213 **under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally**  
214 **qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service**  
215 **Act, as amended.**

216 **10. The state board of registration for the healing arts under section 334.125 may**  
217 **promulgate rules regulating the use of collaborative practice arrangements.**

218 **11. The state board of registration for the healing arts shall not deny, revoke,**  
219 **suspend, or otherwise take disciplinary action against a collaborating physician for health**  
220 **care services delegated to a physician assistant, provided that the provisions of this section**  
221 **and the rules promulgated thereunder are satisfied.**

222 **12. Within thirty days of any change and on each renewal, the state board of**  
223 **registration for the healing arts shall require every physician to identify whether the**  
224 **physician is engaged in any collaborative practice arrangement, including collaborative**  
225 **practice arrangements delegating the authority to prescribe controlled substances, and also**  
226 **report to the board the name of each physician assistant with whom the physician has**  
227 **entered into such arrangement. The board may make such information available to the**  
228 **public. The board shall track the reported information and may routinely conduct random**  
229 **reviews of such arrangements to ensure that the arrangements are carried out in**  
230 **compliance with this chapter.**

231 **13. The collaborating physician shall determine and document the completion of**  
232 **a period of time during which the physician assistant shall practice with the collaborating**  
233 **physician continuously present before practicing in a setting where the collaborating**  
234 **physician is not continuously present. This limitation shall not apply to collaborative**  
235 **arrangements of providers of population-based public health services as defined by 20 CSR**  
236 **2150-5.100 as of April 30, 2009.**

237 **14.** No contract or other ~~[agreement]~~ **arrangement** shall require a physician to act as a  
238 ~~[supervising]~~ **collaborating** physician for a physician assistant against the physician's will. A  
239 physician shall have the right to refuse to act as a supervising physician, without penalty, for a  
240 particular physician assistant. No contract or other agreement shall limit the ~~[supervising]~~  
241 **collaborating** physician's ultimate authority over any protocols or standing orders or in the  
242 delegation of the physician's authority to any physician assistant~~[, but this requirement shall not~~  
243 ~~authorize a physician in implementing such protocols, standing orders, or delegation to violate~~  
244 ~~applicable standards for safe medical practice established by the hospital's medical staff]~~. **No**  
245 **contract or other arrangement shall require any physician assistant to collaborate with any**  
246 **physician against the physician assistant's will. A physician assistant shall have the right**  
247 **to refuse to collaborate, without penalty, with a particular physician.**

248 ~~[12.]~~ **15.** Physician assistants shall file with the board a copy of their ~~[supervising]~~  
249 **collaborating** physician form.

250 ~~[13.]~~ **16.** No physician shall be designated to serve as ~~[supervising physician or]~~ a  
251 collaborating physician for more than six full-time equivalent licensed physician assistants, full-  
252 time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians,  
253 or any combination thereof. This limitation shall not apply to physician assistant ~~[agreements]~~  
254 **collaborative practice arrangements** of hospital employees providing inpatient care service in  
255 hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing  
256 anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or  
257 podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

258 **17. No arrangement made under this section shall supercede current hospital**  
259 **licensing regulations governing hospital medication orders under protocols or standing**  
260 **orders for the purpose of delivering inpatient or emergency care within a hospital, as**  
261 **defined in section 197.020, if such protocols or standing orders have been approved by the**  
262 **hospital's medical staff and pharmaceutical therapeutics committee.**

334.736. Notwithstanding any other provision of sections 334.735 to 334.749, the board  
2 may issue without examination a temporary license to practice as a physician assistant. Upon  
3 the applicant paying a temporary license fee and the submission of all necessary documents as  
4 determined by the board, the board may grant a temporary license to any person who meets the  
5 qualifications provided in ~~[section]~~ **sections 334.735 to 334.749** which shall be valid until the  
6 results of the next examination are announced. The temporary license may be renewed at the  
7 discretion of the board and upon payment of the temporary license fee.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive  
2 authority as provided in this section may prescribe any controlled substance listed in Schedule  
3 III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated

4 the authority to prescribe controlled substances in a ~~[supervision agreement]~~ **collaborative**  
5 **practice arrangement**. Such authority shall be listed on the ~~[supervision verification]~~  
6 **collaborating physician** form on file with the state board of healing arts. The ~~[supervising]~~  
7 **collaborating** physician shall maintain the right to limit a specific scheduled drug or scheduled  
8 drug category that the physician assistant is permitted to prescribe. Any limitations shall be  
9 listed on the ~~[supervision]~~ **collaborating physician** form. Prescriptions for Schedule II  
10 medications prescribed by a physician assistant with authority to prescribe delegated in a  
11 ~~[supervision agreement]~~ **collaborative practice arrangement** are restricted to only those  
12 medications containing hydrocodone. Physician assistants shall not prescribe controlled  
13 substances for themselves or members of their families. Schedule III controlled substances and  
14 Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill,  
15 except that buprenorphine may be prescribed for up to a thirty-day supply without refill for  
16 patients receiving medication-assisted treatment for substance use disorders under the direction  
17 of the ~~[supervising]~~ **collaborating** physician. Physician assistants who are authorized to  
18 prescribe controlled substances under this section shall register with the federal Drug  
19 Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall  
20 include the Drug Enforcement Administration registration number on prescriptions for controlled  
21 substances.

22 2. The ~~[supervising]~~ **collaborating** physician shall be responsible to determine and  
23 document the completion of at least one hundred twenty hours in a four-month period by the  
24 physician assistant during which the physician assistant shall practice with the ~~[supervising]~~  
25 **collaborating** physician on-site prior to prescribing controlled substances when the ~~[supervising]~~  
26 **collaborating** physician is not on-site. Such limitation shall not apply to physician assistants  
27 of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

28 3. A physician assistant shall receive a certificate of controlled substance prescriptive  
29 authority from the board of healing arts upon verification of the completion of the following  
30 educational requirements:

31 (1) Successful completion of an advanced pharmacology course that includes clinical  
32 training in the prescription of drugs, medicines, and therapeutic devices. A course or courses  
33 with advanced pharmacological content in a physician assistant program accredited by the  
34 Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its  
35 predecessor agency shall satisfy such requirement;

36 (2) Completion of a minimum of three hundred clock hours of clinical training by the  
37 ~~[supervising]~~ **collaborating** physician in the prescription of drugs, medicines, and therapeutic  
38 devices;

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

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

334.749. 1. There is hereby established an "Advisory Commission for Physician  
2 Assistants" which shall guide, advise and make recommendations to the board. The commission  
3 shall also be responsible for the ongoing examination of the scope of practice and promoting the  
4 continuing role of physician assistants in the delivery of health care services. The commission  
5 shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

6 2. The commission shall be appointed no later than October 1, 1996, and shall consist  
7 of five members, one member of the board, two licensed physician assistants, one physician and  
8 one lay member. The two licensed physician assistant members, the physician member and the  
9 lay member shall be appointed by the director of the division of professional registration. Each  
10 licensed physician assistant member shall be a citizen of the United States and a resident of this  
11 state, and shall be licensed as a physician assistant by this state. The physician member shall be  
12 a United States citizen, a resident of this state, have an active Missouri license to practice  
13 medicine in this state and shall be a ~~supervising~~ **collaborating** physician, at the time of  
14 appointment, to a licensed physician assistant. The lay member shall be a United States citizen  
15 and a resident of this state. The licensed physician assistant members shall be appointed to serve  
16 three-year terms, except that the first commission appointed shall consist of one member whose  
17 term shall be for one year and one member whose term shall be for two years. The physician  
18 member and lay member shall each be appointed to serve a three-year term. No physician  
19 assistant member nor the physician member shall be appointed for more than two consecutive  
20 three-year terms. The president of the Missouri Academy of Physicians Assistants in office at  
21 the time shall, at least ninety days prior to the expiration of a term of a physician assistant  
22 member of a commission member or as soon as feasible after such a vacancy on the commission  
23 otherwise occurs, submit to the director of the division of professional registration a list of five  
24 physician assistants qualified and willing to fill the vacancy in question, with the request and  
25 recommendation that the director appoint one of the five persons so listed, and with the list so

26 submitted, the president of the Missouri Academy of Physicians Assistants shall include in his  
27 or her letter of transmittal a description of the method by which the names were chosen by that  
28 association.

29 3. Notwithstanding any other provision of law to the contrary, any appointed member  
30 of the commission shall receive as compensation an amount established by the director of the  
31 division of professional registration not to exceed seventy dollars per day for commission  
32 business plus actual and necessary expenses. The director of the division of professional  
33 registration shall establish by rule guidelines for payment. All staff for the commission shall be  
34 provided by the state board of registration for the healing arts.

35 4. The commission shall hold an open annual meeting at which time it shall elect from  
36 its membership a chairman and secretary. The commission may hold such additional meetings  
37 as may be required in the performance of its duties, provided that notice of every meeting shall  
38 be given to each member at least ten days prior to the date of the meeting. A quorum of the  
39 commission shall consist of a majority of its members.

40 5. On August 28, 1998, all members of the advisory commission for registered physician  
41 assistants shall become members of the advisory commission for physician assistants and their  
42 successor shall be appointed in the same manner and at the time their terms would have expired  
43 as members of the advisory commission for registered physician assistants.

334.920. 1. The board may refuse to issue or renew any certificate of registration or  
2 authority, permit or license required pursuant to sections 334.800 to 334.930 for one or any  
3 combination of causes stated in subsection 2 of this section. The board shall notify the applicant  
4 in writing of the reasons for the refusal and shall advise the applicant of his or her right to file  
5 a complaint with the administrative hearing commission as provided by chapter 621.

6 2. The board may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any certificate of registration or  
8 authority, permit or license required by sections 334.800 to 334.930 or any person who has failed  
9 to renew or has surrendered his or her certificate of registration or authority, permit or license  
10 for any one or any combination of the following causes:

11 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,  
12 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work  
13 of a respiratory care practitioner;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
17 duties [~~of a respiratory care practitioner, for any offense an essential element is fraud, dishonesty~~]

18 ~~or act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the**  
19 **occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

20 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
21 registration or authority, permit or license issued pursuant to sections 334.800 to 334.930 or in  
22 obtaining permission to take any examination given or required pursuant to sections 334.800 to  
23 334.930;

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

26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
27 in the performance of the functions and duties of a respiratory care practitioner;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
29 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to  
30 334.930;

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

34 (8) Disciplinary action against the holder of a license or other right to practice any  
35 profession regulated by sections 334.800 to 334.930 granted by another state, territory, federal  
36 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

39 (10) Assisting or enabling any person to practice or offer to practice as a respiratory care  
40 practitioner who is not registered and currently eligible to practice pursuant to sections 334.800  
41 to 334.930;

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

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

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

47 (14) Committing unethical conduct as defined in the ethical standards for respiratory care  
48 practitioners adopted by the division and filed with the secretary of state; or

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

51 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
52 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
53 that the grounds, provided in subsection 2 of this section for disciplinary action are met, the

54 board may, singly or in combination, censure or place the person named in the complaint on  
55 probation with such terms and conditions as the board deems appropriate for a period not to  
56 exceed five years, or may suspend, for a period not to exceed three years, or may revoke the  
57 license, certificate or permit.

58 4. An individual whose license has been revoked shall wait at least one year from the  
59 date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board  
60 after compliance with all requirements of sections 334.800 to 334.930 relative to the licensing  
61 of the applicant for the first time.

62 5. Any person who violates any of the provisions of sections 334.800 to 334.930 is guilty  
63 of class A misdemeanor.

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

19 2. An applicant for license to practice as a licensed practical nurse shall submit to the  
20 board a written application on forms furnished to the applicant. The original application shall  
21 contain the applicant's statements showing the applicant's education and other such pertinent  
22 information as the board may require. Such applicant shall ~~[be of good moral character, and]~~  
23 have completed at least two years of high school, or its equivalent as established by the state  
24 board of education, and have successfully completed a basic prescribed curriculum in a state-  
25 accredited or approved school of nursing, earned a nursing degree, certificate or diploma and  
26 completed a course approved by the board on the role of the practical nurse. Each application

27 shall contain a statement that it is made under oath or affirmation and that its representations are  
28 true and correct to the best knowledge and belief of the person signing same, subject to the  
29 penalties of making a false affidavit or declaration. Applicants from non-English-speaking  
30 countries shall be required to submit evidence of their proficiency in the English language. The  
31 applicant must be approved by the board and shall pass an examination as required by the board.  
32 The board may require by rule as a requirement for licensure that each applicant shall pass an  
33 oral or practical examination. Upon successfully passing the examination, the board may issue  
34 to the applicant a license to practice as a licensed practical nurse. The applicant for a license to  
35 practice licensed practical nursing shall pay a fee in such amount as may be set by the board.  
36 The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed  
37 as prescribed by rule.

38 3. Upon refusal of the board to allow any applicant to sit for either the registered  
39 professional nurses' examination or the licensed practical nurses' examination, as the case may  
40 be, the board shall comply with the provisions of section 621.120 and advise the applicant of his  
41 or her right to have a hearing before the administrative hearing commission. The administrative  
42 hearing commission shall hear complaints taken pursuant to section 621.120.

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

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

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

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

19 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
20 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United  
21 States, **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications;~~  
22 ~~functions or~~] duties [~~of any profession licensed or regulated pursuant to sections 335.011 to~~  
23 ~~335.096, for any offense an essential element of which is fraud, dishonesty or act of violence,~~  
24 ~~or for any offense involving moral turpitude,~~] **and responsibilities of the occupation, as set**  
25 **forth in section 324.012, regardless of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

- 54 (h) Failure of any applicant or licensee to cooperate with the board during any  
55 investigation;
- 56 (i) Failure to comply with any subpoena or subpoena duces tecum from the board or an  
57 order of the board;
- 58 (j) Failure to timely pay license renewal fees specified in this chapter;
- 59 (k) Violating a probation agreement, order, or other settlement agreement with this board  
60 or any other licensing agency;
- 61 (l) Failing to inform the board of the nurse's current residence within thirty days of  
62 changing residence;
- 63 (m) Any other conduct that is unethical or unprofessional involving a minor;
- 64 (n) A departure from or failure to conform to nursing standards;
- 65 (o) Failure to establish, maintain, or communicate professional boundaries with the  
66 patient. A nurse may provide health care services to a person with whom the nurse has a  
67 personal relationship as long as the nurse otherwise meets the standards of the profession;
- 68 (p) Violating the confidentiality or privacy rights of the patient, resident, or client;
- 69 (q) Failing to assess, accurately document, or report the status of a patient, resident, or  
70 client, or falsely assessing, documenting, or reporting the status of a patient, resident, or client;
- 71 (r) Intentionally or negligently causing physical or emotional harm to a patient, resident,  
72 or client;
- 73 (s) Failing to furnish appropriate details of a patient's, client's, or resident's nursing needs  
74 to succeeding nurses legally qualified to provide continuing nursing services to a patient, client,  
75 or resident;
- 76 (7) Violation of, or assisting or enabling any person to violate, any provision of sections  
77 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to  
78 335.096;
- 79 (8) Impersonation of any person holding a certificate of registration or authority, permit  
80 or license or allowing any person to use his or her certificate of registration or authority, permit,  
81 license or diploma from any school;
- 82 (9) Disciplinary action against the holder of a license or other right to practice any  
83 profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal  
84 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 85 (10) A person is finally adjudged insane or incompetent by a court of competent  
86 jurisdiction;
- 87 (11) Assisting or enabling any person to practice or offer to practice any profession  
88 licensed or regulated by sections 335.011 to 335.096 who is not registered and currently eligible  
89 to practice pursuant to sections 335.011 to 335.096;

- 90           (12) Issuance of a certificate of registration or authority, permit or license based upon  
91 a material mistake of fact;
- 92           (13) Violation of any professional trust or confidence;
- 93           (14) Use of any advertisement or solicitation which is false, misleading or deceptive to  
94 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 95           (15) Violation of the drug laws or rules and regulations of this state, any other state or  
96 the federal government;
- 97           (16) Placement on an employee disqualification list or other related restriction or finding  
98 pertaining to employment within a health-related profession issued by any state or federal  
99 government or agency following final disposition by such state or federal government or agency;
- 100          (17) Failure to successfully complete the intervention or alternative program for  
101 substance use disorder;
- 102          (18) Knowingly making or causing to be made a false statement or misrepresentation of  
103 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or  
104 chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare program;
- 105          (19) Failure or refusal to properly guard against contagious, infectious, or communicable  
106 diseases or the spread thereof; maintaining an unsanitary office or performing professional  
107 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
108 in the office of a physician or in any health care facility to the board, in writing, within thirty  
109 days after the discovery thereof;
- 110          (20) A pattern of personal use or consumption of any controlled substance or any  
111 substance which requires a prescription unless it is prescribed, dispensed, or administered by a  
112 provider who is authorized by law to do so or a pattern of abuse of any prescription medication;
- 113          (21) Habitual intoxication or dependence on alcohol, evidence of which may include  
114 more than one alcohol-related enforcement contact as defined by section 302.525;
- 115          (22) Failure to comply with a treatment program or an aftercare program entered into as  
116 part of a board order, settlement agreement, or licensee's professional health program;
- 117          (23) Failure to submit to a drug or alcohol screening when requested by an employer or  
118 by the board. Failure to submit to a drug or alcohol screening shall create the presumption that  
119 the test would have been positive for a drug for which the individual did not have a prescription  
120 in a drug screening or positive for alcohol in an alcohol screening;
- 121          (24) Adjudged by a court in need of a guardian or conservator, or both, obtaining a  
122 guardian or conservator, or both, and who has not been restored to capacity;
- 123          (25) Diversion or attempting to divert any medication, controlled substance, or medical  
124 supplies;

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

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

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

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

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

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

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

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

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

- 160 (1) Engaging in sexual conduct as defined in section 566.010, with a patient who is not  
161 the licensee's spouse, regardless of whether the patient consented;
- 162 (2) Engaging in sexual misconduct with a minor or person the licensee believes to be a  
163 minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under  
164 state or federal law;
- 165 (3) Possession of a controlled substance in violation of chapter 195 or any state or federal  
166 law, rule, or regulation, excluding record-keeping violations;
- 167 (4) Use of a controlled substance without a valid prescription;
- 168 (5) The licensee is adjudicated incapacitated or disabled by a court of competent  
169 jurisdiction;
- 170 (6) Habitual intoxication or dependence upon alcohol or controlled substances or failure  
171 to comply with a treatment or aftercare program entered into pursuant to a board order,  
172 settlement agreement, or as part of the licensee's professional health program;
- 173 (7) A report from a board-approved facility or a professional health program stating the  
174 licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived  
175 all objections to the admissibility of testimony from the provider of the examination and  
176 admissibility of the examination reports. The licensee shall sign all necessary releases for the  
177 board to obtain and use the examination during a hearing; or
- 178 (8) Any conduct for which the board may discipline that constitutes a serious danger to  
179 the health, safety, or welfare of a patient or the public.
- 180 9. The board shall submit existing affidavits and existing certified court records together  
181 with a complaint alleging the facts in support of the board's request for an emergency suspension  
182 or restriction to the administrative hearing commission and shall supply the administrative  
183 hearing commission with the last home or business addresses on file with the board for the  
184 licensee. Within one business day of the filing of the complaint, the administrative hearing  
185 commission shall return a service packet to the board. The service packet shall include the  
186 board's complaint and any affidavits or records the board intends to rely on that have been filed  
187 with the administrative hearing commission. The service packet may contain other information  
188 in the discretion of the administrative hearing commission. Within twenty-four hours of  
189 receiving the packet, the board shall either personally serve the licensee or leave a copy of the  
190 service packet at all of the licensee's current addresses on file with the board. Prior to the  
191 hearing, the licensee may file affidavits and certified court records for consideration by the  
192 administrative hearing commission.
- 193 10. Within five days of the board's filing of the complaint, the administrative hearing  
194 commission shall review the information submitted by the board and the licensee and shall  
195 determine based on that information if probable cause exists pursuant to subsection 8 of this

196 section and shall issue its findings of fact and conclusions of law. If the administrative hearing  
197 commission finds that there is probable cause, the administrative hearing commission shall enter  
198 the order requested by the board. The order shall be effective upon personal service or by  
199 leaving a copy at all of the licensee's current addresses on file with the board.

200 11. (1) The administrative hearing commission shall hold a hearing within forty-five  
201 days of the board's filing of the complaint to determine if cause for discipline exists. The  
202 administrative hearing commission may grant a request for a continuance, but shall in any event  
203 hold the hearing within one hundred twenty days of the board's initial filing. The board shall be  
204 granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less  
205 than thirty days, the board may be granted leave to amend if public safety requires.

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

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

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

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

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

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

231 16. (1) The board may initiate a hearing before the board for discipline of any licensee's  
232 license or certificate upon receipt of one of the following:

233 (a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a  
234 criminal prosecution under the laws of any state or of the United States, **or any country**, for any  
235 offense ~~[involving the qualifications, functions, or duties of any profession licensed or regulated~~  
236 ~~under this chapter, for any offense involving fraud, dishonesty or act of violence, or for any~~  
237 ~~offense involving moral turpitude,]~~ **directly related to the duties and responsibilities of the**  
238 **occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

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

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

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

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

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

2 (1) ~~[Who is of good moral character;~~

3 ~~—(2)]~~ Who has graduated from a college or school of optometry approved by the board; and

4 ~~[(3)]~~ (2) Who has met either of the following conditions:

5 (a) Has passed an examination satisfactory to, conducted by, or approved by the board  
6 to determine his or her fitness to receive a license as an optometrist with pharmaceutical  
7 certification and met the requirements of licensure as may be required by rule and regulation; or

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

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

336.080. 1. Every licensed optometrist who continues in active practice or service shall,  
2 on or before the renewal date, renew his or her license and pay the required renewal fee and  
3 present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two

4 hours of board-approved continuing education, or their equivalent during the preceding two-year  
 5 continuing education reporting period as established by rule and regulation. The continuing  
 6 education requirement may be waived by the board upon presentation to it of satisfactory  
 7 evidence of the illness of the optometrist or for other good cause as defined by rule and  
 8 regulation. **As part of the thirty-two hours of continuing education, a licensed optometrist**  
 9 **shall be required to obtain two hours in the area of Missouri jurisprudence, as approved**  
 10 **by the board.** The board shall not reject any such application if approved programs are not  
 11 available within the state of Missouri. Every license which has not been renewed on or before  
 12 the renewal date shall expire.

13 2. Any licensed optometrist who permits his or her license to expire may renew it within  
 14 five years of expiration upon payment of the required reactivation fee and presentation of  
 15 satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours  
 16 of board-approved continuing education, or their equivalent, during the five years.

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
 15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
 16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
 17 ~~duties [of any profession licensed or regulated under this chapter, for any offense an essential~~  
 18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
 19 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
 20 **of** whether or not sentence is imposed;

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

- 24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
25 fraud, deception or misrepresentation;
- 26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
27 in the performance of the functions or duties of any profession licensed or regulated by this  
28 chapter;
- 29 (6) Violation of, or assisting or enabling any person to violate, any provision of this  
30 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- 31 (7) Impersonation of any person holding a certificate of registration or authority, permit  
32 or license or allowing any person to use his or her certificate of registration or authority, permit,  
33 license or diploma from any school;
- 34 (8) Disciplinary action against the holder of a license or other right to practice any  
35 profession regulated by this chapter granted by another state, territory, federal agency or country  
36 upon grounds for which revocation or suspension is authorized in this state;
- 37 (9) A person is finally adjudged insane or incompetent by a court of competent  
38 jurisdiction;
- 39 (10) Assisting or enabling any person to practice or offer to practice any profession  
40 licensed or regulated by this chapter who is not registered and currently eligible to practice under  
41 this chapter;
- 42 (11) Issuance of a certificate of registration or authority, permit or license based upon  
43 a material mistake of fact;
- 44 (12) Failure to display a valid certificate or license if so required by this chapter or any  
45 rule promulgated hereunder;
- 46 (13) Violation of any professional trust or confidence;
- 47 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to  
48 the general public or persons to whom the advertisement or solicitation is primarily directed.  
49 False, misleading or deceptive advertisements or solicitations shall include, but not be limited  
50 to:
- 51 (a) Promises of cure, relief from pain or other physical or mental condition, or improved  
52 physical or mental health;
- 53 (b) Any self-laudatory statement;
- 54 (c) Any misleading or deceptive statement offering or promising a free service. Nothing  
55 herein shall be construed to make it unlawful to offer a service for no charge if the offer is  
56 announced as part of a full disclosure of routine fees including consultation fees;
- 57 (d) Any misleading or deceptive claims of patient cure, relief or improved condition;  
58 superiority in service, treatment or materials; new or improved service, treatment or material; or  
59 reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use

60 any such claim if it is readily verifiable by existing documentation, data or other substantial  
61 evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation,  
62 data or evidence is misleading or deceptive;

63 (15) Violation of the drug laws or rules and regulation of this state, any other state or the  
64 federal government;

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

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

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

12 2. Each applicant, whether for temporary, provisional or permanent licensure, shall  
13 submit evidence satisfactory to the committee that the applicant is at least twenty-one years of  
14 age, ~~[is of good moral character,]~~ and meets the appropriate educational requirements as set forth  
15 in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant  
16 to section 337.029. In determining the acceptability of the applicant's qualifications, the  
17 committee may require evidence that it deems reasonable and proper, in accordance with law,  
18 and the applicant shall furnish the evidence in the manner required by the committee.

19 3. The committee with assistance from the division shall issue a permanent license to  
20 and register as a psychologist any applicant who, in addition to having fulfilled the other  
21 requirements of sections 337.010 to 337.090, passes the examination for professional practice  
22 in psychology and such other examinations in psychology which may be adopted by the  
23 committee, except that an applicant fulfilling the requirement of section 337.029 shall upon

24 successful completion of the jurisprudence examination and completion of the oral examination  
25 be permanently licensed without having to retake the examination for professional practice in  
26 psychology.

27         4. The committee, with assistance from the division, shall issue a provisional license to,  
28 and register as being a provisionally licensed psychologist, any applicant who is a graduate of  
29 a recognized educational institution with a doctoral degree in psychology as defined in section  
30 337.025, and who otherwise meets all requirements to become a licensed psychologist, except  
31 for passage of the national and state licensing exams, oral examination and completion of the  
32 required period of postdegree supervised experience as specified in subsection 2 of section  
33 337.025.

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

45         6. The committee, with assistance from the division, shall immediately issue a temporary  
46 license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by  
47 endorsement of the score from the examination for professional practice in psychology upon  
48 receipt of an application for such licensure and upon proof that the applicant is either licensed  
49 as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional  
50 Psychology, or is a member of the National Register of Health Services Providers in Psychology.

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

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

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

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

64 8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be  
 65 administered by the committee at least twice each year to any applicant who meets the  
 66 educational requirements set forth in either section 337.021 or 337.025 or to any applicant who  
 67 is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the  
 68 score from the examination of professional practice in psychology. The committee shall examine  
 69 in the areas of professional knowledge, techniques and applications, research and its  
 70 interpretation, professional affairs, ethics, and Missouri law and regulations governing the  
 71 practice of psychology. The committee may use, in whole or in part, the examination for  
 72 professional practice in psychology national examination in psychology or such other national  
 73 examination in psychology which may be available.

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

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations  
 2 and no suspensions and no revocation of a license to practice psychology in any jurisdiction may  
 3 receive a license in Missouri, provided the psychologist passes a written examination on  
 4 Missouri laws and regulations governing the practice of psychology and meets one of the  
 5 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 Psychology;
- 8 (3) ~~Is currently licensed or certified as a psychologist in another jurisdiction who is then a~~  
 9 ~~signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;~~
- 10 ~~——(4)]~~ Is currently licensed or certified as a psychologist in another state, territory of the United  
 11 States, or the District of Columbia and:
  - 12 (a) Has a doctoral degree in psychology from a program accredited, or provisionally  
 13 accredited, either by the American Psychological Association or the Psychological Clinical  
 14 Science Accreditation System, or that meets the requirements as set forth in subdivision (3) of  
 15 subsection 3 of section 337.025;
  - 16 (b) Has been licensed for the preceding five years; and
  - 17 (c) Has had no disciplinary action taken against the license for the preceding five years;

18 or

19 ~~[(5)]~~ (4) Holds a current certificate of professional qualification (CPQ) issued by the  
 20 Association of State and Provincial Psychology Boards (ASPPB).

21           2. Notwithstanding the provisions of subsection 1 of this section, applicants may be  
22 required to pass an oral examination as adopted by the committee.

23           3. A psychologist who receives a license for the practice of psychology in the state of  
24 Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement  
25 of the score from the examination of professional practice in psychology score will also be  
26 eligible for and shall receive certification from the committee as a health service provider if the  
27 psychologist meets one or more of the following criteria:

28           (1) Is a diplomate of the American Board of Professional Psychology in one or more of  
29 the specialties recognized by the American Board of Professional Psychology as pertaining to  
30 health service delivery;

31           (2) Is a member of the National Register of Health Service Providers in Psychology; or

32           (3) Has completed or obtained through education, training, or experience the requisite  
33 knowledge comparable to that which is required pursuant to section 337.033.

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

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

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

14           (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
17 ~~duties [of any profession licensed or regulated under this chapter, for any offense an essential~~  
18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
19 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

49 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as  
50 adopted by the committee and filed with the secretary of state.

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

58 4. An interested third party may file a complaint or appear or present evidence relative  
59 to such complaint or another complaint filed pursuant to this section. For purposes of this

60 section, an interested third party includes a parent or guardian of a person who received treatment  
61 by a psychologist or any person who is related within the second degree of consanguinity or  
62 affinity and who is financially responsible for the payment of such treatment.

337.050. 1. There is hereby created and established a "State Committee of  
2 Psychologists", which shall consist of seven licensed psychologists and one public member. The  
3 state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this  
4 section shall be construed to prevent the appointment of any current member of the state  
5 committee of psychologists to the new state committee of psychologists created on August 28,  
6 1989.

7 2. Appointments to the committee shall be made by the governor upon the  
8 recommendations of the director of the division, upon the advice and consent of the senate. The  
9 division, prior to submitting nominations, shall solicit nominees from professional psychological  
10 associations and licensed psychologists in the state. The term of office for committee members  
11 shall be five years, and committee members shall not serve more than ten years. No person who  
12 has previously served on the committee for ten years shall be eligible for appointment. In  
13 making initial appointments to the committee, the governor shall stagger the terms of the  
14 appointees so that two members serve initial terms of two years, two members serve initial terms  
15 of three years, and two members serve initial terms of four years.

16 3. Each committee member shall be a resident of the state of Missouri for one year, shall  
17 be a United States citizen, and shall, other than the public member, have been licensed as a  
18 psychologist in this state for at least three years. Committee members shall reflect a diversity  
19 of practice specialties. To ensure adequate representation of the diverse fields of psychology,  
20 the committee shall consist of at least two psychologists who are engaged full time in the  
21 doctoral teaching and training of psychologists, and at least two psychologists who are engaged  
22 full time in the professional practice of psychology. In addition, the first appointment to the  
23 committee shall include at least one psychologist who shall be licensed on the basis of a master's  
24 degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall  
25 be construed to prohibit full membership rights on the committee for psychologists licensed on  
26 the basis of a master's degree. If a member of the committee shall, during the member's term as  
27 a committee member, remove the member's domicile from the state of Missouri, then the  
28 committee shall immediately notify the director of the division, and the seat of that committee  
29 member shall be declared vacant. All such vacancies shall be filled by appointment of the  
30 governor with the advice and consent of the senate, and the member so appointed shall serve for  
31 the unexpired term of the member whose seat has been declared vacant.

32 4. The public member shall be at the time of the public member's appointment a citizen  
33 of the United States; a resident of this state for a period of one year and a registered voter; a

34 person who is not and never was a member of any profession licensed or regulated pursuant to  
35 sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and  
36 never has had a material, financial interest in either the providing of the professional services  
37 regulated by sections 337.010 to 337.093, or an activity or organization directly related to any  
38 profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the  
39 public member shall not include the determination of the technical requirements to be met for  
40 licensure or whether any person meets such technical requirements or of the technical  
41 competence or technical judgment of a licensee or a candidate for licensure.

42         5. The committee shall hold a regular annual meeting at which it shall select from among  
43 its members a chairperson and a secretary. A quorum of the committee shall consist of a  
44 majority of its members. In the absence of the chairperson, the secretary shall conduct the office  
45 of the chairperson.

46         6. Each member of the committee shall receive, as compensation, an amount set by the  
47 division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall  
48 be entitled to reimbursement for necessary and actual expenses incurred in the performance of  
49 the member's official duties.

50         7. Staff for the committee shall be provided by the director of the division of professional  
51 registration.

52         8. The governor may remove any member of the committee for misconduct, inefficiency,  
53 incompetency, or neglect of office.

54         9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the  
55 division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to  
56 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may  
57 promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which  
58 rules shall be based upon the ethical principles promulgated and published by the American  
59 Psychological Association.

60         10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
61 promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only  
62 if the agency has fully complied with all of the requirements of chapter 536 including but not  
63 limited to section 536.028 if applicable, after August 28, 1998. All rulemaking authority  
64 delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998,  
65 however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted  
66 and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the  
67 provisions of this section are nonseverable and if any of the powers vested with the general  
68 assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and  
69 annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of

70 rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be  
71 invalid and void, except that nothing in this act shall affect the validity of any rule adopted and  
72 promulgated prior to August 28, 1998.

73 11. The committee may sue and be sued in its official name, and shall have a seal which  
74 shall be affixed to all certified copies or records and papers on file, and to such other instruments  
75 as the committee may direct. All courts shall take judicial notice of such seal. Copies of records  
76 and proceedings of the committee, and of all papers on file with the division on behalf of the  
77 committee certified under the seal shall be received as evidence in all courts of record.

78 12. When applying for a renewal of a license pursuant to section 337.030, each licensed  
79 psychologist shall submit proof of the completion of at least forty hours of continuing education  
80 credit within the two-year period immediately preceding the date of the application for renewal  
81 of the license, **with a minimum of three of the forty hours of continuing education dedicated**  
82 **to professional ethics**. The type of continuing education to be considered shall include, but not  
83 be limited to:

84 (1) Attending recognized educational seminars, the content of which are primarily  
85 psychological, as defined by rule;

86 (2) Attending a graduate level course at a recognized educational institution where the  
87 contents of which are primarily psychological, as defined by rule;

88 (3) Presenting a recognized educational seminar, the contents of which are primarily  
89 psychological, as defined by rule;

90 (4) Presenting a graduate level course at a recognized educational institution where the  
91 contents of which are primarily psychological, as defined by rule; and

92 (5) Independent course of studies, the contents of which are primarily psychological,  
93 which have been approved by the committee and defined by rule.

94

95 The committee shall determine by administrative rule the amount of training, instruction, self-  
96 instruction or teaching that shall be counted as an hour of continuing education credit.

337.068. 1. If the board finds merit to a complaint by an individual incarcerated or under  
2 the care and control of the department of corrections or who has been ordered to be taken into  
3 custody, detained, or held under sections 632.480 to 632.513 **or who has been ordered to be**  
4 **evaluated under chapter 552** and takes further investigative action, no documentation may  
5 appear on file or disciplinary action may be taken in regards to the licensee's license unless the  
6 provisions of subsection 2 of section 337.035 have been violated. Any case file documentation  
7 that does not result in the board filing an action pursuant to subsection 2 of section 337.035 shall  
8 be destroyed within three months after the final case disposition by the board. No notification

9 to any other licensing board in another state or any national registry regarding any investigative  
10 action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

11 2. Upon written request of the psychologist subject to a complaint, prior to August 28,  
12 1999, by an individual incarcerated or under the care and control of the department of corrections  
13 or prior to August 28, 2008, by an individual who has been ordered to be taken into custody,  
14 detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2019, by an**  
15 **individual who has been ordered to be evaluated under chapter 552** that did not result in the  
16 board filing an action pursuant to subsection 2 of section 337.035, the board and the division of  
17 professional registration, shall in a timely fashion:

18 (1) Destroy all documentation regarding the complaint;

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

21 (3) Send a letter to the licensee that clearly states that the board found the complaint to  
22 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the  
23 provisions of subsection 3 of this section.

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

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

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission, as provided by chapter 621, against any holder of any license required by this  
8 chapter or any person who has failed to renew or has surrendered the person's license for any one  
9 or any combination of the following causes:

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

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
14 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
15 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions,~~  
16 ~~or~~] duties [~~of any profession licensed or regulated under this chapter, for any offense an essential~~  
17 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~

18 ~~attribution,~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
19 **of** whether or not sentence is imposed;

20 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or  
21 license issued under this chapter or in obtaining permission to take any examination given or  
22 required under sections 337.300 to 337.345;

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

25 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty  
26 in the performance of the functions or duties of any profession licensed by sections 337.300 to  
27 337.345;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
29 337.300 to 337.345, or of any lawful rule adopted thereunder;

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

33 (8) Disciplinary action against the holder of a license or other right to practice any  
34 profession regulated by sections 337.300 to 337.345 granted by another state, territory, federal  
35 agency, or country upon grounds for which revocation or suspension is authorized in this state;

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

38 (10) Assisting or enabling any person to practice or offer to practice any profession  
39 licensed or regulated by sections 337.300 to 337.345 who is not registered and currently eligible  
40 to practice as provided in sections 337.300 to 337.345;

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

43 (12) Failure to display a valid certificate or license if so required by sections 337.300 to  
44 337.345 or any rule promulgated thereunder;

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

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

48 (15) Being guilty of unethical conduct as defined in the code of conduct as adopted by  
49 the committee and filed with the secretary of state.

50 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
51 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
52 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
53 committee may, singly or in combination, censure or place the person named in the complaint

54 on probation on such terms and conditions as the department deems appropriate for a period not  
55 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the  
56 license, certificate, or permit.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish  
2 evidence to the committee that the applicant is at least eighteen years of age, ~~[is of good moral~~  
3 ~~character,]~~ is a United States citizen or is legally present in the United States; and

4 (1) The applicant has completed a course of study as defined by the board rule leading  
5 to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant  
6 who has held a license as a professional counselor in this state or currently holds a license as a  
7 professional counselor in another state shall not be required to have completed any courses  
8 related to career development; and

9 (2) The applicant has completed acceptable supervised counseling as defined by board  
10 rule. If the applicant has a master's degree with a major in counseling as defined by board rule,  
11 the applicant shall complete at least two years of acceptable supervised counseling experience  
12 subsequent to the receipt of the master's degree. The composition and number of hours  
13 comprising the acceptable supervised counseling experience shall be defined by board rule. An  
14 applicant may substitute thirty semester hours of post master's graduate study for one of the two  
15 required years of acceptable supervised counseling experience if such hours are clearly related  
16 to counseling;

17 (3) After August 28, 2007, each applicant shall have completed a minimum of three  
18 hours of graduate level coursework in diagnostic systems either in the curriculum leading to a  
19 degree or as post master's graduate level course work;

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

23 2. Any person holding a current license, certificate of registration, or permit from another  
24 state or territory of the United States to practice as a professional counselor who does not meet  
25 the requirements in section 324.009 and who is at least eighteen years of age ~~[is of good moral~~  
26 ~~character,]~~ and is a United States citizen or is legally present in the United States may be granted  
27 a license without examination to engage in the practice of professional counseling in this state  
28 upon the application to the board, payment of the required fee as established by the board, and  
29 satisfying one of the following requirements:

30 (1) Approval by the American Association of State Counseling Boards (AASCB) or its  
31 successor organization according to the eligibility criteria established by AASCB. The successor  
32 organization shall be defined by board rule; or

33 (2) In good standing and currently certified by the National Board for Certified  
 34 Counselors or its successor organization and has completed acceptable supervised counseling  
 35 experience as defined by board rule. The successor organization shall be defined by board rule.

36 3. The committee shall issue a license to each person who files an application and fee  
 37 and who furnishes evidence satisfactory to the committee that the applicant has complied with  
 38 the provisions of this act and has taken and passed a written, open-book examination on Missouri  
 39 laws and regulations governing the practice of professional counseling as defined in section  
 40 337.500. The division shall issue a provisional professional counselor license to any applicant  
 41 who meets all requirements of this section, but who has not completed the required acceptable  
 42 supervised counseling experience and such applicant may reapply for licensure as a professional  
 43 counselor upon completion of such acceptable supervised counseling experience.

44 4. All persons licensed to practice professional counseling in this state shall pay on or  
 45 before the license renewal date a renewal license fee and shall furnish to the committee  
 46 satisfactory evidence of the completion of the requisite number of hours of continuing education  
 47 as required by rule, including two hours of suicide assessment, referral, treatment, and  
 48 management training, which shall be no more than forty hours biennially. The continuing  
 49 education requirements may be waived by the committee upon presentation to the committee of  
 50 satisfactory evidence of the illness of the licensee or for other good cause.

337.525. 1. The committee may refuse to issue or renew any license required by the  
 2 provisions of sections 337.500 to 337.540 for one or any combination of causes stated in  
 3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
 4 for the refusal and shall advise the applicant of his right to file a complaint with the  
 5 administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
 7 commission as provided by chapter 621 against any holder of any license required by sections  
 8 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any  
 9 one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
 11 an extent that such use impairs a person's ability to engage in the occupation of professional  
 12 counselor;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
 14 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
 15 **or any country**, for any offense [~~reasonably~~] **directly** related to [~~the qualifications, functions or~~]  
 16 ~~duties [of a professional counselor; for any offense an essential element of which is fraud,~~  
 17 ~~dishonesty or act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities**

18 **of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is  
19 imposed;

20 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
21 pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to take any  
22 examination given or required pursuant to the provisions of sections 337.500 to 337.540;

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

25 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance  
26 of the functions or duties of a professional counselor;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
28 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to  
29 337.540;

30 (7) Impersonation of any person holding a license or allowing any person to use his or  
31 her license or diploma from any school;

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

35 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

36 (10) Assisting or enabling any person to practice or offer to practice professional  
37 counseling who is not licensed and currently eligible to practice under the provisions of sections  
38 337.500 to 337.540;

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

40 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or  
41 any rule promulgated hereunder;

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

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

45 (15) Being guilty of unethical conduct as defined in the ethical standards for counselors  
46 adopted by the division and filed with the secretary of state.

47 3. Any person, organization, association or corporation who reports or provides  
48 information to the committee pursuant to the provisions of this chapter and who does so in good  
49 faith shall not be subject to an action for civil damages as a result thereof.

50 4. After the filing of such complaint, the proceedings shall be conducted in accordance  
51 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
52 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
53 committee may censure or place the person named in the complaint on probation on such terms

54 and conditions as the committee deems appropriate for a period not to exceed five years, or may  
55 suspend, for a period not to exceed three years, or revoke the license.

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

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

6 (2) The applicant has completed at least three thousand hours of supervised clinical  
7 experience with a qualified clinical supervisor, as defined in section 337.600, in no less than  
8 twenty-four months and no more than forty-eight consecutive calendar months. For any  
9 applicant who has successfully completed at least four thousand hours of supervised clinical  
10 experience with a qualified clinical supervisor, as defined in section 337.600, within the same  
11 time frame prescribed in this subsection, the applicant shall be eligible for application of  
12 licensure at three thousand hours and shall be furnished a certificate by the state committee for  
13 social workers acknowledging the completion of said additional hours;

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

17 (4) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a  
18 United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a~~  
19 ~~felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated**  
20 **and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution**  
21 **under the laws of any state, or of the United States, or any country, for any offense directly**  
22 **related to the duties and responsibilities of the occupation, as set forth in section 324.012,**  
23 **regardless of whether or not sentence is imposed.**

24 2. Any person holding a current license, certificate of registration, or permit from another  
25 state or territory of the United States or the District of Columbia to practice clinical social work  
26 who does not meet the requirements of section 324.009 and who has had no disciplinary action  
27 taken against the license, certificate of registration, or permit for the preceding five years may  
28 be granted a license to practice clinical social work in this state if the person has received a  
29 masters or doctoral degree from a college or university program of social work accredited by the  
30 council of social work education and has been licensed to practice clinical social work for the  
31 preceding five years.

32 3. The committee shall issue a license to each person who files an application and fee  
33 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence

34 satisfactory to the committee that the applicant has complied with the provisions of subdivisions  
35 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.630. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.600 to 337.689 for one or any combination of causes stated in  
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with the  
5 administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license required by sections  
8 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license  
9 for any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
11 an extent that such use impairs a person's ability to engage in the occupation of social work  
12 licensed under this chapter; except that the fact that a person has undergone treatment for past  
13 substance or alcohol abuse and/or has participated in a recovery program, shall not by itself be  
14 cause for refusal to issue or renew a license;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
16 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United  
17 States, **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications,~~  
18 ~~functions or~~] **duties [of a social worker licensed under this chapter; for any offense an essential**  
19 **element of which is fraud, dishonesty or act of violence, or for any offense involving moral**  
20 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
21 **of** whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
23 pursuant to the provisions of sections 337.600 to 337.689 or in obtaining permission to take any  
24 examination given or required pursuant to the provisions of sections 337.600 to 337.689;

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

27 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance  
28 of the functions or duties of a social worker licensed pursuant to this chapter;

29 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
30 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to  
31 337.689;

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

34 (8) Revocation or suspension of a license or other right to practice social work licensed  
35 pursuant to this chapter granted by another state, territory, federal agency or country upon  
36 grounds for which revocation or suspension is authorized in this state;

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

38 (10) Assisting or enabling any person to practice or offer to practice social work licensed  
39 pursuant to this chapter who is not licensed and currently eligible to practice pursuant to the  
40 provisions of sections 337.600 to 337.689;

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

42 (12) Failure to display a valid license if so required by sections 337.600 to 337.689 or  
43 any rule promulgated hereunder;

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

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

47 (15) Being guilty of unethical conduct as defined in the ethical standards for clinical  
48 social workers adopted by the committee by rule and filed with the secretary of state.

49 3. Any person, organization, association or corporation who reports or provides  
50 information to the committee pursuant to the provisions of sections 337.600 to 337.689 and who  
51 does so in good faith shall not be subject to an action for civil damages as a result thereof.

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

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

3 (1) The applicant has a master's or doctorate degree in social work from an accredited  
4 social work degree program approved by the council of social work education;

5 (2) The applicant has achieved a passing score, as defined by the committee, on an  
6 examination approved by the committee. The eligibility requirements for such examination shall  
7 be determined by the state committee for social workers;

8 (3) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a  
9 United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a~~  
10 ~~felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated**  
11 **and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution**  
12 **under the laws of any state or of the United States, or any country, for any offense directly**

13 **related to the duties and responsibilities of the occupation, as set forth in section 324.012,**  
14 **regardless of whether or not sentence is imposed;**

15 (4) The applicant has submitted a written application on forms prescribed by the state  
16 board;

17 (5) The applicant has submitted the required licensing fee, as determined by the  
18 committee.

19 2. Any applicant who answers in the affirmative to any question on the application that  
20 relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn  
21 affidavit setting forth in detail the facts which explain such answer and copies of appropriate  
22 documents related to such answer.

23 3. The committee shall issue a license to each person who files an application and fee  
24 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
25 satisfactory to the committee that the applicant has complied with the provisions of subsection  
26 1 of this section. The license shall refer to the individual as a licensed master social worker and  
27 shall recognize that individual's right to practice licensed master social work as defined in section  
28 337.600.

337.645. 1. Each applicant for licensure as an advanced macro social worker shall  
2 furnish evidence to the committee that:

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

6 (2) The applicant has completed at least three thousand hours of supervised advanced  
7 macro experience with a qualified advanced macro supervisor as defined in section 337.600 in  
8 no less than twenty-four months and no more than forty-eight consecutive calendar months. For  
9 any applicant who has successfully completed at least four thousand hours of supervised  
10 advanced macro experience with a qualified advanced macro supervisor, as defined in section  
11 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible  
12 for application of licensure at three thousand hours and shall be furnished a certificate by the  
13 state committee for social workers acknowledging the completion of said additional hours;

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

17 (4) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a  
18 United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a~~  
19 ~~felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated**  
20 **and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution**

21 **under the laws of any state or of the United States, or any country, for any offense directly**  
22 **related to the duties and responsibilities of the occupation, as set forth in section 324.012,**  
23 **regardless of whether or not sentence is imposed.**

24 2. Any person holding a current license, certificate of registration, or permit from another  
25 state or territory of the United States or the District of Columbia to practice advanced macro  
26 social work who has had no disciplinary action taken against the license, certificate of  
27 registration, or permit for the preceding five years may be granted a license to practice advanced  
28 macro social work in this state if the person meets one of the following criteria:

29 (1) Has received a master's or doctoral degree from a college or university program of  
30 social work accredited by the council of social work education and has been licensed to practice  
31 advanced macro social work for the preceding five years; or

32 (2) Is currently licensed or certified as an advanced macro social worker in another state,  
33 territory of the United States, or the District of Columbia having substantially the same  
34 requirements as this state for advanced macro social workers.

35 3. The committee shall issue a license to each person who files an application and fee  
36 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
37 satisfactory to the committee that the applicant has complied with the provisions of subdivisions  
38 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

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

3 (1) The applicant has a baccalaureate degree in social work from an accredited social  
4 work degree program approved by the council of social work education;

5 (2) The applicant has achieved a passing score, as defined by the committee, on an  
6 examination approved by the committee. The eligibility requirements for such examination shall  
7 be determined by the state committee for social work;

8 (3) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a  
9 United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a~~  
10 ~~felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated**  
11 **and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution**  
12 **under the laws of any state or of the United States, or any country, for any offense directly**  
13 **related to the duties and responsibilities of the occupation, as set forth in section 324.012,**  
14 **regardless of whether or not sentence is imposed;**

15 (4) The applicant has submitted a written application on forms prescribed by the state  
16 board;

17 (5) The applicant has submitted the required licensing fee, as determined by the  
18 committee.

19           2. Any applicant who answers in the affirmative to any question on the application that  
20 relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a  
21 sworn affidavit setting forth in detail the facts which explain such answer and copies of  
22 appropriate documents related to such answer.

23           3. The committee shall issue a license to each person who files an application and fee  
24 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
25 satisfactory to the committee that the applicant has complied with the provisions of subsection  
26 1 of this section.

27           4. The committee shall issue a certificate to practice independently under subsection 3  
28 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed  
29 three thousand hours of supervised experience with a qualified baccalaureate supervisor in no  
30 less than twenty-four months and no more than forty-eight consecutive calendar months.

337.712. 1. Applications for licensure as a marital and family therapist shall be in  
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the  
3 applicant. **The form shall include a statement that the applicant has completed two hours**  
4 **of suicide assessment, referral, treatment, and management training.** The application shall  
5 contain the applicant's statements showing the applicant's education, experience and such other  
6 information as the committee may require. Each application shall contain a statement that it is  
7 made under oath or affirmation and that the information contained therein is true and correct to  
8 the best knowledge and belief of the applicant, subject to the penalties provided for the making  
9 of a false affidavit or declaration. Each application shall be accompanied by the fees required  
10 by the division.

11           2. The division shall mail a renewal notice to the last known address of each licensee  
12 prior to the licensure renewal date. Failure to provide the division with the information required  
13 for licensure, or to pay the licensure fee after such notice shall result in the expiration of the  
14 license. The license shall be restored if, within two years of the licensure date, the applicant  
15 provides written application and the payment of the licensure fee and a delinquency fee.

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

18           4. The committee shall set the amount of the fees authorized. The fees shall be set at a  
19 level to produce revenue which shall not substantially exceed the cost and expense of  
20 administering the provisions of sections 337.700 to 337.739. All fees provided for in sections  
21 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state  
22 treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

23           5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
24 shall not be transferred and placed to the credit of general revenue until the amount in the fund

25 at the end of the biennium exceeds two times the amount of the appropriations from the marital  
26 and family therapists' fund for the preceding fiscal year or, if the division requires by rule  
27 renewal less frequently than yearly then three times the appropriation from the fund for the  
28 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the  
29 fund which exceeds the appropriate multiple of the appropriations from the marital and family  
30 therapists' fund for the preceding fiscal year.

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

3 (1) The applicant has a master's degree or a doctoral degree in marital and family therapy  
4 from a program accredited by the Commission on Accreditation for Marriage and Family  
5 Therapy Education, or its equivalent as defined by committee regulation, from an educational  
6 institution accredited by a regional accrediting body that is recognized by the United States  
7 Department of Education;

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

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

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

20 (5) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a  
21 United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a~~  
22 ~~felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated**  
23 **and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution**  
24 **under the laws of any state or of the United States, or any country, for any offense directly**  
25 **related to the duties and responsibilities of the occupation, as set forth in section 324.012,**  
26 **regardless of whether or not sentence is imposed.**

27 2. Any person otherwise qualified for licensure holding a current license, certificate of  
28 registration, or permit from another state or territory of the United States or the District of  
29 Columbia to practice marriage and family therapy may be granted a license without examination  
30 to engage in the practice of marital and family therapy in this state upon application to the state

31 committee, payment of the required fee as established by the state committee, and satisfaction  
32 of the following:

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

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

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

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

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

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license required by sections  
8 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license  
9 for any one or any combination of the following causes:

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

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
16 in a criminal prosecution under the laws of any state or of the United States, **or any country**, for  
17 any offense ~~[reasonably] directly~~ related to the ~~[qualifications, functions or] duties [of a marital~~  
18 ~~and family therapist, for any offense an essential element of which is fraud, dishonesty or act of~~  
19 ~~violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation,**  
20 **as set forth in section 324.012, regardless of** whether or not sentence is imposed;

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

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

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

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
29 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to  
30 337.739;

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

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

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

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

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

41 (12) Failure to display a valid license if so required by sections 337.700 to 337.739 or  
42 any rule promulgated hereunder;

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

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

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

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

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

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and  
2 evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section  
3 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such  
4 orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan  
5 as defined by the prescription order so long as the prescription order is specific to each patient  
6 for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and  
7 devices pursuant to medical prescription orders and administration of viral influenza, pneumonia,

8 shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by  
9 written protocol authorized by a physician for persons at least seven years of age or the age  
10 recommended by the Centers for Disease Control and Prevention, whichever is higher, or the  
11 administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis,  
12 meningitis, and viral influenza vaccines by written protocol authorized by a physician for a  
13 specific patient as authorized by rule; the participation in drug selection according to state law  
14 and participation in drug utilization reviews; the proper and safe storage of drugs and devices and  
15 the maintenance of proper records thereof; consultation with patients and other health care  
16 practitioners, and veterinarians and their clients about legend drugs, about the safe and effective  
17 use of drugs and devices; and the offering or performing of those acts, services, operations, or  
18 transactions necessary in the conduct, operation, management and control of a pharmacy. No  
19 person shall engage in the practice of pharmacy unless he is licensed under the provisions of this  
20 chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the  
21 direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This  
22 assistance in no way is intended to relieve the pharmacist from his or her responsibilities for  
23 compliance with this chapter and he or she will be responsible for the actions of the auxiliary  
24 personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or  
25 interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary  
26 medicine only for use in animals, or the practice of optometry in accordance with and as  
27 provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or  
28 dispensing of his or her own prescriptions.

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

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

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

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

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

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

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

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

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

74           11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary  
75 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or  
76 an equivalent title means a person who has received a doctor's degree in veterinary medicine  
77 from an accredited school of veterinary medicine or holds an Educational Commission for

78 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical  
79 Association (AVMA).

80 12. In addition to other requirements established by the joint promulgation of rules by  
81 the board of pharmacy and the state board of registration for the healing arts:

82 (1) A pharmacist shall administer vaccines by protocol in accordance with treatment  
83 guidelines established by the Centers for Disease Control and Prevention (CDC);

84 (2) A pharmacist who is administering a vaccine shall request a patient to remain in the  
85 pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions.  
86 Such pharmacist shall have adopted emergency treatment protocols;

87 (3) In addition to other requirements by the board, a pharmacist shall receive additional  
88 training as required by the board and evidenced by receiving a certificate from the board upon  
89 completion, and shall display the certification in his or her pharmacy where vaccines are  
90 delivered.

91 13. A pharmacist shall inform the patient that the administration of the vaccine will be  
92 entered into the ShowMeVax system, as administered by the department of health and senior  
93 services. The patient shall attest to the inclusion of such information in the system by signing  
94 a form provided by the pharmacist. If the patient indicates that he or she does not want such  
95 information entered into the ShowMeVax system, the pharmacist shall provide a written report  
96 within fourteen days of administration of a vaccine to the patient's primary health care provider,  
97 if provided by the patient, containing:

98 (1) The identity of the patient;

99 (2) The identity of the vaccine or vaccines administered;

100 (3) The route of administration;

101 (4) The anatomic site of the administration;

102 (5) The dose administered; and

103 (6) The date of administration.

338.030. An applicant for examination shall be twenty-one years of age [~~and in addition~~  
2 ~~shall furnish satisfactory evidence of his good moral character~~] and have had one year practical  
3 experience under the supervision of a licensed pharmacist within a licensed pharmacy, or other  
4 location approved by the board, and shall be a graduate of a school or college of pharmacy whose  
5 requirements for graduation are satisfactory to and approved by the board of pharmacy.

338.055. 1. The board may refuse to issue any certificate of registration or authority,  
2 permit or license required pursuant to this chapter for one or any combination of causes stated  
3 in subsection 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or  
4 any officer, owner, manager, or controlling shareholder of the applicant has committed any act  
5 or practice in subsection 2 of this section. The board shall notify the applicant in writing of the

6 reasons for the refusal and shall advise the applicant of his or her right to file a complaint with  
7 the administrative hearing commission as provided by chapter 621.

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

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

16         (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
17 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
18 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
19 ~~duties [of any profession licensed or regulated under this chapter, for any offense an essential~~  
20 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
21 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**  
22 **of** whether or not sentence is imposed;

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

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

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

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

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

36         (8) Denial of licensure to an applicant or disciplinary action against an applicant or the  
37 holder of a license or other right to practice any profession regulated by this chapter granted by  
38 another state, territory, federal agency, or country whether or not voluntarily agreed to by the  
39 licensee or applicant, including, but not limited to, surrender of the license upon grounds for  
40 which denial or discipline is authorized in this state;

41         (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

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

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

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

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

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

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

54 (16) The intentional act of substituting or otherwise changing the content, formula or  
55 brand of any drug prescribed by written or oral prescription without prior written or oral approval  
56 from the prescriber for the respective change in each prescription; provided, however, that  
57 nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of  
58 any drug as provided under section 338.056, and any such substituting or changing of the brand  
59 of any drug as provided for in section 338.056 shall not be deemed unprofessional or  
60 dishonorable conduct unless a violation of section 338.056 occurs;

61 (17) Personal use or consumption of any controlled substance unless it is prescribed,  
62 dispensed, or administered by a health care provider who is authorized by law to do so.

63 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
64 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
65 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
66 board may, singly or in combination, censure or place the person named in the complaint on  
67 probation on such terms and conditions as the board deems appropriate for a period not to exceed  
68 five years, or may suspend, for a period not to exceed three years, or revoke the license,  
69 certificate, or permit. The board may impose additional discipline on a licensee, registrant, or  
70 permittee found to have violated any disciplinary terms previously imposed under this section  
71 or by agreement. The additional discipline may include, singly or in combination, censure,  
72 placing the licensee, registrant, or permittee named in the complaint on additional probation on  
73 such terms and conditions as the board deems appropriate, which additional probation shall not  
74 exceed five years, or suspension for a period not to exceed three years, or revocation of the  
75 license, certificate, or permit.

76 4. If the board concludes that a licensee or registrant has committed an act or is engaging  
77 in a course of conduct which would be grounds for disciplinary action which constitutes a clear

78 and present danger to the public health and safety, the board may file a complaint before the  
79 administrative hearing commission requesting an expedited hearing and specifying the activities  
80 which give rise to the danger and the nature of the proposed restriction or suspension of the  
81 licensee's or registrant's license. Within fifteen days after service of the complaint on the  
82 licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing  
83 to determine whether the alleged activities of the licensee or registrant appear to constitute a  
84 clear and present danger to the public health and safety which justify that the licensee's or  
85 registrant's license or registration be immediately restricted or suspended. The burden of proving  
86 that the actions of a licensee or registrant constitute a clear and present danger to the public  
87 health and safety shall be upon the state board of pharmacy. The administrative hearing  
88 commission shall issue its decision immediately after the hearing and shall either grant to the  
89 board the authority to suspend or restrict the license or dismiss the action.

90 5. If the administrative hearing commission grants temporary authority to the board to  
91 restrict or suspend the licensee's or registrant's license, such temporary authority of the board  
92 shall become final authority if there is no request by the licensee or registrant for a full hearing  
93 within thirty days of the preliminary hearing. The administrative hearing commission shall, if  
94 requested by the licensee or registrant named in the complaint, set a date to hold a full hearing  
95 under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed  
96 by the board.

97 6. If the administrative hearing commission dismisses the action filed by the board  
98 pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a  
99 subsequent action on the same grounds.

338.065. 1. At such time as the final trial proceedings are concluded whereby a licensee  
2 or registrant, or any person who has failed to renew or has surrendered his or her certificate of  
3 registration or authority, permit, or license, has been adjudicated and found guilty, or has entered  
4 a plea of guilty or nolo contendere, in a ~~[felony]~~ **criminal** prosecution ~~[pursuant to]~~ **under** the  
5 laws of ~~[the state of Missouri, the laws of any other state, territory, or the laws of]~~ **any state**, the  
6 United States ~~[of America]~~ , **or any country**, for any offense ~~[reasonably]~~ **directly** related to the  
7 ~~[qualifications, functions or]~~ duties ~~[of a licensee, permittee, or registrant pursuant to this chapter~~  
8 ~~or any felony offense, an essential element of which is fraud, dishonesty or act of violence, or~~  
9 ~~for any offense involving moral turpitude,]~~ **and responsibilities of the occupation as set forth**  
10 **in section 324.012, regardless of** whether or not sentence is imposed, the board of pharmacy  
11 may hold a disciplinary hearing to singly or in combination censure or place the licensee,  
12 permittee, or registrant named in the complaint on probation on such terms and conditions as the  
13 board deems appropriate for a period not to exceed five years, or may suspend, for a period not  
14 to exceed three years, or revoke the license, certificate, registration or permit.

15           2. Anyone who has been revoked or denied a license, permit or certificate to practice in  
16 another state may automatically be denied a license or permit to practice in this state. However,  
17 the board of pharmacy may establish other qualifications by which a person may ultimately be  
18 qualified and licensed to practice in Missouri.

338.185. After August 28, 1990, notwithstanding any other provisions of law, the board  
2 of pharmacy shall have access to records involving an applicant for a license or permit or  
3 renewal of a license or permit as provided within this chapter, where the applicant has been  
4 adjudicated and found guilty or entered a plea of guilty or nolo contendere in a prosecution under  
5 the laws of any state or of the United States, **or any country**, for any offense [~~reasonably~~]  
6 **directly** related to the [~~qualifications, functions, or~~] duties [~~of any profession licensed or~~  
7 ~~regulated under this chapter, for any offense an essential element of which is fraud, dishonesty~~  
8 ~~or act of violence, or for any offense involving moral turpitude,~~] **and responsibilities of the**  
9 **occupation as set forth in section 324.012, regardless of** whether or not sentence is imposed.

339.040. 1. Licenses shall be granted only to persons who present, and corporations,  
2 associations, partnerships, limited partnerships, limited liability companies, and professional  
3 corporations whose officers, managers, associates, general partners, or members who actively  
4 participate in such entity's brokerage, broker-salesperson, or salesperson business present,  
5 satisfactory proof to the commission that they[  
6 ~~— (1) Are persons of good moral character; and~~  
7 ~~— (2) Bear a good reputation for honesty, integrity, and fair dealing; and~~  
8 ~~— (3)] are competent to transact the business of a broker or salesperson in such a manner  
9 as to safeguard the interest of the public.~~

10           2. In order to determine an applicant's qualifications to receive a license under sections  
11 339.010 to 339.180 and sections 339.710 to 339.860, the commission shall hold oral or written  
12 examinations at such times and places as the commission may determine.

13           3. Each applicant for a broker or salesperson license shall be at least eighteen years of  
14 age and shall pay the broker examination fee or the salesperson examination fee.

15           4. Each applicant for a broker license shall be required to have satisfactorily completed  
16 the salesperson license examination prescribed by the commission. For the purposes of this  
17 section only, the commission may permit a person who is not associated with a licensed broker  
18 to take the salesperson examination.

19           5. Each application for a broker license shall include a certificate from the applicant's  
20 broker or brokers that the applicant has been actively engaged in the real estate business as a  
21 licensed salesperson for at least two years immediately preceding the date of application, and  
22 shall include a certificate from a school accredited by the commission under the provisions of  
23 section 339.045 that the applicant has, within six months prior to the date of application,

24 successfully completed the prescribed broker curriculum or broker correspondence course  
25 offered by such school, except that the commission may waive all or part of the requirements set  
26 forth in this subsection when an applicant presents proof of other educational background or  
27 experience acceptable to the commission. Each application for a broker-salesperson license shall  
28 include evidence of the current broker license held by the applicant.

29         6. Each application for a salesperson license shall include a certificate from a school  
30 accredited by the commission under the provisions of section 339.045 that the applicant has,  
31 within six months prior to the date of application, successfully completed the prescribed  
32 salesperson curriculum or salesperson correspondence course offered by such school, except that  
33 the commission may waive all or part of the educational requirements set forth in this subsection  
34 when an applicant presents proof of other educational background or experience acceptable to  
35 the commission.

36         7. The commission may issue a temporary work permit pending final review and printing  
37 of the license to an applicant who appears to have satisfied the requirements for licenses. The  
38 commission may, at its discretion, withdraw the work permit at any time.

39         8. Every active broker, broker-salesperson, salesperson, officer, manager, general  
40 partner, member or associate shall provide upon request to the commission evidence that during  
41 the two years preceding he or she has completed twelve hours of real estate instruction in courses  
42 approved by the commission. The commission may, by rule and regulation, provide for  
43 individual waiver of this requirement.

44         9. Each entity that provides continuing education required under the provisions of  
45 subsection 8 of this section may make available instruction courses that the entity conducts  
46 through means of distance delivery. The commission shall by rule set standards for such courses.  
47 The commission may by regulation require the individual completing such distance-delivered  
48 course to complete an examination on the contents of the course. Such examination shall be  
49 designed to ensure that the licensee displays adequate knowledge of the subject matter of the  
50 course, and shall be designed by the entity producing the course and approved by the  
51 commission.

52         10. In the event of the death or incapacity of a licensed broker, or of one or more of the  
53 licensed general partners, officers, managers, members or associates of a real estate partnership,  
54 limited partnership, limited liability company, professional corporation, corporation, or  
55 association whereby the affairs of the broker, partnership, limited partnership, limited liability  
56 company, professional corporation, corporation, or association cannot be carried on, the  
57 commission may issue, without examination or fee, to the legal representative or representatives  
58 of the deceased or incapacitated individual, or to another individual approved by the commission,  
59 a temporary broker license which shall authorize such individual to continue for a period to be

60 designated by the commission to transact business for the sole purpose of winding up the affairs  
61 of the broker, partnership, limited partnership, limited liability company, professional  
62 corporation, corporation, or association under the supervision of the commission.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a  
2 written complaint filed by any person, investigate any real estate-related activity of a licensee  
3 licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or  
4 entity acting as or representing themselves as a real estate licensee. In conducting such  
5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the  
6 commission may forward a copy of the information received to the affiliated licensee's  
7 designated broker. The commission shall have the power to hold an investigatory hearing to  
8 determine whether there is a probability of a violation of sections 339.010 to 339.180 and  
9 sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to  
10 compel the production of records and papers bearing on the complaint. The commission shall  
11 have the power to issue a subpoena and to compel any person in this state to come before the  
12 commission to offer testimony or any material specified in the subpoena. Subpoenas and  
13 subpoenas duces tecum issued pursuant to this section shall be served in the same manner as  
14 subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that  
15 allowed in the circuit court in civil cases.

16 2. The commission may cause a complaint to be filed with the administrative hearing  
17 commission as provided by the provisions of chapter 621 against any person or entity licensed  
18 under this chapter or any licensee who has failed to renew or has surrendered his or her  
19 individual or entity license for any one or any combination of the following acts:

20 (1) Failure to maintain and deposit in a special account, separate and apart from his or  
21 her personal or other business accounts, all moneys belonging to others entrusted to him or her  
22 while acting as a real estate broker or as the temporary custodian of the funds of others, until the  
23 transaction involved is consummated or terminated, unless all parties having an interest in the  
24 funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises or suppression, concealment  
26 or omission of material facts in the conduct of his or her business or pursuing a flagrant and  
27 continued course of misrepresentation through agents, salespersons, advertising or otherwise in  
28 any transaction;

29 (3) Failing within a reasonable time to account for or to remit any moneys, valuable  
30 documents or other property, coming into his or her possession, which belongs to others;

31 (4) Representing to any lender, guaranteeing agency, or any other interested party, either  
32 verbally or through the preparation of false documents, an amount in excess of the true and  
33 actual sale price of the real estate or terms differing from those actually agreed upon;

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any party  
35 or parties executing the same where the instruments have been prepared by the licensee or under  
36 his or her supervision or are within his or her control, including, but not limited to, the  
37 instruments relating to the employment of the licensee or to any matter pertaining to the  
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property,  
39 or any type of real estate transaction in which he or she may participate as a licensee;

40 (6) Acting for more than one party in a transaction without the knowledge of all parties  
41 for whom he or she acts, or accepting a commission or valuable consideration for services from  
42 more than one party in a real estate transaction without the knowledge of all parties to the  
43 transaction;

44 (7) Paying a commission or valuable consideration to any person for acts or services  
45 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

46 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future  
47 profits which may result from the resale of real property;

48 (9) Having been finally adjudicated and been found guilty of the violation of any state  
49 or federal statute which governs the sale or rental of real property or the conduct of the real estate  
50 business as defined in subsection 1 of section 339.010;

51 (10) Obtaining a certificate or registration of authority, permit or license for himself or  
52 herself or anyone else by false or fraudulent representation, fraud or deceit;

53 (11) Representing a real estate broker other than the broker with whom associated  
54 without the express written consent of the broker with whom associated;

55 (12) Accepting a commission or valuable consideration for the performance of any of  
56 the acts referred to in section 339.010 from any person except the broker with whom associated  
57 at the time the commission or valuable consideration was earned;

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure  
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,  
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or  
61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting  
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective  
63 purchaser of real property;

64 (14) Placing a sign on or advertising any property offering it for sale or rent without the  
65 written consent of the owner or his or her duly authorized agent;

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to  
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections  
69 339.710 to 339.860;

70 (16) Committing any act which would otherwise be grounds for the commission to  
71 refuse to issue a license under section 339.040;

72 (17) Failure to timely inform seller of all written offers unless otherwise instructed in  
73 writing by the seller;

74 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
75 contendere, in a criminal prosecution under the laws of this state or any other state or of the  
76 United States, **or any country**, for any offense [~~reasonably~~] **directly** related to the  
77 [~~qualifications, functions or~~] duties [~~of any profession licensed or regulated under this chapter,~~  
78 ~~for any offense an essential element of which is fraud, dishonesty or act of violence, or for any~~  
79 ~~offense involving moral turpitude,~~] **and responsibilities of the occupation as set forth in**  
80 **section 324.012, regardless of** whether or not sentence is imposed;

81 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business  
82 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

83 (20) Disciplinary action against the holder of a license or other right to practice any  
84 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted  
85 by another state, territory, federal agency, or country upon grounds for which revocation,  
86 suspension, or probation is authorized in this state;

87 (21) Been found by a court of competent jurisdiction of having used any controlled  
88 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to  
89 perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and  
90 sections 339.710 to 339.860;

91 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

92 (23) Assisting or enabling any person to practice or offer to practice any profession  
93 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who  
94 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections  
95 339.710 to 339.860;

96 (24) Use of any advertisement or solicitation which is knowingly false, misleading or  
97 deceptive to the general public or persons to whom the advertisement or solicitation is primarily  
98 directed;

99 (25) Making any material misstatement, misrepresentation, or omission with regard to  
100 any application for licensure or license renewal. As used in this section, "material" means  
101 important information about which the commission should be informed and which may influence  
102 a licensing decision;

103 (26) Engaging in, committing, or assisting any person in engaging in or committing  
104 mortgage fraud, as defined in section 443.930.

105           3. After the filing of such complaint, the proceedings will be conducted in accordance  
 106 with the provisions of law relating to the administrative hearing commission. A finding of the  
 107 administrative hearing commissioner that the licensee has performed or attempted to perform one  
 108 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by  
 109 the commission, or the placing of the licensee on probation on such terms and conditions as the  
 110 real estate commission shall deem appropriate, or the imposition of a civil penalty by the  
 111 commission not to exceed two thousand five hundred dollars for each offense. Each day of a  
 112 continued violation shall constitute a separate offense.

113           4. The commission may prepare a digest of the decisions of the administrative hearing  
 114 commission which concern complaints against licensed brokers or salespersons and cause such  
 115 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new  
 116 or changed rules adopted by the commission and other information of significance to licensees.

117           5. Notwithstanding other provisions of this section, a broker or salesperson's license shall  
 118 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has  
 119 ~~[pleaded guilty to;]~~ **been finally adjudicated and found guilty, or has** entered a plea of nolo  
 120 contendere, ~~[to, or been found guilty of any of the following offenses or offenses of a similar~~  
 121 ~~nature established]~~ **in a criminal prosecution** under the laws of ~~[this;]~~ any ~~[other]~~ state, the  
 122 United States, or any ~~[other]~~ country, ~~[notwithstanding]~~ **for any offense directly related to the**  
 123 **duties and responsibilities of the occupation as set forth in section 324.012, regardless of**  
 124 whether sentence is imposed[:

125           ~~—— (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;~~

126           ~~—— (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,~~  
 127 ~~statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,~~  
 128 ~~sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,~~  
 129 ~~statutory sodomy in the second degree, child molestation in the first degree, child molestation~~  
 130 ~~in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct~~  
 131 ~~involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior~~  
 132 ~~to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013,~~  
 133 ~~sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;~~

134           ~~—— (3) Any of the following offenses against the family and related offenses: incest,~~  
 135 ~~abandonment of a child in the first degree, abandonment of a child in the second degree,~~  
 136 ~~endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual~~  
 137 ~~performance, promoting sexual performance by a child, or trafficking in children;~~

138           ~~—— (4) Any of the following offenses involving child pornography and related offenses:~~  
 139 ~~promoting obscenity in the first degree, promoting obscenity in the second degree when the~~  
 140 ~~penalty is enhanced to a class E felony, promoting child pornography in the first degree,~~

141 ~~promoting child pornography in the second degree, possession of child pornography in the first~~  
 142 ~~degree, possession of child pornography in the second degree, furnishing child pornography to~~  
 143 ~~a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene~~  
 144 ~~material; and~~

145 ~~———(5) Mortgage fraud as defined in section 570.310].~~

146 6. A person whose license was revoked under subsection 5 of this section may appeal  
 147 such revocation to the administrative hearing commission. Notice of such appeal must be  
 148 received by the administrative hearing commission within ninety days of mailing, by certified  
 149 mail, the notice of revocation. Failure of a person whose license was revoked to notify the  
 150 administrative hearing commission of his or her intent to appeal waives all rights to appeal the  
 151 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the  
 152 administrative hearing commission.

339.190. 1. A real estate licensee shall be immune from liability for statements made  
 2 by engineers, land surveyors, geologists, environmental hazard experts, wood-destroying  
 3 inspection and control experts, termite inspectors, mortgage brokers, home inspectors, or other  
 4 home inspection experts unless:

5 (1) The statement was made by a person employed by the licensee or the broker with  
 6 whom the licensee is associated;

7 (2) The person making the statement was selected by and engaged by the licensee. For  
 8 purposes of this section, the ordering of a report or inspection alone shall not constitute selecting  
 9 or engaging a person; or

10 (3) The licensee knew prior to closing that the statement was false or the licensee acted  
 11 in reckless disregard as to whether the statement was true or false.

12 2. A real estate licensee shall not be the subject of any action and no action shall be  
 13 instituted against a real estate licensee for any information contained in a seller's disclosure for  
 14 residential, commercial, industrial, farm, or vacant real estate furnished to a buyer, unless the real  
 15 estate licensee is a signatory to such or the licensee knew prior to closing that the statement was  
 16 false or the licensee acted in reckless disregard as to whether the statement was true or false.

17 3. A real estate licensee acting as a courier of documents referenced in this section shall  
 18 not be considered to be making the statements contained in such documents.

19 **4. A real estate licensee shall not be the subject of any action and no action shall be**  
 20 **instituted against a real estate licensee for the accuracy of any information about the size**  
 21 **or area, in square footage or otherwise, of a property or of improvements on the property**  
 22 **if the real estate licensee obtains the information from a third party and the licensee**  
 23 **discloses the source of the information prior to an offer to purchase being transmitted to**  
 24 **the seller, unless the real estate licensee knew the information was false at the time the real**

25 **estate licensee transmitted or published the information or the licensee acted with reckless**  
26 **disregard as to whether such information was true or false.**

339.511. 1. There shall be six classes of licensure for individuals including:

- 2 (1) State-licensed appraiser trainee;
- 3 (2) State-licensed real estate appraiser;
- 4 (3) State-certified residential appraiser trainee;
- 5 (4) State-certified residential real estate appraiser;
- 6 (5) State-certified general appraiser trainee; and
- 7 (6) State-certified general real estate appraiser.

8 2. There shall be one class of license for appraisal management companies.

9 3. Persons desiring to obtain licensure as a state-licensed appraiser trainee, state-licensed  
10 real estate appraiser, state-certified residential appraiser trainee, certification as a state-certified  
11 residential real estate appraiser, state-certified general appraiser trainee, or state-certified general  
12 real estate appraiser shall make written application to the commission on such forms as are  
13 prescribed by the commission setting forth the applicant's qualifications for licensure or  
14 certification [~~and present to the commission satisfactory proof that the person is of good moral~~  
15 ~~character and bears a good reputation for honesty, integrity and fair dealing~~].

16 4. Each applicant for licensure as a state-licensed appraiser trainee, state-licensed real  
17 estate appraiser, a state-certified residential appraiser trainee, a state-certified residential real  
18 estate appraiser, a state-certified general appraiser trainee, or a state-certified general real estate  
19 appraiser shall have demonstrated the knowledge and competence necessary to perform  
20 appraisals of residential and other real estate as the commission may prescribe by rule not  
21 inconsistent with any requirements imposed by the appraiser qualifications board. The  
22 commission shall prescribe by rule procedures for obtaining and maintaining approved courses  
23 of instruction. The commission shall, also, prescribe the hours of training in real estate appraisal  
24 practices and the minimum level of experience acceptable for licensure or certification.

25 5. Persons who receive certification after March 30, 1991, or who have a state license  
26 or certificate to engage in business as a real estate appraiser issued by the commission, shall  
27 receive the same license or certificate from the commission as such persons are currently holding  
28 without further education, experience, examination or application fee, but shall be required to  
29 meet all continuing education requirements prescribed by the commission.

30 6. Appraisal management companies desiring to obtain licensure shall:

- 31 (1) Make application to the commission on such forms as are prescribed by the  
32 commission setting forth the applicant's qualifications for licensure;
- 33 (2) Remit the fee or fees as established by rule; **and**

34 (3) Post with the commission and maintain on renewal a surety bond in the amount of  
 35 twenty thousand dollars as further promulgated by rule[; and

36 ~~———(4) Submit to the commission satisfactory proof that any controlling person, defined in~~  
 37 ~~section 339.503, is of good moral character and bears a good reputation for honesty, integrity,~~  
 38 ~~and fair dealing].~~

339.532. 1. The commission may refuse to issue or renew any certificate or license  
 2 issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in  
 3 subsection 2 of this section. The commission shall notify the applicant in writing of the reasons  
 4 for the refusal and shall advise the applicant of the right to file a complaint with the  
 5 administrative hearing commission as provided by chapter 621.

6 2. The commission may cause a complaint to be filed with the administrative hearing  
 7 commission as provided by chapter 621 against any state-certified real estate appraiser, state-  
 8 licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential appraiser  
 9 trainee, state-certified general appraiser trainee, state-licensed appraisal management company  
 10 that is a legal entity other than a natural person, any person who is a controlling person as defined  
 11 in this chapter, or any person who has failed to renew or has surrendered his or her certificate or  
 12 license for any one or any combination of the following causes:

13 (1) Procuring or attempting to procure a certificate or license pursuant to section 339.513  
 14 by knowingly making a false statement, submitting false information, refusing to provide  
 15 complete information in response to a question in an application for certification or licensure,  
 16 or through any form of fraud or misrepresentation;

17 (2) Failing to meet the minimum qualifications for certification or licensure or renewal  
 18 established by sections 339.500 to 339.549;

19 (3) Paying money or other valuable consideration, other than as provided for by section  
 20 339.513, to any member or employee of the commission to procure a certificate or license  
 21 pursuant to sections 339.500 to 339.549;

22 (4) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
 23 or nolo contendere, in a criminal prosecution under the laws of any state or the United States, **or**  
 24 **any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
 25 duties [~~of any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any~~  
 26 ~~offense of which an essential element is fraud, dishonesty or act of violence, or for any offense~~  
 27 ~~involving moral turpitude,]~~ **and responsibilities of the occupation as set forth in section**  
 28 **324.012, regardless of** whether or not sentence is imposed;

29 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation  
 30 in the performance of the functions or duties of any profession licensed or regulated by sections  
 31 339.500 to 339.549;

- 32 (6) Violation of any of the standards for the development or communication of real estate  
33 appraisals as provided in or pursuant to sections 339.500 to 339.549;
- 34 (7) Failure to comply with the Uniform Standards of Professional Appraisal Practice  
35 promulgated by the appraisal standards board of the appraisal foundation;
- 36 (8) Failure or refusal without good cause to exercise reasonable diligence in developing  
37 an appraisal, preparing an appraisal report, or communicating an appraisal;
- 38 (9) Negligence or incompetence in developing an appraisal, in preparing an appraisal  
39 report, or in communicating an appraisal;
- 40 (10) Violating, assisting or enabling any person to willfully disregard any of the  
41 provisions of sections 339.500 to 339.549 or the regulations of the commission for the  
42 administration and enforcement of the provisions of sections 339.500 to 339.549;
- 43 (11) Accepting an appraisal assignment when the employment itself is contingent upon  
44 the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the  
45 performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation  
46 reached or upon the consequences resulting from the appraisal assignment;
- 47 (12) Violating the confidential nature of governmental records to which the person  
48 gained access through employment or engagement to perform an appraisal assignment or  
49 specialized appraisal services for a governmental agency;
- 50 (13) Violating any term or condition of a certificate or license issued by the commission  
51 pursuant to the authority of sections 339.500 to 339.549;
- 52 (14) Violation of any professional trust or confidence;
- 53 (15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
54 fraud, deception or misrepresentation;
- 55 (16) Assisting or enabling any person to practice or offer to practice any profession  
56 licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and  
57 currently eligible to practice pursuant to sections 339.500 to 339.549;
- 58 (17) Use of any advertisement or solicitation which is false, misleading or deceptive to  
59 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 60 (18) Disciplinary action against the holder of a license, certificate or other right to  
61 practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another  
62 state, territory, federal agency or country upon grounds for which revocation or suspension is  
63 authorized in this state;
- 64 (19) Making any material misstatement, misrepresentation, or omission with regard to  
65 any application for licensure or certification, or for license or certification renewal. As used in  
66 this section, "material" means important information about which the commission should be  
67 informed and which may influence a licensing decision;

68 (20) Engaging in or committing, or assisting any person in engaging in or committing,  
69 any practice or act of mortgage fraud, as defined in section 443.930;

70 (21) Influencing or attempting to influence the development, reporting, or review of an  
71 appraisal through coercion, extortion, collusion, compensation, instruction, inducement,  
72 intimidation, or bribery.

73 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
74 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
75 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
76 commission may, singly or in combination, publicly censure or place the person named in the  
77 complaint on probation on such terms and conditions as the commission deems appropriate for  
78 a period not to exceed five years, or may suspend, for a period not to exceed three years, or  
79 revoke, the certificate or license. The holder of a certificate or license, or the legal entity and any  
80 controlling person in the case of an appraisal management company, revoked pursuant to this  
81 section may not obtain certification as a state-certified real estate appraiser, licensure as a state-  
82 licensed real estate appraiser, or licensure as an appraisal management company for at least five  
83 years after the date of revocation.

84 4. Notwithstanding other provisions of this section, a real estate appraiser license or  
85 certification or an appraisal management company license shall be revoked, or in the case of an  
86 applicant, shall not be issued, if the licensee or applicant, or any controlling person in the case  
87 of an appraisal management company, has ~~[pleaded guilty to,]~~ **been finally adjudicated and**  
88 **found guilty, or has** entered a plea of nolo contendere, ~~[to, or been found guilty of mortgage~~  
89 ~~fraud as defined in section 570.310]~~ **in a criminal prosecution under the laws of any state or**  
90 **the United States, or any country, for any offense directly related to the duties and**  
91 **responsibilities of the occupation as set forth in section 324.012, regardless of whether or**  
92 **not sentence is imposed.** The commission shall notify the individual or legal entity of the  
93 reasons for the revocation in writing, by certified mail.

94 5. A person, or the legal entity or controlling person in the case of an appraisal  
95 management company, whose license is revoked under subsection 4 of this section may appeal  
96 such revocation to the administrative hearing commission, as provided by chapter 621, within  
97 ninety days from the time the commission mails the notice of revocation. A person who fails to  
98 do so waives all rights to appeal the revocation.

99 6. A certification of a state-certified real estate appraiser, a license of a state-licensed real  
100 estate appraiser, or a license of an appraisal management company that has been suspended as  
101 a result of disciplinary action by the commission shall not be reinstated, and a person, controlling  
102 person, or legal entity may not obtain certification as a state-certified real estate appraiser,  
103 licensure as a state-licensed real estate appraiser, or licensure as an appraisal management

104 company subsequent to revocation, unless the applicant presents evidence of completion of the  
105 continuing education required by section 339.530 during the period of suspension or revocation  
106 as well as fulfillment of any other conditions imposed by the commission. Applicants for  
107 recertification, relicensure or reinstatement also shall be required to successfully complete the  
108 examination for original certification or licensure required by section 339.515 as a condition to  
109 reinstatement of certification or licensure, or recertification or relicensure subsequent to  
110 revocation.

340.228. 1. Any person desiring a license to practice veterinary medicine in the state of  
2 Missouri shall make a written application to the board on forms to be provided by the board. The  
3 board shall provide such forms without charge upon the applicant's request.

4 2. Each application shall contain a statement that is made under oath or affirmation that  
5 representations made therein are true, correct and contain no material omissions of fact to the  
6 best knowledge and belief of the person making the application and whose signature shall be  
7 subscribed thereto. Any person who knowingly submits false information, information intended  
8 to mislead the board, or omits a material fact on the application shall be subject to penalties  
9 provided for by the laws of this state for giving a false statement under oath or affirmation, in  
10 addition to any actions which the board may take pursuant to the provisions of sections 340.200  
11 to 340.330.

12 3. To qualify for licensure under sections 340.200 to 340.330, the application must show  
13 that the applicant:

14 (1) ~~Is a person of good moral character;~~

15 ~~—(2) Is a graduate of an accredited school of veterinary medicine;~~

16 ~~[(3)] (2)~~ Has completed a veterinary candidacy program after graduation under the  
17 supervision of a veterinarian licensed and in good standing in any state, territory or district of the  
18 United States. The supervising veterinarian shall submit an affidavit to the board stating that the  
19 applicant has satisfactorily completed the veterinary candidacy program. If the applicant submits  
20 satisfactory proof that he or she has completed a student preceptor program recognized and  
21 approved by the board before graduation, the board may waive the veterinary candidacy  
22 requirement; and

23 ~~[(4)] (3)~~ Has passed an examination or examinations as prescribed by board rule. The  
24 examination or examinations shall be designed to test the examinee's knowledge of, and  
25 proficiency in, subjects and techniques commonly taught in schools of veterinary medicine, the  
26 requirements of sections 340.200 to 340.330, other related statutes and administrative rules and  
27 other material as determined by the board. An examinee must demonstrate scientific, practical  
28 and legal knowledge sufficient to establish for the board that the examinee is competent to  
29 practice veterinary medicine. The examination or examinations will only be given in the English

30 language. Applications for examination shall be in writing, on a form furnished by the board and  
31 shall include evidence satisfactory to the board that the applicant possesses the qualifications set  
32 forth in this section.

33 4. The board may require such other information and proof of a person's fitness as it  
34 deems necessary.

340.264. 1. The board may refuse to issue or renew any certificate of registration or  
2 authority, permit or license required pursuant to sections 340.200 to 340.330 for one or any  
3 combination of causes stated in subsection 2 of this section. The board shall notify the applicant  
4 in writing of the reasons for the refusal and shall advise the applicant of his or her right to file  
5 a complaint with the administrative hearing commission as provided by chapter 621.

6 2. The board may file a complaint with the administrative hearing commission as  
7 provided by chapter 621 against any holder of any certificate of registration or authority, permit  
8 or license required by sections 340.200 to 340.330 or any person who has failed to renew or has  
9 surrendered his or her certificate of registration or authority, permit or license for any one or  
10 combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
12 an extent that such use impairs a person's ability to perform the work of any profession licensed  
13 or regulated by sections 340.200 to 340.330;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state~~], territory, district of~~  
16 ~~the United States,]~~ or the United States, **or any country**, for any offense ~~[reasonably]~~ **directly**  
17 related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under~~  
18 ~~sections 340.200 to 340.330 or for any offense for which an essential element is fraud,~~  
19 ~~dishonesty or act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities**  
20 **of the occupation as set forth in section 324.012, regardless of** whether or not sentence is  
21 imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
23 registration or authority, permit or license issued pursuant to sections 340.200 to 340.330 or in  
24 obtaining permission to take any examination given or required pursuant to sections 340.200 to  
25 340.330;

26 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or  
27 unprofessional conduct in the performance of the functions or duties of any profession licensed  
28 or regulated by sections 340.200 to 340.330, including, but not limited to:

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

31 (b) Willfully and continually overcharging for services or overtreating patients or  
32 charging for services which did not occur unless the services were contracted for in advance, or  
33 for services which were not rendered or documented in the patient's records, or charging for  
34 services which were not consented to by the owner of the patient or the owner's agent;

35 (c) Willfully or continually performing inappropriate or unnecessary treatment,  
36 diagnostic tests or medical or surgical services;

37 (d) Attempting, directly or indirectly, by intimidation, coercion or deception to obtain  
38 or retain a patient or discourage the owner from seeking a second opinion or consultation;

39 (e) Delegating professional responsibilities to a person who is not qualified by training,  
40 skill, competency, age, experience, registration or licensure to perform such responsibilities;

41 (f) Misrepresenting that any disease or ailment can be cured by a method, procedure,  
42 treatment, medicine or device;

43 (g) Performing or prescribing medical services which have been declared by board rule  
44 to be of no medical value;

45 (h) Final disciplinary action by any professional veterinary medical association or society  
46 or licensed hospital or clinic or medical staff of such hospital or clinic in this state or any other  
47 state or territory, whether agreed to voluntarily or not, and including, but not limited to, any  
48 removal, suspension, limitation, surrender, or restriction of a license or staff or hospital or clinic  
49 privileges, failure to renew such privileges or license for cause, or other final disciplinary action,  
50 if the action was related to unprofessional conduct, professional incompetence, malpractice or  
51 any other violation of sections 340.200 to 340.330;

52 (i) Dispensing, prescribing, administering or otherwise distributing any drug, controlled  
53 substance or other treatment without sufficient examination or establishment of a veterinarian-  
54 client-patient relationship, or for other medically accepted therapeutic or experimental or  
55 investigative purposes, or not in the course of professional practice, or not in good faith to relieve  
56 pain and suffering, or not to cure an ailment, physical infirmity or disease; or the dispensing,  
57 prescribing, administering or distribution of any drug, controlled substance or other treatment  
58 by anyone other than a properly licensed veterinarian, unless such person is a properly registered  
59 veterinary technician, unregistered assistant, or the patient's owner and then to be limited to  
60 administration of drugs or other treatment under the supervision, control or explicit instructions  
61 of a licensed veterinarian;

62 (j) Terminating the medical care of a patient without adequate notice to the owner or  
63 without making other arrangements for the continued care of the patient;

64 (k) Failing to furnish details of a patient's medical records to another treating  
65 veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner  
66 or owner's agent, or failing to comply with any other law relating to medical records; except,

67 radiographs prepared by the licensed veterinarian shall remain the property of the veterinarian  
68 and shall be returned upon request or as otherwise agreed between the veterinarian and client;

69 (l) Failure of any applicant or licensee to cooperate with the board during any  
70 investigation, if such investigation does not concern the applicant or licensee;

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

73 (n) Failure to timely pay license or registration renewal fees as specified in sections  
74 340.200 to 340.330;

75 (o) Violating a probation agreement with the board or any other licensing authority of  
76 this state, another state or territory of the United States, or a federal agency;

77 (p) Violating any informal consent agreement for discipline entered into by an applicant  
78 or licensee with the board or any other licensing authority of this state, another state or territory  
79 of the United States, or a federal agency;

80 (q) Failing to inform the board of any change in business or residential address as  
81 required by sections 340.200 to 340.330 or administrative rule;

82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates  
83 any rules of the board, or which claims without substantiation the positive cure of any disease,  
84 or professional superiority to or greater skill than that possessed by any other veterinarian;

85 (5) Any conduct or practice which is or might be harmful or dangerous to the health of  
86 a patient;

87 (6) Incompetency, gross negligence or repeated negligence in the performance of the  
88 functions or duties of any profession licensed or regulated by sections 340.200 to 340.330. For  
89 purposes of this subdivision, "repeated negligence" means the failure, on more than one  
90 occasion, to use that degree of skill and learning ordinarily used under the same or similar  
91 circumstances by members of the profession;

92 (7) Violation of, or attempting to violate, directly or indirectly, or assisting, or enabling  
93 any person to violate, any provisions of sections 340.200 to 340.330, or any lawful rule or  
94 regulation adopted pursuant to sections 340.200 to 340.330;

95 (8) Impersonation of any person holding a certificate of registration or authority, permit  
96 or license or allowing any person to use his certificate of registration or authority, permit, license  
97 or diploma from any school;

98 (9) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
99 censure, probation or other final disciplinary action against the holder of, or applicant for, a  
100 license or registration or other right to practice any profession regulated by sections 340.200 to  
101 340.330 or by another state, territory, federal agency or country, whether or not voluntarily  
102 agreed to by the licensee or applicant, including, but not limited to:

- 103 (a) Denial of licensure or registration;
- 104 (b) Surrender of the license or registration;
- 105 (c) Allowing the license or registration to expire or lapse; or
- 106 (d) Discontinuing or limiting the practice of veterinary medicine while subject to an
- 107 investigation or while actually under investigation by any licensing authority, medical facility,
- 108 insurance company, court, agency of the state or federal government, or employer;
- 109 (10) Being adjudged incapacitated or disabled by a court of competent jurisdiction;
- 110 (11) Assisting or enabling any person to practice or offer to practice any profession
- 111 licensed or regulated by sections 340.200 to 340.330 who is not licensed or registered and
- 112 currently eligible to practice under sections 340.200 to 340.330, or knowingly performing any
- 113 act which aids, assists, procures, advises, or encourages any person to practice veterinary
- 114 medicine who is not licensed or registered and currently eligible to practice under sections
- 115 340.200 to 340.330;
- 116 (12) Issuance of a certificate of registration or authority, permit or license based upon
- 117 a material mistake of fact;
- 118 (13) Failure to obtain, renew or display a valid certificate, license, permit or notice if
- 119 required;
- 120 (14) Violation of the drug laws or rules and regulations of this state, any other state,
- 121 territory, or the federal government;
- 122 (15) Knowingly or recklessly making or causing to be made, or aiding or abetting in the
- 123 making of a false statement or documentation in connection with the birth, death, or health of
- 124 any animal, executed in connection with the practice of his or her profession or failure to file
- 125 such statements or documents with the proper officials of the federal or state government as
- 126 provided by law or any rule promulgated under sections 340.200 to 340.330;
- 127 (16) Soliciting patronage in person or by agents, under his or her own name or under the
- 128 name of another, actual or pretended, in such a manner as to confuse, deceive or mislead the
- 129 public as to the need or appropriateness of animal health care or services or the qualifications of
- 130 an individual person or persons to diagnose, render, or perform such animal health care services;
- 131 (17) Failure or refusal to properly guard against contagious, infectious or communicable
- 132 diseases or the spread thereof;
- 133 (18) Maintaining an unsanitary office or facility, or performing professional services
- 134 under unsanitary conditions with due consideration given to the place where the services are
- 135 rendered;
- 136 (19) Practicing or offering to practice any profession or service regulated by sections
- 137 340.200 to 340.330 independent of the supervision and direction of a person licensed under
- 138 sections 340.200 to 340.330 as a veterinarian in good standing by any candidate for registration

139 or person registered to practice as a veterinary technician or engaged as an unregistered assistant  
140 to a veterinarian;

141 (20) Treating or attempting to treat ailments or health conditions of animals other than  
142 as authorized under sections 340.200 to 340.330 or board rule by any candidate for registration  
143 or person registered to practice as a veterinary technician or engaged as an unregistered assistant  
144 to a licensed veterinarian;

145 (21) A pattern of personal use or consumption of any controlled substance unless it is  
146 prescribed, dispensed or administered by a licensed physician;

147 (22) Any revocation, suspension, surrender, limitation or restriction of any controlled  
148 substance authority, whether agreed to voluntarily or not;

149 (23) Being unable to practice as a veterinarian or veterinary technician with reasonable  
150 skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics,  
151 chemicals, or as a result of any mental or physical condition;

152 (24) Violation of any professional trust or confidence;

153 (25) Failing to obtain or renew any facility permit or to maintain mandatory requirements  
154 or minimum standards for any such facility as required by sections 340.200 to 340.330 or board  
155 rule.

156 3. If the board files a complaint pursuant to subsection 2 of this section, the proceedings  
157 shall be conducted in accordance with the provisions of chapter 621. If the administrative  
158 hearing commission finds that grounds provided in this section are met, the board may either  
159 singly or in combination:

160 (1) Warn, censure or place the person named in the complaint on probation on such  
161 terms and conditions as the board deems appropriate for a period not to exceed ten years;

162 (2) Suspend such license, certificate or permit for a period not to exceed three years;

163 (3) Restrict or limit the license, certificate or permit for an indefinite period of time;

164 (4) Revoke such license, certificate or permit;

165 (5) Administer a public or private reprimand;

166 (6) Deny the application for a license;

167 (7) Permanently withhold issuance of a license or certificate;

168 (8) Require the applicant or licensee to submit to the care, counseling or treatment of  
169 physicians designated by the board at the expense of the person to be examined;

170 (9) Require the person to attend such continuing educational courses and pass such  
171 examinations as the board may direct.

340.274. 1. A license issued under sections 340.200 to 340.330 shall be automatically  
2 revoked following a review of the record of the proceedings by the board and upon a formal  
3 motion of the board:

4 (1) ~~When the final trial proceedings are concluded where a]~~ **The person has been finally**  
 5 adjudicated and found guilty, or has entered a plea of guilty or nolo contendere ~~whether or not~~  
 6 ~~a sentence is imposed:~~

7 ~~——(a) in a [felony] criminal prosecution under the laws of [this state, the laws of any other~~  
 8 ~~state, territory or district of the United States, or] any state, the United States, or any country,~~  
 9 for any offense ~~reasonably] directly~~ related to the ~~[qualifications, functions or duties of the~~  
 10 ~~person licensed under sections 340.200 to 340.330;~~

11 ~~——(b) For any felony offense, for which an essential element is fraud, dishonesty or an act~~  
 12 ~~of violence; or~~

13 ~~——(c) For any felony offense involving moral turpitude] duties and responsibilities of the~~  
 14 **occupation as set forth in section 324.012, regardless of whether or not sentence is imposed;**

15 (2) Upon the final and unconditional revocation or surrender of the person's license to  
 16 practice the same profession in another state, territory or district of the United States upon  
 17 grounds for which revocation is authorized in this state.

18 2. The license of such person shall be automatically reinstated if the conviction,  
 19 judgment or revocation is set aside upon final appeal in any court of competent jurisdiction.

20 3. Any person who has been denied a license, certificate, permit or other authority to  
 21 practice a profession in another state, if such profession in this state is regulated pursuant to  
 22 sections 340.200 to 340.330, shall automatically be denied a license to practice such profession  
 23 in this state; however, the board may establish qualifications whereby such person may be  
 24 qualified and licensed to practice such profession in this state.

340.300. 1. Any person desiring to be registered as a veterinary technician in the state  
 2 of Missouri shall submit a written application to the board. Such application shall be on forms  
 3 furnished by the board without charge.

4 2. Each application shall contain a statement that is made under oath or affirmation that  
 5 representations made therein are true, correct and contain no material omissions of fact to the  
 6 best knowledge and belief of the person making the application and whose signature shall be  
 7 subscribed thereto. Any person who knowingly submits false information, information intended  
 8 to mislead the board, or omits a material fact on the application shall be subject to penalties  
 9 provided for by the laws of this state for giving a false statement under oath or affirmation; such  
 10 penalty is in addition to and not in lieu of any action which the board takes pursuant to the  
 11 provisions of sections 340.200 to 340.330.

12 3. To qualify to be registered as a veterinary technician pursuant to this section, the  
 13 application must show that the applicant:

14 (1) Is at least eighteen years of age;

15 (2) ~~Is of good moral character;~~

16 ———(3)] Has successfully completed a college level course of study in veterinary technology  
17 in a school having a curriculum approved by the board or a college level course in the care and  
18 treatment of animals which is accredited by the AVMA; and

19 [(4)] (3) Has passed an examination or examinations as prescribed by board rule. The  
20 examination or examinations shall be designed to test the examinee's knowledge of, proficiency  
21 in, subjects and techniques commonly taught in schools providing a curriculum in veterinary  
22 technology, familiarity with the requirements of sections 340.200 to 340.330, related statutes and  
23 board rules, and other material as determined by the board. An examinee must demonstrate  
24 scientific, practical and legal knowledge sufficient to establish to the board that the applicant is  
25 competent to practice as a veterinary technician. Applications for examination shall be in  
26 writing, on a form furnished by the board and shall include evidence satisfactory to the board that  
27 the applicant possesses the qualifications set forth in subdivisions (1), (2) and (3) of this  
28 subsection.

29 4. The board may require additional information and proof of a person's fitness and  
30 qualifications by board rule.

341.170. 1. Applicants for a master plumber's license shall [~~be at least twenty-five years~~  
2 ~~of age and shall~~] have had three years or more experience as a licensed journeyman plumber  
3 theretofore licensed by any county or city operating under plumbing laws or regulations equal  
4 to the requirements of sections 341.090 to 341.220. The applicant shall possess the ability to  
5 direct other persons in the installation of plumbing and drainage and shall be skilled in planning,  
6 designing and installing plumbing and drainage facilities and shall have a thorough knowledge  
7 of the accepted standards, principles and art of plumbing for the protection of the public health.

8 2. An applicant for a license as a journeyman plumber shall [~~be at least twenty-one years~~  
9 ~~of age and shall~~] have had at least five years' experience as an apprentice under the direction and  
10 supervision of a master plumber licensed under the provisions of sections 341.090 to 341.220  
11 or a master plumber licensed under the plumbing laws and regulations of any county or city  
12 operating under laws or regulations equal to the requirements of sections 341.090 to 341.220.  
13 He **or she** shall have a practical knowledge of plumbing and shall be skilled in the art of  
14 installing plumbing and drainage facilities and shall have knowledge of the accepted standards  
15 and principles of plumbing and sewer or drainage facilities for the protection of the public health.

16 3. An applicant for a master drainlayer's license shall [~~be at least twenty-five years of age~~  
17 ~~and shall~~] have had three years' or more experience as a licensed journeyman drainlayer  
18 theretofore licensed by any county or city operating under plumbing laws or regulations equal  
19 to the requirements of sections 341.090 to 341.220. The applicant shall possess the ability to  
20 direct other persons in the installation of drains and sewers and shall be skilled in planning,

21 designing and installing sewer and drain facilities and shall have a thorough practical knowledge  
22 of the accepted standards, principles and art of drainlaying for the protection of the public health.

23 4. An applicant for a journeyman drainlayer's license shall have worked at drainlaying  
24 under the supervision of a licensed master plumber or master drainlayer for a period of at least  
25 one year and shall possess a knowledge of drainlaying and the ability to lay drains and shall have  
26 a thorough understanding of sewer and drain installation and shall have the ability to install all  
27 types of sewers and drains conformable with standard engineering principles and specifications.

28 5. Any licensed master plumber or journeyman plumber desirous of engaging in the  
29 business of drainlaying shall secure a drainlayer's license and no master plumber or journeyman  
30 plumber shall engage in the business of drainlaying without first securing a drainlayer's license.

344.030. 1. An applicant for an initial license shall file a completed application with the  
2 board on a form provided by the board, accompanied by an application fee as provided by rule  
3 payable to the department of health and senior services. Information provided in the application  
4 shall be attested by signature to be true and correct to the best of the applicant's knowledge and  
5 belief.

6 2. No initial license shall be issued to a person as a nursing home administrator unless:

7 (1) The applicant provides the board satisfactory proof that the applicant is ~~[of good~~  
8 ~~moral character and]~~ a high school graduate or equivalent;

9 (2) The applicant provides the board satisfactory proof that the applicant has had a  
10 minimum of three years' experience in health care administration or two years of postsecondary  
11 education in health care administration or has satisfactorily completed a course of instruction and  
12 training prescribed by the board, which includes instruction in the needs properly to be served  
13 by nursing homes, the protection of the interests of residents therein, and the elements of good  
14 nursing home administration, or has presented evidence satisfactory to the board of sufficient  
15 education, training, or experience in the foregoing fields to administer, supervise and manage  
16 a nursing home; and

17 (3) The applicant passes the examinations administered by the board. If an applicant  
18 fails to make a passing grade on either of the examinations such applicant may make application  
19 for reexamination on a form furnished by the board and may be retested. If an applicant fails  
20 either of the examinations a third time, the applicant shall be required to complete a course of  
21 instruction prescribed and approved by the board. After completion of the board-prescribed  
22 course of instruction, the applicant may reapply for examination. With regard to the national  
23 examination required for licensure, no examination scores from other states shall be recognized  
24 by the board after the applicant has failed his or her third attempt at the national examination.  
25 There shall be a separate, nonrefundable fee for each examination. The board shall set the  
26 amount of the fee for examination by rules and regulations promulgated pursuant to section

27 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed  
28 the cost and expense of administering the examination.

29 3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall  
30 be construed to require an applicant for a license as a nursing home administrator, who is  
31 employed by an institution listed and certified by the Commission for Accreditation of Christian  
32 Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such  
33 commission for the care and treatment of the sick in accordance with the creed or tenets of a  
34 recognized church or religious denomination, to demonstrate proficiency in any techniques or  
35 to meet any educational qualifications or standards not in accord with the remedial care and  
36 treatment provided in such institutions. The applicant's license shall be endorsed to confine the  
37 applicant's practice to such institutions.

38 4. The board may issue a temporary emergency license for a period not to exceed ninety  
39 days to a person twenty-one years of age or over~~[, of good moral character]~~ and a high school  
40 graduate or equivalent to serve as an acting nursing home administrator, provided such person  
41 is replacing a licensed nursing home administrator who has died, has been removed or has  
42 vacated the nursing home administrator's position. No temporary emergency license may be  
43 issued to a person who has had a nursing home administrator's license denied, suspended or  
44 revoked. A temporary emergency license may be renewed for one additional ninety-day period  
45 upon a showing that the person seeking the renewal of a temporary emergency license meets the  
46 qualifications for licensure and has filed an application for a regular license, accompanied by the  
47 application fee, and the applicant has taken the examination or examinations but the results have  
48 not been received by the board. No temporary emergency license may be renewed more than one  
49 time.

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

14 of whether cause exists to discipline the licensee under subsection 2 of this section. If no written  
15 request for a hearing is received by the administrative hearing commission within the thirty-day  
16 period, the right to seek review of the board's decision shall be waived.

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

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

25 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
26 or nolo contendere, ~~[pursuant to]~~ **in a** criminal prosecution under the laws of any state or of the  
27 United States, **or any country**, for any offense ~~[reasonably]~~ **directly** related to the  
28 ~~[qualifications, functions or] duties [of any profession licensed or regulated under this chapter,~~  
29 ~~for any offense an essential element of which is fraud, dishonesty or act of violence, or for any~~  
30 ~~offense involving moral turpitude,]~~ **and responsibilities of the occupation as set forth in**  
31 **section 324.012, regardless of** whether or not sentence is imposed;

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

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

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

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

42 (7) Violation of, or assisting or enabling any person to violate, any provision of chapter  
43 198 or any lawful rule or regulation promulgated thereunder;

44 (8) Impersonation of any person holding a certificate of registration or authority, permit  
45 or license, or allowing any person to use such person's certificate of registration or authority,  
46 permit, license or diploma from any school;

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

50 (10) A person is finally adjudged incapacitated or disabled by a court of competent  
51 jurisdiction;

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

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

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

59 (14) Knowingly failing to report abuse or neglect of a resident in a long-term care  
60 facility, as required by section 198.070, of which he or she has actual knowledge that it is abuse  
61 or neglect;

62 (15) Violation of any professional trust or confidence;

63 (16) Having served as the administrator, operator, or any principal involved in the  
64 operation of a facility licensed under chapter 198 and during such time the facility has had its  
65 license revoked under section 198.036, has entered into a consent agreement to obtain a  
66 probationary license under subsection 5 of section 198.026, has had a license denied under  
67 subsection 2 of section 198.022, or has surrendered its license while under investigation.

68 3. The administrative hearing commission shall have no authority to require issuance of  
69 a license, pending a final determination by the commission, in any case in which an applicant is  
70 seeking initial licensure.

71 4. No license may be suspended or revoked and no application for renewal of a license  
72 may be denied under this section until the licensee has been afforded an opportunity for hearing  
73 after due notice as provided in sections 621.015 to 621.205.

74 5. Upon a finding by the administrative hearing commission that the grounds, provided  
75 in subsection 2 of this section, for disciplinary action are met, the board may, singly or in  
76 combination, censure or place the person named in the complaint on probation on such terms as  
77 the board deems appropriate, or may suspend or revoke the certificate, permit or license. The  
78 board may exclude any application for up to five years for any person who has had his or her  
79 license revoked by the board or has surrendered his or her license to the board.

345.015. As used in sections 345.010 to 345.080, the following terms mean:

2 (1) "Audiologist", a person who is licensed as an audiologist pursuant to sections  
3 345.010 to 345.080 to practice audiology;

4 (2) "Audiology aide", a person who is registered as an audiology aide by the board, who  
5 does not act independently but works under the direction and supervision of a licensed  
6 audiologist. Such person assists the audiologist with activities which require an understanding

7 of audiology but do not require formal training in the relevant academics. To be eligible for  
8 registration by the board, each applicant shall submit a registration fee[, ~~be of good moral and~~  
9 ~~ethical character;~~] and:

- 10 (a) Be at least eighteen years of age;
- 11 (b) Furnish evidence of the person's educational qualifications which shall be at a  
12 minimum:
- 13 a. Certification of graduation from an accredited high school or its equivalent; and  
14 b. On-the-job training;
- 15 (c) Be employed in a setting in which direct and indirect supervision are provided on a  
16 regular and systematic basis by a licensed audiologist.

17

18 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or  
19 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case  
20 selection, present written reports to anyone other than the supervisor without the signature of the  
21 supervisor, make referrals to other professionals or agencies, use a title other than audiology aide,  
22 develop or modify treatment plans, discharge clients from treatment or terminate treatment,  
23 disclose clinical information, either orally or in writing, to anyone other than the supervising  
24 audiologist, or perform any procedure for which he or she is not qualified, has not been  
25 adequately trained or both;

26 (3) "Board", the state board of registration for the healing arts;

27 (4) "Commission", the advisory commission for speech-language pathologists and  
28 audiologists;

29 (5) "Hearing instrument" or "hearing aid", any wearable device or instrument designed  
30 for or offered for the purpose of aiding or compensating for impaired human hearing and any  
31 parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers  
32 and repairs;

33 (6) "Person", any individual, organization, or corporate body, except that only  
34 individuals may be licensed pursuant to sections 345.010 to 345.080;

35 (7) "Practice of audiology":

36 (a) The application of accepted audiologic principles, methods and procedures for the  
37 measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory  
38 system, balance system or related structures and systems;

39 (b) Provides consultation or counseling to the patient, client, student, their family or  
40 interested parties;

41 (c) Provides academic, social and medical referrals when appropriate;

- 42 (d) Provides for establishing goals, implementing strategies, methods and techniques,  
43 for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system,  
44 balance system or related structures and systems;
- 45 (e) Provides for involvement in related research, teaching or public education;
- 46 (f) Provides for rendering of services or participates in the planning, directing or  
47 conducting of programs which are designed to modify audition, communicative, balance or  
48 cognitive disorder, which may involve speech and language or education issues;
- 49 (g) Provides and interprets behavioral and neurophysiologic measurements of auditory  
50 balance, cognitive processing and related functions, including intraoperative monitoring;
- 51 (h) Provides involvement in any tasks, procedures, acts or practices that are necessary  
52 for evaluation of audition, hearing, training in the use of amplification or assistive listening  
53 devices;
- 54 (i) Provides selection, assessment, fitting, programming, and dispensing of hearing  
55 instruments, assistive listening devices, and other amplification systems;
- 56 (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim  
57 molds and industrial noise protectors;
- 58 (k) Provides assessment of external ear and cerumen management;
- 59 (l) Provides advising, fitting, mapping assessment of implantable devices such as  
60 cochlear or auditory brain stem devices;
- 61 (m) Provides information in noise control and hearing conservation including education,  
62 equipment selection, equipment calibration, site evaluation and employee evaluation;
- 63 (n) Provides performing basic speech-language screening test;
- 64 (o) Provides involvement in social aspects of communication, including challenging  
65 behavior and ineffective social skills, lack of communication opportunities;
- 66 (p) Provides support and training of family members and other communication partners  
67 for the individual with auditory balance, cognitive and communication disorders;
- 68 (q) Provides aural rehabilitation and related services to individuals with hearing loss and  
69 their families;
- 70 (r) Evaluates, collaborates and manages audition problems in the assessment of the  
71 central auditory processing disorders and providing intervention for individuals with central  
72 auditory processing disorders;
- 73 (s) Develops and manages academic and clinical problems in communication sciences  
74 and disorders;
- 75 (t) Conducts, disseminates and applies research in communication sciences and  
76 disorders;
- 77 (8) "Practice of speech-language pathology":

- 78 (a) Provides screening, identification, assessment, diagnosis, treatment, intervention,  
79 including but not limited to prevention, restoration, amelioration and compensation, and follow-  
80 up services for disorders of:
- 81 a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;
  - 82 b. Language, involving the parameters of phonology, morphology, syntax, semantics and  
83 pragmatic; and including disorders of receptive and expressive communication in oral, written,  
84 graphic and manual modalities;
  - 85 c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia,  
86 including disorders of swallowing and oral functions for feeding; orofacial myofunctional  
87 disorders;
  - 88 d. Cognitive aspects of communication, including communication disability and other  
89 functional disabilities associated with cognitive impairment;
  - 90 e. Social aspects of communication, including challenging behavior, ineffective social  
91 skills, lack of communication opportunities;
- 92 (b) Provides consultation and counseling and makes referrals when appropriate;
- 93 (c) Trains and supports family members and other communication partners of individuals  
94 with speech, voice, language, communication and swallowing disabilities;
- 95 (d) Develops and establishes effective augmentative and alternative communication  
96 techniques and strategies, including selecting, prescribing and dispensing of augmentative aids  
97 and devices; and the training of individuals, their families and other communication partners in  
98 their use;
- 99 (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices  
100 for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking  
101 valves;
- 102 (f) Uses instrumental technology to diagnose and treat disorders of communication and  
103 swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;
- 104 (g) Provides aural rehabilitative and related counseling services to individuals with  
105 hearing loss and to their families;
- 106 (h) Collaborates in the assessment of central auditory processing disorders in cases in  
107 which there is evidence of speech, language or other cognitive communication disorders;  
108 provides intervention for individuals with central auditory processing disorders;
- 109 (i) Conducts pure-tone air conduction hearing screening and screening tympanometry  
110 for the purpose of the initial identification or referral;
- 111 (j) Enhances speech and language proficiency and communication effectiveness,  
112 including but not limited to accent reduction, collaboration with teachers of English as a second  
113 language and improvement of voice, performance and singing;

- 114 (k) Trains and supervises support personnel;
- 115 (l) Develops and manages academic and clinical programs in communication sciences  
116 and disorders;
- 117 (m) Conducts, disseminates and applies research in communication sciences and  
118 disorders;
- 119 (n) Measures outcomes of treatment and conducts continuous evaluation of the  
120 effectiveness of practices and programs to improve and maintain quality of services;
- 121 (9) "Speech-language pathologist", a person who is licensed as a speech-language  
122 pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-  
123 language pathology as defined in sections 345.010 to 345.080;
- 124 (10) "Speech-language pathology aide", a person who is registered as a speech-language  
125 aide by the board, who does not act independently but works under the direction and supervision  
126 of a licensed speech-language pathologist. Such person assists the speech-language pathologist  
127 with activities which require an understanding of speech-language pathology but do not require  
128 formal training in the relevant academics. To be eligible for registration by the board, each  
129 applicant shall submit a registration fee~~[, be of good moral and ethical character;]~~ and:
- 130 (a) Be at least eighteen years of age;
- 131 (b) Furnish evidence of the person's educational qualifications which shall be at a  
132 minimum:
- 133 a. Certification of graduation from an accredited high school or its equivalent; and  
134 b. On-the-job training;
- 135 (c) Be employed in a setting in which direct and indirect supervision is provided on a  
136 regular and systematic basis by a licensed speech-language pathologist.
- 137
- 138 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or  
139 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case  
140 selection, present written reports to anyone other than the supervisor without the signature of the  
141 supervisor, make referrals to other professionals or agencies, use a title other than speech-  
142 language pathology aide, develop or modify treatment plans, discharge clients from treatment  
143 or terminate treatment, disclose clinical information, either orally or in writing, to anyone other  
144 than the supervising speech-language pathologist, or perform any procedure for which he or she  
145 is not qualified, has not been adequately trained or both;
- 146 (11) "Speech-language pathology assistant", a person who is registered as a speech-  
147 language pathology assistant by the board, who does not act independently but works under the  
148 direction and supervision of a licensed speech-language pathologist practicing for at least one  
149 year or speech-language pathologist practicing under subdivision (1) or (6) of subsection 1 of

150 section 345.025 for at least one year and whose activities require both academic and practical  
151 training in the field of speech-language pathology although less training than those established  
152 by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To  
153 be eligible for registration by the board, each applicant shall submit the registration fee,  
154 supervising speech-language pathologist information if employment is confirmed, if not such  
155 information shall be provided after registration, ~~[be of good moral character]~~ and furnish  
156 evidence of the person's educational qualifications which meet the following:

157 (a) Hold a bachelor's level degree from an institution accredited or approved by a  
158 regional accrediting body recognized by the United States Department of Education or its  
159 equivalent; and

160 (b) Submit official transcripts from one or more accredited colleges or universities  
161 presenting evidence of the completion of bachelor's level course work and requirements in the  
162 field of speech-language pathology as established by the board through rules and regulations;

163 (c) Submit proof of completion of the number and type of clinical hours as established  
164 by the board through rules and regulations.

345.050. 1. To be eligible for licensure by the board by examination, each applicant  
2 shall submit the application fee and shall furnish evidence of such person's ~~[good moral and~~  
3 ~~ethical character,]~~ current competence and shall:

4 (1) Hold a master's or a doctoral degree from a program accredited by the Council on  
5 Academic Accreditation of the American Speech-Language-Hearing Association or other  
6 accrediting agency approved by the board in the area in which licensure is sought;

7 (2) Submit official transcripts from one or more accredited colleges or universities  
8 presenting evidence of the completion of course work and clinical practicum requirements  
9 equivalent to that required by the Council on Academic Accreditation of the American Speech-  
10 Language-Hearing Association or other accrediting agency approved by the board; and

11 (3) Pass an examination promulgated or approved by the board. The board shall  
12 determine the subject and scope of the examinations.

13 2. To be eligible for licensure by the board without examination, each applicant shall  
14 make application on forms prescribed by the board, submit the application fee ~~[and shall be of~~  
15 ~~good moral and ethical character,]~~ submit an activity statement and meet one of the following  
16 requirements:

17 (1) The board shall issue a license to any speech-language pathologist or audiologist who  
18 is licensed in another country and who has had no violations, suspension or revocations of a  
19 license to practice speech-language pathology or audiology in any jurisdiction; provided that,  
20 such person is licensed in a country whose requirements are substantially equal to, or greater  
21 than, Missouri at the time the applicant applies for licensure; or

22 (2) Hold the certificate of clinical competence issued by the American Speech-Language-  
23 Hearing Association in the area in which licensure is sought.

345.065. 1. The board may refuse to issue any certificate of registration or authority,  
2 permit or license required pursuant to sections 345.010 to 345.080 for one or any combination  
3 of causes stated in subsection 2 of this section. The board shall notify the applicant in writing  
4 of the reasons for the refusal and shall advise the applicant of the applicant's right to file a  
5 complaint with the administrative hearing commission as provided by chapter 621. As an  
6 alternative to a refusal to issue or renew any certificate, registration or authority, the board may,  
7 at its discretion, issue a license or registration which is subject to probation, restriction or  
8 limitation to an applicant for licensure or registration for any one or any combination of causes  
9 stated in subsection 2 of this section. The board's order of probation, limitation or restriction  
10 shall contain a statement of the discipline imposed, the basis therefor, the date such action shall  
11 become effective and a statement that the applicant has thirty days to request in writing a hearing  
12 before the administrative hearing commission. If the board issues a probationary, limited or  
13 restricted license or registration to an applicant for licensure or registration, either party may file  
14 a written petition with the administrative hearing commission within thirty days of the effective  
15 date of the probationary, limited or restricted license or registration seeking review of the board's  
16 determination. If no written request for a hearing is received by the administrative hearing  
17 commission within the thirty-day period, the right to seek review of the board's decision shall  
18 be considered as waived.

19 2. The board may cause a complaint to be filed with the administrative hearing  
20 commission as provided by chapter 621 against any holder of any certificate of registration or  
21 authority, permit or license required by sections 345.010 to 345.080 or any person who has failed  
22 to renew or has surrendered the person's certificate of registration or authority, permit or license  
23 for any one or any combination of the following causes:

24 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
25 an extent that such use impairs a person's ability to perform the work of any profession licensed  
26 or regulated by sections 345.010 to 345.080;

27 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
28 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
29 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]  
30 duties [~~of any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any~~  
31 ~~offense an essential element of which is fraud, dishonesty or act of violence, or for any offense~~  
32 ~~involving moral turpitude,]~~ **and responsibilities of the occupation as set forth in section**  
33 **324.012, regardless of** whether or not sentence is imposed;

- 34 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
35 registration or authority, permit or license issued pursuant to sections 345.010 to 345.080 or in  
36 obtaining permission to take any examination given or required pursuant to sections 345.010 to  
37 345.080;
- 38 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
39 fraud, deception or misrepresentation;
- 40 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
41 in the performance of the functions or duties of any profession licensed or regulated by sections  
42 345.010 to 345.080;
- 43 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
44 345.010 to 345.080, or of any lawful rule or regulation adopted pursuant to sections 345.010 to  
45 345.080;
- 46 (7) Impersonation of any person holding a certificate of registration or authority, permit  
47 or license or allowing any person to use his or her certificate of registration or authority, permit,  
48 license or diploma from any school;
- 49 (8) Disciplinary action against the holder of a license or other right to practice any  
50 profession regulated by sections 345.010 to 345.080 granted by another state, territory, federal  
51 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 52 (9) A person is finally adjudged insane or incompetent by a court of competent  
53 jurisdiction;
- 54 (10) Assisting or enabling any person to practice or offer to practice any profession  
55 licensed or regulated by sections 345.010 to 345.080 who is not registered and currently eligible  
56 to practice pursuant to sections 345.010 to 345.080;
- 57 (11) Issuance of a certificate of registration or authority, permit or license based upon  
58 a material mistake of fact;
- 59 (12) Failure to display a valid certificate or license if so required by sections 345.010 to  
60 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;
- 61 (13) Violation of any professional trust or confidence;
- 62 (14) Fraudulently or deceptively using a license, provisional license or registration;
- 63 (15) Altering a license, provisional license or registration;
- 64 (16) Willfully making or filing a false report or record in the practice of speech-language  
65 pathology or audiology;
- 66 (17) Using or promoting or causing the use of any misleading, deceiving, improbable or  
67 untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label,  
68 brand, insignia or any other representation;
- 69 (18) Falsely representing the use or availability of services or advice of a physician;

70 (19) Misrepresenting the applicant, licensee or holder by using the word doctor or any  
 71 similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained  
 72 from a regionally accredited institution;

73 (20) Committing any act of dishonorable, immoral or unprofessional conduct while  
 74 engaging in the practice of speech-language pathology or audiology;

75 (21) Providing services or promoting the sale of devices, appliances or products to a  
 76 person who cannot reasonably be expected to benefit from such services, devices, appliances or  
 77 products.

78 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
 79 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
 80 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
 81 board may, singly or in combination, censure or place the person named in the complaint on  
 82 probation on such terms and conditions as the board deems appropriate for a period not to exceed  
 83 ten years, or may suspend, for a period not to exceed three years, or restrict or limit the person's  
 84 ability to practice for an indefinite period of time, or revoke the license or registration.

85 4. The board may apply for relief by injunction, without bond, to restrain any person,  
 86 partnership or corporation from engaging in any act or practice which constitutes an offense  
 87 pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there  
 88 is no adequate remedy at law to obtain an injunction. The members of the board and the advisory  
 89 commission shall not be individually liable for applying for such relief.

346.055. 1. An applicant may obtain a license provided the applicant:

2 (1) Is at least eighteen years of age; and

3 (2) ~~[Is of good moral character; and~~

4 ~~——(3)]~~ Successfully passes a qualifying examination as described under sections 346.010  
 5 to 346.250; and

6 ~~[(4)]~~ (3) (a) Holds an associate's degree or higher, from a state or regionally accredited  
 7 institution of higher education, in hearing instrument sciences; or

8 (b) Holds an associate's level degree or higher, from a state or regionally accredited  
 9 institution of higher education and submits proof of completion of the International Hearing  
 10 Society's Distance Learning for Professionals in Hearing Health Sciences Course; or

11 (c) Holds a master's or doctoral degree in audiology from a state or regionally accredited  
 12 institution; or

13 (d) Holds a current, unsuspended, unrevoked license from another country if the  
 14 standards for licensing in such country, as determined by the board, are substantially equivalent  
 15 to or exceed those required in paragraph (a) or (b) of this subdivision; or

16 (e) Holds a current, unsuspended, unrevoked license from another country, has been  
17 actively practicing as a licensed hearing aid fitter or dispenser in another country for no less than  
18 forty-eight of the last seventy-two months, and submits proof of completion of advance  
19 certification from either the International Hearing Society or the National Board for Certification  
20 in Hearing Instrument Sciences.

21 2. The provisions of subsection 1 of this section shall not apply to any person holding  
22 a valid Missouri hearing instrument specialist license under this chapter when applying for the  
23 renewal of that license. These provisions shall apply to any person holding a hearing instrument  
24 specialist-in-training permit at the time of their application for licensure or renewal of said  
25 permit.

26 3. (1) The board shall promulgate reasonable standards and rules for the evaluation of  
27 applicants for purposes of determining the course of instruction and training required of each  
28 applicant for a hearing instrument specialist license under the requirement of subdivision (4) of  
29 subsection 1 of this section.

30 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
31 under the authority delegated in this section shall become effective only if it complies with and  
32 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
33 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
34 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
35 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
36 proposed or adopted after August 28, 2013, shall be invalid and void.

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,

16 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualification, functions or~~  
17 ~~duties [of any profession licensed or regulated under this chapter, for any offense an essential~~  
18 ~~element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~  
19 ~~turpitude,]~~ **and responsibilities of the occupation as set forth in section 324.012, regardless**  
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

49 (15) Representing that the service or advice of a person licensed as a physician pursuant  
50 to chapter 334 will be used or made available in the selection, fitting, adjustment, maintenance  
51 or repair of hearing instruments when that is not true, or using the words "doctor", "clinic",

52 "clinical audiologist", "state-licensed clinic", "state registered", "state certified", or "state  
53 approved" or any other term, abbreviation, or symbol when it would falsely give the impression  
54 that service is being provided by physicians licensed pursuant to chapter 334, or by audiologists  
55 licensed pursuant to chapter 345, or that the licensee's service has been recommended by the state  
56 when such is not the case.

436.230. 1. Except as otherwise provided in subsection 2 of this section, the director  
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines  
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's  
5 fitness to serve as an athlete agent. In making the determination, the director may consider  
6 whether the applicant has:

7 (1) Been ~~convicted of a crime that if committed in this state would be a felony or other~~  
8 ~~crime involving moral turpitude~~ **finally adjudicated and found guilty, or entered a plea of**  
9 **guilty or nolo contendere, in a criminal prosecution under the laws of any state, or of the**  
10 **United States, or any country, for any offense directed related to the duties and**  
11 **responsibilities of the occupation as set forth in section 324.012, regardless of whether or**  
12 **not sentence is imposed;**

13 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an  
14 athlete agent or in the application;

15 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary  
16 capacity;

17 (4) Engaged in conduct prohibited by section 436.254;

18 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or  
19 been refused renewal of registration or licensure in any state;

20 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that  
21 a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or  
22 intercollegiate athletic event was imposed on a student athlete or educational institution; or

23 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,  
24 honesty, or integrity.

25 3. In making a determination under subsection 3 of this section, the director shall  
26 consider:

27 (1) How recently the conduct occurred;

28 (2) The nature of the conduct and the context in which it occurred; and

29 (3) Any other relevant conduct of the applicant.

30 4. An athlete agent may apply to renew a registration by submitting an application for  
31 renewal in a form prescribed by the director. The application for renewal must be signed by the

32 applicant under penalty of perjury under section 575.040 and shall contain current information  
33 on all matters required in an original registration.

34 5. A certificate of registration or a renewal of a registration is valid for two years.

**442.135. 1. If a property is subdivided and a new property description is created,  
2 such property description shall include the name and professional license number, if  
3 applicable, of the person that created the property description.**

**4 2. No person shall submit for recording a conveyance of any property under  
5 subsection 1 of this section unless the property description of such property contains the  
6 information required in subsection 1 of this section.**

630.175. 1. No person admitted on a voluntary or involuntary basis to any mental health  
2 facility or mental health program in which people are civilly detained pursuant to chapter 632  
3 and no patient, resident or client of a residential facility or day program operated, funded or  
4 licensed by the department shall be subject to physical or chemical restraint, isolation or  
5 seclusion unless it is determined by the head of the facility, the attending licensed physician, or  
6 in the circumstances specifically set forth in this section, by an advanced practice registered  
7 nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician  
8 with a ~~supervision agreement~~ **collaborative practice arrangement**, with the attending licensed  
9 physician that the chosen intervention is imminently necessary to protect the health and safety  
10 of the patient, resident, client or others and that it provides the least restrictive environment. An  
11 advanced practice registered nurse in a collaborative practice arrangement, or a physician  
12 assistant or an assistant physician with a ~~supervision agreement~~ **collaborative practice**  
13 **arrangement**, with the attending licensed physician may make a determination that the chosen  
14 intervention is necessary for patients, residents, or clients of facilities or programs operated by  
15 the department, in hospitals as defined in section 197.020 that only provide psychiatric care and  
16 in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section  
17 197.020. Any determination made by the advanced practice registered nurse, physician assistant,  
18 or assistant physician shall be documented as required in subsection 2 of this section and  
19 reviewed in person by the attending licensed physician if the episode of restraint is to extend  
20 beyond:

21 (1) Four hours duration in the case of a person under eighteen years of age;

22 (2) Eight hours duration in the case of a person eighteen years of age or older; or

23 (3) For any total length of restraint lasting more than four hours duration in a twenty-  
24 four-hour period in the case of a person under eighteen years of age or beyond eight hours  
25 duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

26

27 The review shall occur prior to the time limit specified under subsection 6 of this section and  
28 shall be documented by the licensed physician under subsection 2 of this section.

29         2. Every use of physical or chemical restraint, isolation or seclusion and the reasons  
30 therefor shall be made a part of the clinical record of the patient, resident or client under the  
31 signature of the head of the facility, or the attending licensed physician, or the advanced practice  
32 registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant  
33 physician with a [~~supervision agreement~~] **collaborative practice arrangement**, with the  
34 attending licensed physician.

35         3. Physical or chemical restraint, isolation or seclusion shall not be considered standard  
36 treatment or habilitation and shall cease as soon as the circumstances causing the need for such  
37 action have ended.

38         4. The use of security escort devices, including devices designed to restrict physical  
39 movement, which are used to maintain safety and security and to prevent escape during transport  
40 outside of a facility shall not be considered physical restraint within the meaning of this section.  
41 Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in  
42 security escort devices when transported outside of the facility if it is determined by the head of  
43 the facility, or the attending licensed physician, or the advanced practice registered nurse in a  
44 collaborative practice arrangement, or a physician assistant or an assistant physician with a  
45 [~~supervision agreement~~] **collaborative practice arrangement**, with the attending licensed  
46 physician that the use of security escort devices is necessary to protect the health and safety of  
47 the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who  
48 have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552  
49 shall be placed in security escort devices when transported outside of the facility unless it is  
50 determined by the head of the facility, or the attending licensed physician, or the advanced  
51 practice registered nurse in a collaborative practice arrangement, or a physician assistant or an  
52 assistant physician with a [~~supervision agreement~~] **collaborative practice arrangement**, with  
53 the attending licensed physician that security escort devices are not necessary to protect the  
54 health and safety of the patient, resident, client, or other persons or is not necessary to prevent  
55 escape.

56         5. Extraordinary measures employed by the head of the facility to ensure the safety and  
57 security of patients, residents, clients, and other persons during times of natural or man-made  
58 disasters shall not be considered restraint, isolation, or seclusion within the meaning of this  
59 section.

60         6. Orders issued under this section by the advanced practice registered nurse in a  
61 collaborative practice arrangement, or a physician assistant or an assistant physician with a  
62 [~~supervision agreement~~] **collaborative practice arrangement**, with the attending licensed

63 physician shall be reviewed in person by the attending licensed physician of the facility within  
64 twenty-four hours or the next regular working day of the order being issued, and such review  
65 shall be documented in the clinical record of the patient, resident, or client.

66 7. For purposes of this subsection, "division" shall mean the division of developmental  
67 disabilities. Restraint or seclusion shall not be used in habilitation centers or community  
68 programs that serve persons with developmental disabilities that are operated or funded by the  
69 division unless such procedure is part of an emergency intervention system approved by the  
70 division and is identified in such person's individual support plan. Direct-care staff that serve  
71 persons with developmental disabilities in habilitation centers or community programs operated  
72 or funded by the division shall be trained in an emergency intervention system approved by the  
73 division when such emergency intervention system is identified in a consumer's individual  
74 support plan.

630.875. 1. This section shall be known and may be cited as the "Improved Access to  
2 Treatment for Opioid Addictions Act" or "IATOA Act".

3 2. As used in this section, the following terms mean:

4 (1) "Department", the department of mental health;

5 (2) "IATOA program", the improved access to treatment for opioid addictions program  
6 created under subsection 3 of this section.

7 3. Subject to appropriations, the department shall create and oversee an "Improved  
8 Access to Treatment for Opioid Addictions Program", which is hereby created and whose  
9 purpose is to disseminate information and best practices regarding opioid addiction and to  
10 facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA  
11 program shall facilitate partnerships between assistant physicians, physician assistants, and  
12 advanced practice registered nurses practicing in federally qualified health centers, rural health  
13 clinics, and other health care facilities and physicians practicing at remote facilities located in  
14 this state. The IATOA program shall provide resources that grant patients and their treating  
15 assistant physicians, physician assistants, advanced practice registered nurses, or physicians  
16 access to knowledge and expertise through means such as telemedicine and Extension for  
17 Community Healthcare Outcomes (ECHO) programs established under section 191.1140.

18 4. Assistant physicians, physician assistants, and advanced practice registered nurses  
19 who participate in the IATOA program shall complete the necessary requirements to prescribe  
20 buprenorphine within at least thirty days of joining the IATOA program.

21 5. For the purposes of the IATOA program, a remote collaborating ~~[or supervising]~~  
22 physician working with an on-site assistant physician, physician assistant, or advanced practice  
23 registered nurse shall be considered to be on-site. An assistant physician, physician assistant,  
24 or advanced practice registered nurse collaborating with a remote physician shall comply with

25 all laws and requirements applicable to assistant physicians, physician assistants, or advanced  
26 practice registered nurses with on-site supervision before providing treatment to a patient.

27 6. An assistant physician, physician assistant, or advanced practice registered nurse  
28 collaborating with a physician who is waiver-certified for the use of buprenorphine may  
29 participate in the IATOA program in any area of the state and provide all services and functions  
30 of an assistant physician, physician assistant, or advanced practice registered nurse.

31 7. The department may develop curriculum and benchmark examinations on the subject  
32 of opioid addiction and treatment. The department may collaborate with specialists, institutions  
33 of higher education, and medical schools for such development. Completion of such a  
34 curriculum and passing of such an examination by an assistant physician, physician assistant,  
35 advanced practice registered nurse, or physician shall result in a certificate awarded by the  
36 department or sponsoring institution, if any.

37 8. An assistant physician, physician assistant, or advanced practice registered nurse  
38 participating in the IATOA program may also:

- 39 (1) Engage in community education;
- 40 (2) Engage in professional education outreach programs with local treatment providers;
- 41 (3) Serve as a liaison to courts;
- 42 (4) Serve as a liaison to addiction support organizations;
- 43 (5) Provide educational outreach to schools;
- 44 (6) Treat physical ailments of patients in an addiction treatment program or considering  
45 entering such a program;
- 46 (7) Refer patients to treatment centers;
- 47 (8) Assist patients with court and social service obligations;
- 48 (9) Perform other functions as authorized by the department; and
- 49 (10) Provide mental health services in collaboration with a qualified licensed physician.

50

51 The list of authorizations in this subsection is a nonexclusive list, and assistant physicians,  
52 physician assistants, or advanced practice registered nurses participating in the IATOA program  
53 may perform other actions.

54 9. When an overdose survivor arrives in the emergency department, the assistant  
55 physician, physician assistant, or advanced practice registered nurse serving as a recovery coach  
56 or, if the assistant physician, physician assistant, or advanced practice registered nurse is  
57 unavailable, another properly trained recovery coach shall, when reasonably practicable, meet  
58 with the overdose survivor and provide treatment options and support available to the overdose  
59 survivor. The department shall assist recovery coaches in providing treatment options and  
60 support to overdose survivors.

61 10. The provisions of this section shall supersede any contradictory statutes, rules, or  
 62 regulations. The department shall implement the improved access to treatment for opioid  
 63 addictions program as soon as reasonably possible using guidance within this section. Further  
 64 refinement to the improved access to treatment for opioid addictions program may be done  
 65 through the rules process.

66 11. The department shall promulgate rules to implement the provisions of the improved  
 67 access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion  
 68 of a rule, as that term is defined in section 536.010, that is created under the authority delegated  
 69 in this section shall become effective only if it complies with and is subject to all of the  
 70 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
 71 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536  
 72 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
 73 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
 74 August 28, 2018, shall be invalid and void.

2 ~~[324.008. 1. As used in this section, "nonresident military spouse" means~~  
 3 ~~a nonresident spouse of an active duty member of the Armed Forces of the United~~  
 4 ~~States who has been transferred or is scheduled to be transferred to the state of~~  
 5 ~~Missouri, is domiciled in the state of Missouri, or has moved to the state of~~  
 6 ~~Missouri on a permanent change-of-station basis.~~

7 ~~2. Except as provided in subsection 6 of this section and notwithstanding~~  
 8 ~~any other provision of law, any agency of this state or board established under~~  
 9 ~~state law for the regulation of occupations and professions in this state shall, with~~  
 10 ~~respect to such occupation or profession that it regulates, by rule establish criteria~~  
 11 ~~for the issuance of a temporary courtesy license to a nonresident spouse of an~~  
 12 ~~active duty member of the military who is transferred to this state in the course~~  
 13 ~~of the member's military duty, so that, on a temporary basis, the nonresident~~  
 14 ~~military spouse may lawfully practice his or her occupation or profession in this~~  
 15 ~~state.~~

16 ~~3. Notwithstanding provisions to the contrary, a nonresident military~~  
 17 ~~spouse shall receive a temporary courtesy license under subsection 2 of this~~  
 18 ~~section if, at the time of application, the nonresident military spouse:~~

19 ~~(1) Holds a current license or certificate in another state, district, or~~  
 20 ~~territory of the United States with licensure requirements that the appropriate~~  
 21 ~~regulatory board or agency determines are equivalent to those established under~~  
 22 ~~Missouri law for that occupation or profession;~~

23 ~~(2) Was engaged in the active practice of the occupation or profession for~~  
 24 ~~which the nonresident military spouse seeks a temporary license or certificate in~~  
 25 ~~a state, district, or territory of the United States for at least two of the five years~~  
 26 ~~immediately preceding the date of application under this section;~~

27 ~~(3) Has not committed an act in any jurisdiction that would have~~  
 constituted grounds for the refusal, suspension, or revocation of a license or

28 certificate to practice that occupation or profession under Missouri law at the  
29 time the act was committed;  
30 ~~————— (4) Has not been disciplined by a licensing or credentialing entity in~~  
31 ~~another jurisdiction and is not the subject of an unresolved complaint, review~~  
32 ~~procedure, or disciplinary proceeding conducted by a licensing or credentialing~~  
33 ~~entity in another jurisdiction;~~  
34 ~~————— (5) Authorizes the appropriate board or agency to conduct a criminal~~  
35 ~~background check and pay for any costs associated with such background check;~~  
36 ~~————— (6) Pays any fees required by the appropriate board or agency for that~~  
37 ~~occupation or profession; and~~  
38 ~~————— (7) Complies with other requirements as provided by the board.~~  
39 ~~————— 4. Relevant full-time experience in the discharge of official duties in the~~  
40 ~~military service or an agency of the federal government shall be credited in the~~  
41 ~~counting of years of practice under subdivision (2) of subsection 3 of this section.~~  
42 ~~————— 5. A temporary courtesy license or certificate issued under this section~~  
43 ~~is valid for one hundred eighty days and may be extended at the discretion of the~~  
44 ~~applicable regulatory board or agency for another one hundred eighty days on~~  
45 ~~application of the holder of the temporary courtesy license or certificate.~~  
46 ~~————— 6. This section shall not apply to the practice of law or the regulation of~~  
47 ~~attorneys.~~  
48 ~~————— 7. The appropriate board or agency shall promulgate rules to implement~~  
49 ~~the provisions of this section. Any rule or portion of a rule, as that term is~~  
50 ~~defined in section 536.010, that is created under the authority delegated in this~~  
51 ~~section shall become effective only if it complies with and is subject to all of the~~  
52 ~~provisions of chapter 536 and, if applicable, section 536.028. This section and~~  
53 ~~chapter 536 are nonseverable and if any of the powers vested with the general~~  
54 ~~assembly under chapter 536 to review, to delay the effective date, or to~~  
55 ~~disapprove and annul a rule are subsequently held unconstitutional, then the grant~~  
56 ~~of rulemaking authority and any rule proposed or adopted after August 28, 2011,~~  
57 ~~shall be invalid and void.]~~

