

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 258

AN ACT

To repeal sections 209.334, 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.436, 324.496, 324.523, 324.940, 324.1112, 328.150, 329.140, 331.060, 333.041, 346.105, and 436.230, RSMo, and to enact in lieu thereof nineteen new sections relating to professional registration, with existing penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

Section A. Sections 209.334, 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.436, 324.496, 324.523, 324.940, 324.1112, 328.150, 329.140, 331.060, 333.041, 346.105, and 436.230, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 209.334, 214.276, 256.477, 317.015, 324.019, 324.086, 324.217, 324.262, 324.436, 324.496, 324.523, 324.940, 324.1112, 328.150, 329.140, 331.060, 333.041, 346.105, and 436.230, to read as follows:

209.334. 1. The committee may refuse to issue or renew any license required by the provisions of sections 209.319 to 209.339 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621

against any holder of any license required by sections 209.319 to 209.339 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of interpreting;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of an interpreter, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 209.319 to 209.339 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 209.319 to 209.339;

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

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of interpreting;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 209.319 to 209.339, or of any lawful rule or regulation adopted pursuant to sections 209.319 to

209.339;

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

(8) Discipline of a license or other right to practice interpreting granted by another state, territory, federal agency or country upon grounds for which discipline is authorized in this state;

(9) Discipline of a certification issued by the Missouri commission for the deaf and hard of hearing or any other certifying body upon grounds for which discipline is authorized in this state if the licensee was given notice and an opportunity to be heard before the certification was disciplined;

(10) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(11) Assisting or enabling any person to practice or offer to practice interpreting who is not licensed and currently eligible to practice under the provisions of sections 209.319 to 209.339;

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

(13) Violation of any professional trust or confidence;

(14) Failure to display or present a valid license if so required by sections 209.319 to 209.339 or any rule promulgated pursuant thereto.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 209.319 to 209.339 and who does so in good faith shall not be subject to an action for civil damages as a

result thereof.

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

5. In any order of revocation, the committee may provide that the person may not apply for reinstatement of his license for three years after the revocation.

6. Before restoring to good standing a license issued pursuant to sections 209.319 to 209.339 which has been revoked, suspended or inactive for any cause, the committee shall require the applicant to submit to the committee, verification, from the Missouri commission for the deaf that the applicant has a current certification which qualifies that person for licensure.

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

2. The division may cause a complaint to be filed with the

administrative hearing commission as provided in chapter 621 against any holder of any license, required by sections 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or any combination of the following causes:

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 214.270 to 214.516, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

(12) Failure to display a valid license;

(13) Violation of any professional trust or confidence;

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

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

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter

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

4. The division may settle disputes arising under subsections 2 and 3 of this section by consent agreement or settlement agreement between the division and the holder of a license. Within such a settlement agreement, the division may singly or in combination impose any discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of such disputes shall be entered into pursuant to the procedures set forth in section 621.045.

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

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

2. Any person found to have performed geologic work regulated under sections 256.450 to 256.483 in a negligent manner

shall be guilty of a class B misdemeanor.

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

4. The board shall revoke the certification of registration for a person convicted of any felony or any [crime involving moral turpitude] offense described in subsection 2 of section 324.019 or sentence of imprisonment or probation in lieu thereof; or for any misdemeanor relating to or arising out of the practice of geology affecting public health, safety and welfare.

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

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

(2) The division may file a complaint with the administrative hearing commission, as provided in chapter 621,



against any holder of any permit or license issued pursuant to this chapter, or against any person who has failed to renew or has surrendered their permit or license, for any one or more of the following reasons:

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

(b) The person has been found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for any offense [reasonably] directly related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not a sentence is imposed;

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

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

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

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

(g) Impersonating any permit or license holder or allowing

any person to use their permit or license;

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

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

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

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

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

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

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

3. Upon a finding that the grounds provided in subsection 2 of this section for disciplinary action are met, the office may, singly or in combination, censure or place on probation on such terms and conditions as the office deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years or revoke the certificate, license, or permit. In any order of revocation, the office may provide that the person shall not apply for a new license for a maximum of three years and one day following the date of the order of revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or in addition to any remedy specifically provided in subsection 1 of this section, the office may require of a licensee:

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

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

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

(1) "Criminal offense", any type of felony conviction or misdemeanor conviction;

(2) "Licensing authority", any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on the occupations and professions set forth in subdivisions (1) to (16) of subsection 2 of this section;

(3) "Licensing requirement", any required training,

education, or fee to work in a specific occupation or profession;

(4) "Occupational fee", a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within a certain jurisdiction. The term "occupational fee" shall include any fee to obtain a license or renew a license;

(5) "Political subdivision", any city, town, village, or county.

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

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

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree,

statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

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

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

3. Any requirement of a state or political subdivision licensing authority that assesses the character or moral fitness

of the applicant for licensure shall be limited to consideration of the criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing authorities contained in the list developed by the licensing authority under subsection 2 of this section. If an applicant is denied licensure because such applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any criminal offenses contained in the list developed by the licensing authority under subsection 2 of this section, or because the applicant has been subject to any civil penalties or judgments, or disciplinary actions taken by other licensing authorities, the applicant may appeal such decision and request a hearing before the licensing authority, and the licensing authority may, at its discretion, reverse its initial decision.

4. A licensing authority shall include in the list described under subsection 2 of this section only criminal offenses, civil penalties or judgments, or disciplinary action taken by other licensing authorities that directly relate to the duties and responsibilities of the occupation or profession it regulates.

5. All relevant licensing authorities shall meet the requirements of subsections 2 to 4 of this section within ten months of the effective date of this section.

6. The provisions of subsections 2 to 4 of this section shall only apply to the following professions and occupations licensed in Missouri:

- (1) Acupuncturists;
- (2) Appraisers;

- (3) Athlete agents;
- (4) Athletics;
- (5) Barbers;
- (6) Boxers and wrestlers;
- (7) Chiropractors;
- (8) Cosmetologists;
- (9) Dietitians;
- (10) Endowed care cemeteries;
- (11) Geology;
- (12) Hearing instrument specialists;
- (13) Massage therapists;
- (14) Occupational therapists;
- (15) Private investigators;
- (16) Tattooing, body piercing, and branding.

7. If the state, on or after August 28, 2019, requires a license to practice an occupation or profession for which no license was required by the state before August 28, 2019, the state licensing authority for that occupation or profession shall establish a list of disqualifying criminal offenses in accordance with the requirements of subsections 2 and 4 of this section and ensure that its consideration of character and moral fitness is limited as described under subsection 3 of this section.

8. State licensing authorities shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section

536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

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

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

- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an occupational therapist or occupational therapy assistant;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a



criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of any profession licensed or regulated by sections 324.050 to 324.089, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in obtaining permission to take any examination given or required pursuant to sections 324.050 to 324.089;

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

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions and duties of any profession licensed or regulated by sections 324.050 to 324.089;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections 324.050 to 324.089;

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

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.050 to 324.089 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.050 to 324.089 who is not registered and currently eligible to practice pursuant to sections 324.050 to 324.089;

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

(12) Violation of any professional trust or confidence;

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

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

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

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

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

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

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

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

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

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

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

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

(5) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or the United States, for any offense [reasonably] directly related to the qualifications, functions, or duties of the professional who is regulated pursuant to sections 324.200 to 324.225, [for any offense an essential element of which is fraud, dishonesty or act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, regardless of whether or not sentence is imposed;

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

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

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

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

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

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

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

(13) Violation of any professional trust or confidence.

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

4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed

three years, or revoke the license of the person. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the committee after compliance with all requirements of sections 324.200 to 324.225 relative to the licensing of an applicant for the first time.

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

6. The committee shall recommend for prosecution violations of sections 324.200 to 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 sections 324.240 to 324.275 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

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

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the

United States, for any offense [reasonably] directly related to the qualifications, functions or duties of the profession regulated pursuant to sections 324.240 to 324.275, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude,] described in subsection 2 of section 324.019 whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

324.436. 1. The division may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or



renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621.

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

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

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

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

misrepresentation;

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

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

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

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

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

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

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

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a

finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.

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

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

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of the profession regulated pursuant to sections 324.475 to 324.499, [for any offense an essential element of which is fraud, dishonesty or an

act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

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

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

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

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

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

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

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

(9) Issuance of a license based upon a material mistake of

fact;

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

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

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

4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, upon recommendation of the committee, singly or in combination, censure or place the person named in the complaint on probation, suspension or 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 administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required under sections 324.520 to 324.526, or any person who has failed to

renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

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

(2) Final adjudication and finding of guilt, or the entrance of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions, or duties of any profession that is licensed or regulated under sections 324.520 to 324.526, and the regulations promulgated thereunder, [for any offense an essential element of which is fraud, dishonesty, or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

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

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

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession that is licensed or

regulated under sections 324.520 to 324.526;

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

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

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

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

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

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

(12) Failure to display a valid license;

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

(14) Failure or refusal to properly guard against

contagious, infectious, or communicable diseases and the spread thereof.

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

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



throughout the state.

324.940. 1. The division may refuse to issue or renew or may suspend any license required under sections 324.900 to 324.945 for one or any combination of causes stated in subsection 4 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division shall publish via electronic media and update on a weekly basis a list of valid statewide license holders, a list of current enforcement actions against license holders, and the procedures for filing grievances against licensees.

3. The permitting authority of each political subdivision may suspend a contractor's work in that political subdivision for a period of up to thirty days while a complaint is being forwarded by the permitting authority to the division for adjudication.

4. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 324.900 to 324.945 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) The final adjudication and finding of guilty, or the entering of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the

qualifications, functions, or duties of any profession licensed or regulated by sections 324.900 to 324.945, [for any offense an essential element of which is fraud, dishonesty, or an act of violence,] whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation, or bribery in securing any license issued under sections 324.900 to 324.945 or in obtaining permission to take any examination given or required under sections 324.900 to 324.945;

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

(4) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of any profession licensed or regulated by sections 324.900 to 324.945;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

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

(7) Final adjudication of a person as insane or incompetent by a court of competent jurisdiction;

(8) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.900 to 324.945 who is not registered and currently eligible to practice under sections 324.900 to 324.945;

(9) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact.

5. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 4 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

6. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the division after compliance with all requirements of sections 324.900 to 324.945 relative to the previous licensing of the applicant.

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

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

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

(3)] Has been convicted of or entered a plea of guilty or nolo contendere to [a misdemeanor offense involving moral turpitude including receiving a suspended imposition of sentence

following a plea of guilty to a misdemeanor offense,] any offense described in subsection 2 of section 324.019;

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

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

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

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

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

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

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

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

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621

against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

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

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

(5) Incompetency, misconduct, gross negligence, fraud,

misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

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

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

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

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

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

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is

false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

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

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

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

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's

certificate of registration or authority, permit or license for any one or any combination of the following causes:

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

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

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

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



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

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

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

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

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

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

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

(13) Violation of any professional trust or confidence;

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

(15) Failure or refusal to properly guard against

contagious, infectious or communicable diseases or the spread thereof.

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

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

331.060. 1. The board may refuse to issue any certificate

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

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

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense [reasonably] directly related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude,] described in subsection 2 of section 324.019 whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery

in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

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

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

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

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

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

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

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

this chapter;

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

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

(13) Violation of any professional trust or confidence;

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

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

(b) Any self-laudatory statement;

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

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

misleading or deceptive;

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

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

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

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

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

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

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

(20) Being unable to practice as a chiropractic physician with reasonable skill and safety to patients because of one of the following: professional incompetency; illness, drunkenness, or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the chiropractor for the purpose of establishing his competency to practice as a chiropractic

physician to submit to a reexamination, which shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the chiropractic physician's professional competence by at least three chiropractic physicians, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the chiropractic physician compelled to take the examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or certified mail. Failure of the chiropractic physician to submit to an examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control. A chiropractic physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractic physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his application for a license; permanently withholding issuance of a

license; administering a public or private reprimand; suspending or limiting or restricting his license to practice as a chiropractic physician for a period of not more than five years; revoking his license to practice as a chiropractic physician; requiring him to submit to the care, counseling or treatment of physicians designated by the chiropractic physician compelled to be treated. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

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

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

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

(3) Revoke the license, certificate or permit.

4. If at any time after disciplinary sanctions have been imposed under this section or under any provision of this chapter, the licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of this chapter, or fails to keep the Missouri state board of chiropractic examiners advised of his current place of business and residence, the time of his absence, or unlicensed status, or



unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is[:

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

(2) A person of good moral character].

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

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

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

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

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

[(5)] (4) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri

embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

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

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

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

7. The board shall, upon request, waive any requirement of

this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

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

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

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United

States, for any offense [reasonably] directly related to the qualification, functions or duties of any profession licensed or regulated under this chapter, [for any offense an essential element of which is fraud, dishonesty or an act of violence,] or for any offense [involving moral turpitude] described in subsection 2 of section 324.019, whether or not sentence is imposed;

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

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

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

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

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

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter

granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

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

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

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

(13) Violation of any professional trust or confidence;

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

(15) Representing that the service or advice of a person licensed as a physician pursuant to chapter 334 will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing instruments when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state-licensed clinic", "state registered", "state certified", or "state approved" or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by physicians licensed pursuant to chapter 334, or by audiologists licensed pursuant to chapter 345, or that the

licensee's service has been recommended by the state when such is not the case.

436.230. 1. Except as otherwise provided in subsection 2 of this section, the director shall issue a certificate of registration to an individual who complies with section 436.227.

2. The director may refuse to issue a certificate of registration if the director determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to serve as an athlete agent. In making the determination, the director may consider whether the applicant has:

(1) Been convicted of a crime [that if committed in this state would be a felony or other crime involving moral turpitude] described in subsection 2 of section 324.019;

(2) Made a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application;

(3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(4) Engaged in conduct prohibited by section 436.254;

(5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of registration or licensure in any state;

(6) Engaged in conduct or failed to engage in conduct the consequence of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution; or

(7) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection [3] 2 of this section, the director shall consider:

(1) How recently the conduct occurred;

(2) The nature of the conduct and the context in which it occurred; and

(3) Any other relevant conduct of the applicant.

4. An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the director. The application for renewal must be signed by the applicant under penalty of perjury under section 575.040 and shall contain current information on all matters required in an original registration.

5. A certificate of registration or a renewal of a registration is valid for two years.