

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 564
100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, April 18, 2019, with recommendation that the Senate Committee Substitute do pass.

1384S.06C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 214.276, 256.477, 317.015, 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, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy-five new sections relating to professional registration, with penalty provisions.

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

Section A. Sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 2 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289, 326.310, 3 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 4 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 5 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 6 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 7 337.645, 337.665, 337.715, 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 8 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 9 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, are repealed and 10 seventy-five new sections enacted in lieu thereof, to be known as sections 214.276,

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

11 256.477, 317.015, 324.012, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523,
12 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312,
13 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231,
14 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616,
15 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 336.110, 337.020, 337.035,
16 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715,
17 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.511, 339.532,
18 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065,
19 346.055, 346.105, and 436.230, to read as follows:

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

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

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

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

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 license, issued pursuant to sections 214.270 to 214.516 or in obtaining permission
25 to take any examination given or required pursuant to sections 214.270 to
26 214.516;

27 (4) Obtaining or attempting to obtain any fee, charge or other

28 compensation by fraud, deception or misrepresentation;

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

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

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

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

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

43 (10) Assisting or enabling any person to practice or offer to practice any
44 profession licensed or regulated by sections 214.270 to 214.516 who is not
45 registered and currently eligible to practice pursuant to sections 214.270 to
46 214.516;

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

48 (12) Failure to display a valid license;

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

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

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

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

64 such owner for three years after the revocation of the certificate of the owner or
65 of a corporation controlled by the owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (g) Impersonating any permit or license holder or allowing any person to
40 use their permit or license;

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

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

45 suspension is authorized in this state;

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

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

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

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

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

63 3. Upon a finding that the grounds provided in subsection 2 of this section
64 for disciplinary action are met, the office may, singly or in combination, censure
65 or place on probation on such terms and conditions as the office deems
66 appropriate for a period not to exceed five years, or may suspend for a period not
67 to exceed three years or revoke the certificate, license, or permit. In any order
68 of revocation, the office may provide that the person shall not apply for a new
69 license for a maximum of three years and one day following the date of the order
70 of revocation. All stay orders shall toll the disciplinary time periods allotted
71 herein. In lieu of or in addition to any remedy specifically provided in subsection
72 1 of this section, the office may require of a licensee:

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

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

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

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

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

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

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

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

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

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

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

36 (2) Any of the following sexual offenses: rape in the first degree,
37 forcible rape, rape, statutory rape in the first degree, statutory rape in
38 the second degree, rape in the second degree, sexual assault, sodomy
39 in the first degree, forcible sodomy, statutory sodomy in the first
40 degree, statutory sodomy in the second degree, child molestation in the

41 first degree, child molestation in the second degree, sodomy in the
42 second degree, deviate sexual assault, sexual misconduct involving a
43 child, sexual misconduct in the first degree under section 566.090 as it
44 existed prior to August 28, 2013, sexual abuse under section 566.100 as
45 it existed prior to August 28, 2013, sexual abuse in the first or second
46 degree, enticement of a child, or attempting to entice a child;

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

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

62 5. (1) Before January 1, 2020, each state licensing authority shall
63 revise its existing licensing requirements to list the categories or
64 specific criminal convictions that could disqualify an applicant from
65 receiving a license. Licensing authorities shall not use vague or
66 generic terms including, but not limited to, "moral turpitude" and "good
67 character", or consider arrests without a subsequent
68 conviction. Licensing authorities shall only list criminal convictions
69 that are specific and directly related to the duties and responsibilities
70 for the licensed occupation.

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

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

78 (b) The passage of time since the commission of the crime,
79 including consideration of the factors listed under subdivision (3) of
80 this subsection;

81 (c) The relationship of the crime to the ability, capacity, and
82 fitness required to perform the duties and discharge the
83 responsibilities of the occupation; and

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

86 (3) If an individual has a valid criminal conviction for a crime
87 that could disqualify the individual from receiving a license, the
88 disqualification shall not last longer than five years from the date of
89 conviction, provided that the conviction is not for any crime set forth
90 in subsection 4 of this section and the individual has not been
91 convicted of any other crime directly related to the duties and
92 responsibilities for the licensed occupation during the five-year
93 disqualification period. If an individual was incarcerated at any time
94 during the previous five years for a crime that could disqualify the
95 individual from receiving a license, the disqualification may last longer
96 than five years but shall not last longer than five years from the date
97 the individual was incarcerated, provided that the incarceration was
98 not for a crime set forth in subsection 4 of this section. The provisions
99 of this subdivision shall not apply to an individual who has been
100 exonerated for a crime for which he or she has previously been
101 convicted of or incarcerated.

102 6. An individual with a criminal record may petition a licensing
103 authority at any time for a determination of whether the individual's
104 criminal record will disqualify the individual from obtaining a
105 license. This petition shall include details on the individual's criminal
106 record. The licensing authority shall inform the individual of his or
107 her standing within thirty days after the licensing authority has met,
108 but in no event more than four months after receiving the petition from
109 the applicant. The decision shall be binding, unless the individual has
110 subsequent criminal convictions or failed to disclose information in his
111 or her petition. The licensing authority may charge a fee to recoup its
112 costs not to exceed twenty-five dollars for each petition.

113 7. (1) If a licensing authority denies an individual a license
114 solely or in part because of the individual's prior conviction of a crime,

115 the licensing authority shall notify the individual in writing of the
116 following:

- 117 (a) The grounds and reasons for the denial or disqualification;
- 118 (b) That the individual has the right to a hearing as provided by
119 chapter 621 to challenge the licensing authority's decision;
- 120 (c) The earliest date the person may reapply for a license; and
- 121 (d) That evidence of rehabilitation may be considered upon
122 reapplication.

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

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

134 8. The provisions of this section shall apply to any profession for
135 which an occupational license is issued in this state, including any new
136 occupational license created by a state licensing authority after August
137 28, 2019.

138 9. The provisions of this section shall apply to any profession for
139 which an occupational license is issued in this state, including any new
140 occupational license created by a state licensing authority after August
141 28, 2019. Notwithstanding any other provision of law, political
142 subdivisions shall be prohibited from creating any new occupational
143 licenses after August 28, 2019. The provisions of this section shall not
144 apply to business licenses, where the terms "occupational licenses" and
145 "business licenses" are used interchangeably in a city charter
146 definition.

147 10. The provisions of this section shall not apply to peace officers
148 or other law enforcement personnel licensed under the provisions of
149 chapter 590 or to persons under the supervision or jurisdiction of the
150 Missouri director of finance appointed pursuant to chapter 361.

151 11. Any department with oversight over a licensing authority

152 **may promulgate all necessary rules and regulations for the**
153 **implementation of this section. Any rule or portion of a rule, as that**
154 **term is defined in section 536.010, that is created under the authority**
155 **delegated in this section shall become effective only if it complies with**
156 **and is subject to all of the provisions of chapter 536 and, if applicable,**
157 **section 536.028. This section and chapter 536 are nonseverable, and if**
158 **any of the powers vested with the general assembly pursuant to chapter**
159 **536 to review, to delay the effective date, or to disapprove and annul a**
160 **rule are subsequently held unconstitutional, then the grant of**
161 **rulemaking authority and any rule proposed or adopted after August**
162 **28, 2019, shall be invalid and void.**

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

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

13 (1) Use or unlawful possession of any controlled substance, as defined in
14 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
15 ability to perform the work of an occupational therapist or occupational therapy
16 assistant;

17 (2) The person has been finally adjudicated and found guilty, or entered
18 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
19 any state or of the United States **or any country**, for any offense [reasonably]
20 **directly** related to the [qualifications, functions or] duties [of any profession
21 licensed or regulated by sections 324.050 to 324.089, for any offense an essential
22 element of which is fraud, dishonesty or an act of violence, or for any offense
23 involving moral turpitude,] **and responsibilities of the occupation, as set**
24 **forth in section 324.012, regardless of** whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any

26 certificate of registration or authority, permit or license issued pursuant to
27 sections 324.050 to 324.089 or in obtaining permission to take any examination
28 given or required pursuant to sections 324.050 to 324.089;

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

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

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

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

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

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

46 (10) Assisting or enabling any person to practice or offer to practice any
47 profession licensed or regulated by sections 324.050 to 324.089 who is not
48 registered and currently eligible to practice pursuant to sections 324.050 to
49 324.089;

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

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

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

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

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

61 3. After the filing of such complaint, the proceedings shall be conducted

62 in accordance with the provisions of chapter 621. Upon a finding by the
63 administrative hearing commission that the grounds provided in subsection 2 of
64 this section for disciplinary action are met, the board may, singly or in
65 combination, censure or place the person named in the complaint on probation
66 with such terms and conditions as the board deems appropriate for a period not
67 to exceed five years, or may suspend, for a period not to exceed three years, or
68 may revoke the license, certificate or permit.

69 4. An individual whose license has been revoked shall wait at least one
70 year from the date of revocation to apply for relicensure. Relicensure shall be at
71 the discretion of the board after compliance with all requirements of sections
72 324.050 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
2 license required by the provisions of sections 324.200 to 324.225 for one or any
3 combination of reasons stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the right to file a complaint with the administrative hearing
6 commission as provided in chapter 621.

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

12 (1) Use of fraud, deception, misrepresentation or bribery in securing a
13 license issued pursuant to the provisions of sections 324.200 to 324.225 or in
14 obtaining permission to take the examination required pursuant to sections
15 324.200 to 324.225;

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

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

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

23 (5) The person has been finally adjudicated and found guilty, or entered
24 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
25 of any state or the United States **or any country**, for any offense [reasonably]

26 **directly** related to the [qualifications, functions, or] duties [of the professional
27 who is regulated pursuant to sections 324.200 to 324.225, for any offense an
28 essential element of which is fraud, dishonesty or act of violence, or for any
29 offense involving moral turpitude,] **and responsibilities of the occupation,**
30 **as set forth in section 324.012,** regardless of whether or not sentence is
31 imposed;

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

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

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

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

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

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

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

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

52 3. Any person, organization, association or corporation who reports or
53 provides information to the committee pursuant to the provisions of sections
54 324.200 to 324.225 and who does so in good faith shall not be subject to an action
55 for civil damages as a result thereof.

56 4. After the filing of a complaint pursuant to subsection 2 of this section,
57 the proceedings shall be conducted in accordance with the provisions of chapter
58 621. Upon a finding by the administrative hearing commission that the grounds,
59 provided in subsection 2 of this section, for disciplinary action are met, the
60 committee may, singly or in combination, censure or place the person named in
61 the complaint on probation on such terms and conditions as the committee deems

62 appropriate for a period not to exceed five years, or may suspend, for a period not
63 to exceed three years, or revoke the license of the person. An individual whose
64 license has been revoked shall wait one year from the date of revocation to apply
65 for relicensure. Relicensure shall be at the discretion of the committee after
66 compliance with all requirements of sections 324.200 to 324.225 relative to the
67 licensing of an applicant for the first time.

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

70 6. The committee shall recommend for prosecution violations of sections
71 324.200 to 324.225 to an appropriate prosecuting or circuit attorney.

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

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

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

20 (2) Use of fraud, deception, misrepresentation or bribery in securing any
21 license issued pursuant to sections 324.240 to 324.275 or in obtaining permission
22 to take any examination given or required pursuant to sections 324.240 to
23 324.275;

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

26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation

27 or dishonesty in the performance of the functions or duties of the profession
28 regulated by sections 324.240 to 324.275;

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

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

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

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

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

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

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

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

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

5 (1) Has passed a statistically valid examination on therapeutic massage
6 and body work which is approved by the board, prior to August 28, 1999, and

7 applies for such license by December 31, 2000; or

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

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

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

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

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

33 (1) Application for renewal;

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

36 (3) Payment of the appropriate renewal fee.

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

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

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

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

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

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

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

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

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

73 8. Any nonresident person licensed, registered, or certified by another
74 state or territory of the United States, the District of Columbia, or foreign
75 territory or recognized certification system determined as acceptable by the board
76 shall be exempt from licensure as defined in this chapter, if such persons are
77 incidentally called into the state to teach a course related to massage or body
78 work therapy or to provide massage therapy services as part of an emergency

79 response team working in conjunction with disaster relief officials.

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

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

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

12 (1) The person has been finally adjudicated and found guilty, or entered
13 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
14 of any state or of the United States **or any country**, for any offense [reasonably]
15 **directly** related to the [qualifications, functions or] duties [of the profession
16 regulated pursuant to sections 324.475 to 324.499, for any offense an essential
17 element of which is fraud, dishonesty or act of violence, or for any offense
18 involving moral turpitude,] **and responsibilities of the occupation, as set**
19 **forth in section 324.012**, whether or not sentence is imposed;

20 (2) Use of fraud, deception, misrepresentation or bribery in securing any
21 license issued pursuant to sections 324.475 to 324.499 or in obtaining permission
22 to take any examination given or required pursuant to sections 324.475 to
23 324.499;

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

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

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

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

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

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

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

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

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

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

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

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

6 license for any one or any combination of the following causes:

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

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

20 (3) Use of fraud, deception, misrepresentation, or bribery in securing any
21 certificate of registration or authority, permit or license required under sections
22 324.520 to 324.526;

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

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

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

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

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

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

40 (10) Assisting or enabling any person to practice or offer to practice any
41 profession licensed or regulated under sections 324.520 to 324.526 who is licensed

42 and is currently ineligible to practice under sections 324.520 to 324.526;

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

45 (12) Failure to display a valid license;

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

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

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

59 3. The division, acting upon its own knowledge or written or verified
60 complaint filed by any person, may discipline a person as provided in subsections
61 1 or 2 of this section or the division may bring an action to enjoin any person,
62 establishment, firm, or corporation from engaging in an occupation regulated by
63 the provisions of sections 324.520 to 324.526, if such person, firm, or corporation
64 without being licensed to do so by the division engages in or practices an
65 occupation licensed under sections 324.520 to 324.526. The action shall be
66 brought in the county in which such person resides, or, in the case of an
67 establishment, firm, or corporation, where the establishment, firm, or corporation
68 maintains its principal office; and unless it appears that such person,
69 establishment, firm, or corporation so engaging or practicing such occupation is
70 licensed, the injunction shall be issued, and such person, firm, or corporation
71 shall be perpetually enjoined from engaging in such activities throughout the
72 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
3 grounds for the suspension or revocation of a license under the provisions of
4 sections 324.1100 to 324.1148;

5 (2) Has been convicted of or entered a plea of guilty or nolo contendere [to

6 a felony offense, including the receiving of a suspended imposition of sentence
7 following a plea or finding of guilty to a felony offense;

8 (3) Has been convicted of or entered a plea of guilty or nolo contendere to
9 a misdemeanor offense involving moral turpitude, including receiving a
10 suspended imposition of sentence following a plea of guilty to a misdemeanor
11 offense] **in a criminal prosecution under the laws of any state, or the**
12 **United States, or any country, for any offense directly related to the**
13 **duties and responsibilities of the occupation, as set forth in section**
14 **324.012, regardless of whether or not a sentence has been imposed;**

15 [(4)] (3) Has been refused a license under sections 324.1100 to 324.1148
16 or had a license revoked or denied in this state or any other state;

17 [(5)] (4) Has falsified or willfully misrepresented information in an
18 employment application, records of evidence, or in testimony under oath;

19 [(6)] (5) Has been dependent on or abused alcohol or drugs; or

20 [(7)] (6) Has used, possessed, or trafficked in any illegal substance;

21 [(8)] (7) While unlicensed, committed or aided and abetted the
22 commission of any act for which a license is required by sections 324.1100 to
23 324.1148 after August 28, 2007; or

24 [(9)] (8) Knowingly made any false statement in the application to the
25 board.

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

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

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

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

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

11 (b) Has been convicted of or entered a plea of guilty or nolo contendere to
12 a misdemeanor offense involving moral turpitude, including receiving a
13 suspended imposition of sentence following a plea of guilty to a misdemeanor
14 offense] **in a criminal prosecution under the laws of any state, or the**

15 **United States, or any country, for any offense directly related to the**
16 **duties and responsibilities of the occupation, as set forth in section**
17 **324.012, regardless of whether or not a sentence has been imposed;**

18 [(c)] (b) Has falsified or willfully misrepresented information in an
19 employment application, records of evidence, or in testimony under oath;

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

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

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

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

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

326.280. 1. A license shall be granted by the board to any person who
2 meets the 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
4 an employee, 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
9 a baccalaureate degree conferred by an accredited college or university recognized
10 by the board, with a concentration in accounting or the substantial equivalent of
11 a concentration in accounting as determined by the board; or

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

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

20 [(6)] (5) Has had one year of experience. Experience shall be verified by
21 a licensee and shall include any type of service or advice involving the use of
22 accounting, attest, compilation, management advisory, financial advisory, tax or

23 consulting skills including governmental accounting, budgeting or auditing. The
24 board shall promulgate rules and regulations concerning the verifying licensee's
25 review of the applicant's experience.

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

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

34 4. Upon application, the board may issue a temporary license to an
35 applicant pursuant to this subsection for a person who has made a prima facie
36 showing that the applicant meets all of the requirements for a license and
37 possesses the experience required. The temporary license shall be effective only
38 until the board has had the opportunity to investigate the applicant's
39 qualifications for licensure pursuant to subsection 1 of this section and notify the
40 applicant that the applicant's application for a license has been granted or
41 rejected. In no event shall a temporary license be in effect for more than twelve
42 months after the date of issuance nor shall a temporary license be reissued to the
43 same applicant. No fee shall be charged for a temporary license. The holder of
44 a temporary license which has not expired, been suspended or revoked shall be
45 deemed to be the holder of a license issued pursuant to this section until the
46 temporary license expires, is terminated, suspended or revoked.

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

326.289. 1. The board may grant or renew permits to practice as a
2 certified public accounting firm to applicants that demonstrate their
3 qualifications in accordance with this 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,
6 offering or performing attest or compilation services; or

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

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

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

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

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

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

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

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

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

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

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

31 a. Sole proprietorships;

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

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

37 d. Foreign professional corporations which do not meet criteria of chapter
38 356 due to name or ownership, shall obtain a certificate of authority as a general
39 corporation. Notwithstanding the provisions of chapter 356, the secretary of state

40 may issue a certificate of authority to a foreign professional corporation which
41 does not meet the criteria of chapter 356 due to name or ownership, if the
42 corporation meets the requirements of this section and the rules of the board.

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

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

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

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

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

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

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

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

67 (d)] The firm complies with other requirements as the board may impose
68 by rule;

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

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

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

82 (1) The legal form of the firm;

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

85 (3) Any other matter.

86 The names of one or more former partners, members or shareholders may be
87 included in the name of a firm or its successor unless the firm becomes a sole
88 proprietorship because of the death or withdrawal of all other partners, officers,
89 members or shareholders. A firm may use a fictitious name if the fictitious name
90 is registered with the board and is not otherwise misleading. The name of a firm
91 shall not include the name or initials of an individual who is not a present or a
92 past partner, member or shareholder of the firm or its predecessor. The name of
93 the firm shall not include the name of an individual who is not a licensee.

94 7. Applicants for initial issuance or renewal of permits shall list in their
95 application all states in which they have applied for or hold permits as certified
96 public accounting firms and list any past denial, revocation, suspension or any
97 discipline of a permit by any other state. Each holder of or applicant for a permit
98 under this section shall notify the board in writing within thirty days after its
99 occurrence of any change in the identities of partners, principals, officers,
100 shareholders, members or managers whose principal place of business is in this
101 state; any change in the number or location of offices within this state; any
102 change in the identity of the persons in charge of such offices; and any issuance,
103 denial, revocation, suspension or any discipline of a permit by any other state.

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

111 9. The board shall require by rule, as a condition to the renewal of

112 permits, that firms undergo, no more frequently than once every three years, peer
113 reviews conducted in a manner as the board shall specify. The review shall
114 include a verification that individuals in the firm who are responsible for
115 supervising attest and compilation services or sign or authorize someone to sign
116 the accountant's report on the financial statements on behalf of the firm meet the
117 competency requirements set out in the professional standards for such services,
118 provided that any such rule:

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

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

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

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

136 11. In connection with proceedings before the board or upon receipt of a
137 complaint involving the licensee performing peer reviews, the board shall not
138 have access to any documents furnished or generated in the course of the
139 performance of the peer reviews except for peer review reports, letters of comment
140 and summary review memoranda. The documents shall be furnished to the board
141 only in a redacted manner that does not specifically identify any firm or licensee
142 being peer reviewed or any of their clients.

143 12. The peer review processes shall be operated and the documents
144 generated thereby be maintained in a manner designed to preserve their
145 confidentiality. No third party, other than the oversight body, the board, subject
146 to the provisions of subsection 11 of this section, or the organization performing
147 peer review shall have access to documents furnished or generated in the course

148 of the review. All documents shall be privileged and closed records for all
149 purposes and all meetings at which the documents are discussed shall be
150 considered closed meetings under subdivision (1) of section 610.021. The
151 proceedings, records and workpapers of the board and any peer review subjected
152 to the board process shall be privileged and shall not be subject to discovery,
153 subpoena or other means of legal process or introduction into evidence at any civil
154 action, arbitration, administrative proceeding or board proceeding. No member
155 of the board or person who is involved in the peer review process shall be
156 permitted or required to testify in any civil action, arbitration, administrative
157 proceeding or board proceeding as to any matters produced, presented, disclosed
158 or discussed during or in connection with the peer review process or as to any
159 findings, recommendations, evaluations, opinions or other actions of such
160 committees or any of its members; provided, however, that information,
161 documents or records that are publicly available shall not be subject to discovery
162 or use in any civil action, arbitration, administrative proceeding or board
163 proceeding merely because they were presented or considered in connection with
164 the peer review process.

326.310. 1. The board may refuse to issue any license or permit required
2 pursuant to this chapter 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
4 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
6 621.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66 (19) Failure, on the part of a holder of a certificate, license or permit
67 pursuant to section 326.280 or 326.289, to maintain compliance with the
68 requirements for issuance or renewal of such certificate, license, permit or
69 provisional license or to report changes to the board pursuant to sections 326.280
70 to 326.289;

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

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

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

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

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

327.131. Any person may apply to the board for licensure as an architect

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

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

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

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

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

16 personal supervision of a professional land surveyor; or

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

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

327.381. The board may license, in its discretion, any architect,
2 professional engineer, professional land surveyor, or professional landscape
3 architect licensed in another state or territory of the United States, province of
4 Canada, or in another country, when such applicant has qualifications which are
5 at least equivalent to the requirements for licensure as an architect, professional
6 engineer, professional land surveyor, or professional landscape architect in this
7 state, and provided further that the board may establish by rule the conditions
8 under which it shall require any such applicant to take any examination it
9 considers necessary, [and provided further that the board is satisfied by proof
10 adduced by such applicant that the applicant is of good moral character,] and
11 provided further that any such application is accompanied by the required fee.

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

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

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic

13 beverage to an extent that such use impairs a person's ability to perform the work
14 of any profession licensed or regulated by this chapter;

15 (2) The person has been finally adjudicated and found guilty, or entered
16 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
17 any state or of the United States, **or any country**, for any offense [reasonably]
18 **directly** related to the [qualifications, functions or] duties [of any profession
19 licensed or regulated under this chapter, for any offense an essential element of
20 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**
22 **324.012, regardless of** whether or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 license or certificate of authority 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
27 compensation by fraud, deception or misrepresentation;

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

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

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

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

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

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

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

48 (12) Failure to display a valid license or certificate of authority if so

49 required by this chapter or any rule promulgated pursuant to this chapter;

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

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

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

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

328.075. 1. Any person desiring to practice as an apprentice for barbering
2 in this state shall apply to the board, shall be registered as an apprentice with
3 the board, and shall pay the appropriate fees prior to beginning their
4 apprenticeship. Barber apprentices [shall be of good moral character and] shall
5 be at least seventeen years of age.

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

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

13 4. Any rule or portion of a rule, as that term is defined in section 536.010,
14 that is created under the authority delegated in this section shall become effective
15 only if it complies with and is subject to all of the provisions of chapter 536 and,
16 if applicable, section 536.028. This section and chapter 536 are nonseverable and
17 if any of the powers vested with the general assembly pursuant to chapter 536 to

18 review, to delay the effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking authority and
20 any rule 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
2 or authority, permit or license required pursuant to this chapter for one or any
3 combination of causes stated in subsection 2 of this section. The board shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of his right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

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

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

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

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

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

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

33 (6) Violation of, or assisting or enabling any person to violate, any

34 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
35 this chapter;

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

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

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

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

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

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

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

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

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

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

329.140. 1. The board may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to this chapter for one or any
3 combination of causes stated in subsection 2 of this section. The board shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the

5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

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

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

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

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

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

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

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

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

40 (8) Disciplinary action against the holder of a license or other right to

41 practice any profession regulated by this chapter granted by another state,
42 territory, federal agency or country upon grounds for which revocation or
43 suspension is authorized in this state;

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

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

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

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

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

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

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

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

67 4. The board, acting upon its own knowledge or written or verified
68 complaint filed by any person, may discipline a person as provided in subsections
69 1 to 3 of this section or the board may bring an action to enjoin any person, firm
70 or corporation from engaging in an occupation regulated by the provisions of this
71 chapter, if such person, firm or corporation without being licensed to do so by the
72 board, engages in or practices an occupation licensed pursuant to this
73 chapter. The action shall be brought in the county in which such person resides,
74 or, in the case of a firm or corporation, where the firm or corporation maintains
75 its principal office; and, unless it appears that such person, firm or corporation
76 so engaging or practicing such occupation is licensed, the injunction shall be

77 issued, and such person, firm or corporation shall be perpetually enjoined from
78 engaging in such activities throughout the state.

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

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

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

35 administered or approved by the board under such requirements and conditions
36 as are adopted by the board by rule, but no license shall be issued until all of the
37 requirements for licensure have been met.

38 4. Each applicant shall pay upon application an application or
39 examination fee. All moneys collected pursuant to the provisions of this chapter
40 shall be nonrefundable and shall be collected by the director of the division of
41 professional registration who shall transmit it to the department of revenue for
42 deposit in the state treasury to the credit of the chiropractic board fund. Any
43 person failing to pass a practical examination administered or approved by the
44 board may be reexamined upon fulfilling such requirements, including the
45 payment of a reexamination fee, as the board may by rule prescribe.

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

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

71 Missouri at the time application is made for licensure under this subsection.

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

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

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

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

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

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

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

12 following causes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59 (b) Any self-laudatory statement;

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

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

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

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

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

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

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

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

84 chiropractic;

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

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

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

113 (b) When the board finds any person unqualified because of any of the
114 grounds set forth in this subdivision, it may enter an order imposing one or more
115 of the following: denying his application for a license; permanently withholding
116 issuance of a license; administering a public or private reprimand; suspending or
117 limiting or restricting his license to practice as a chiropractic physician for a
118 period of not more than five years; revoking his license to practice as a
119 chiropractic physician; requiring him to submit to the care, counseling or

120 treatment of physicians designated by the chiropractic physician compelled to be
121 treated. For the purpose of this subdivision, "license" includes the certificate of
122 registration, or license, or both, issued by the board.

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

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

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

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

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

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

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

9 2. The board shall determine and specify by rule whether dental hygienist
10 examinations shall be written or oral or clinical or all three, but in any event the
11 examination shall be of such form and of such content and character as to

12 thoroughly test the qualifications of the applicant to practice as a dental
13 hygienist in Missouri. Completion of the national board theoretical examination
14 with scores acceptable to the board, as promulgated by rule, is a prerequisite to
15 taking the dental hygienist examinations.

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

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

332.281. The board shall grant without examination a certificate of
2 registration and license to a dental hygienist who has been licensed in another
3 state for at least two consecutive years immediately preceding his application to
4 practice in Missouri if the board is satisfied by proof adduced by the applicant
5 that his qualifications are at least equivalent to the requirements for initial
6 registration as a dental hygienist in Missouri under the provisions of this chapter
7 [and that he is of good moral character and reputation]; provided that the board
8 may by rule require an applicant under this section to take any examination over
9 Missouri laws given to dental hygienist initially seeking licensure under section
10 332.251 and to take a practical examination if his licensure in any state was ever
11 denied, revoked or suspended for incompetency or inability to practice in a safe
12 manner, or if he has failed any practical examination given as a prerequisite to
13 licensure as a dental hygienist in any state. Any such dental hygienist applying

14 to be so registered and licensed shall accompany his application with a fee not
15 greater than the dental hygienist examination and license fees and if registered
16 and licensed shall renew his license as provided in section 332.261.

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

333.041. 1. Each applicant for a license to practice funeral directing shall
2 furnish 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
4 general equivalency diploma, or equivalent thereof, as determined, at its
5 discretion, by the board[; and

6 (2) A person of good moral character].

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

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

19 (1) Is at least eighteen years of age, and possesses a high school diploma,
20 a general equivalency diploma, or equivalent thereof, as determined, at its

21 discretion, by the board;

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

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

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

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

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

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

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

68 7. The board shall, upon request, waive any requirement of this chapter
69 and issue a temporary funeral director's license, valid for six months, to the
70 surviving spouse or next of kin or the personal representative of a licensed
71 funeral director, or to the spouse, next of kin, employee or conservator of a
72 licensed funeral director disabled because of sickness, mental incapacity or injury.

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

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

19 3. The public member shall be at the time of his or her appointment a
20 person who is not and never was a member of any profession licensed or regulated

21 pursuant to this chapter or the spouse of such person; and a person who does not
22 have and never has had a material, financial interest in either the providing of
23 the professional services regulated by this chapter, or an activity or organization
24 directly related to any profession licensed or regulated pursuant to this chapter.
25 All members, including public members, shall be chosen from lists submitted by
26 the director of the division of professional registration. The duties of the public
27 member shall not include the determination of the technical requirements to be
28 met for licensure or whether any person meets such technical requirements or of
29 the technical competence or technical judgment of a licensee or a candidate for
30 licensure.

334.414. 1. The board shall issue a certificate of registration to any
2 applicant that meets the qualifications for an anesthesiologist assistant and that
3 has paid the required fees.

4 2. The board shall promulgate rules and regulations pertaining to:

5 (1) Establishing application forms to be furnished to all persons seeking
6 registration pursuant to sections 334.400 to 334.430;

7 (2) Accepting certification by the National Commission on Certification of
8 Anesthesiologist Assistants or its successor in lieu of examinations for applicants
9 for registration pursuant to sections 334.400 to 334.430;

10 (3) Determining the form and design of the registration to be issued
11 pursuant to sections 334.400 to 334.430;

12 (4) Setting the amount of the fees for registration, licensure, and renewal
13 pursuant to sections 334.400 to 334.430. The fees shall be set at a level to
14 produce revenue which shall not substantially exceed the cost and expense of
15 administering the provisions of sections 334.400 to 334.430;

16 (5) Keeping a record of all of its proceedings regarding sections 334.400
17 to 334.430 and of all anesthesiologist assistants registered in this state.

18 No rule or portion of a rule promulgated pursuant to the authority of sections
19 334.400 to 334.430 shall become effective unless it has been promulgated
20 pursuant to chapter 536.

21 3. The board shall have the authority to:

22 (1) Issue subpoenas to compel witnesses to testify or produce evidence in
23 proceedings to deny, suspend, or revoke registration; and

24 (2) Establish guidelines for anesthesiologist assistants pursuant to
25 sections 334.400 to 334.430.

26 4. The board may refuse to issue, suspend, revoke, or renew any

27 certificate of registration or authority, permit, or license required pursuant to
28 sections 334.400 to 334.430 for one or any combination of causes stated in
29 subsection 5 of this section. The board shall notify the applicant in writing of the
30 reasons for the refusal, suspension, or revocation and shall advise the applicant
31 of the right to file a complaint with the administrative hearing commission as
32 provided by chapter 621.

33 5. The board may cause a complaint to be filed with the administrative
34 hearing commission as provided by chapter 621 against any holder of any
35 certificate of registration or authority, permit, or license required pursuant to
36 sections 334.400 to 334.430 or against any person who has failed to renew or has
37 surrendered a certificate of registration or authority, permit, or license for any
38 one or any combination of the following causes:

39 (1) Use or unlawful possession of any controlled substance, as defined in
40 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
41 ability to perform the work of an anesthesiologist assistant;

42 (2) The person has been finally adjudicated and found guilty, or entered
43 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
44 any state or of the United States, **or any country**, for any offense [reasonably]
45 **directly** related to the [qualifications, functions, or] duties [of an
46 anesthesiologist assistant, for any offense for which an essential element is fraud,
47 dishonesty or act of violence, or for any offense involving moral turpitude,] **and**
48 **responsibilities of the occupation, as set forth in section 324.012,**
49 **regardless of** whether or not sentence is imposed;

50 (3) Use of fraud, deception, misrepresentation, or bribery in securing any
51 certificate of registration or authority, permit or license issued pursuant to
52 sections 334.400 to 334.430 or in obtaining permission to take any examination
53 given or required pursuant to sections 334.400 to 334.430;

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

56 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation,
57 or dishonesty in the performance of the functions and duties of an
58 anesthesiologist assistant;

59 (6) Violation of, or assisting or enabling any person to violate any
60 provision of sections 334.400 to 334.430 or any lawful rule or regulation adopted
61 pursuant to sections 334.400 to 334.430;

62 (7) Impersonation of any person holding a certificate of registration or

63 authority, permit, or license, or allowing any person to use a certificate of
64 registration or authority, permit, license or diploma from any school;

65 (8) Disciplinary action against the holder of a license or other right
66 relating to the practice of an anesthesiologist assistant granted by another state,
67 territory, federal agency, or country upon grounds for which revocation or
68 suspension is authorized in this state;

69 (9) Final adjudication of insanity or incompetency by a court of competent
70 jurisdiction;

71 (10) Assisting or enabling any person to practice or offer to practice as an
72 anesthesiologist assistant who is not registered and currently eligible to practice
73 pursuant to sections 334.400 to 334.430;

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

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

77 (13) Violation of the ethical standards for an anesthesiologist assistant as
78 defined by board rule; or

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

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

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

93 8. Any person who violates any of the provisions of sections 334.400 to
94 334.430 is guilty of class A misdemeanor.

334.530. 1. A candidate for license to practice as a physical therapist
2 shall furnish evidence of such person's [good moral character and the person's]
3 educational qualifications by submitting satisfactory evidence of completion of a
4 program of physical therapy education approved as reputable by the board. A

5 candidate who presents satisfactory evidence of the person's graduation from a
6 school of physical therapy approved as reputable by the American Medical
7 Association or, if graduated before 1936, by the American Physical Therapy
8 Association, or if graduated after 1988, the Commission on Accreditation for
9 Physical Therapy Education or its successor, is deemed to have complied with the
10 educational qualifications of this subsection.

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

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

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

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

334.613. 1. The board may refuse to issue or renew a license to practice
2 as a physical therapist or physical therapist assistant for one or any combination
3 of causes stated in subsection 2 of this section. The board shall notify the
4 applicant in writing of the reasons for the refusal and shall advise the applicant
5 of the applicant's right to file a complaint with the administrative hearing
6 commission as provided by chapter 621. As an alternative to a refusal to issue
7 or renew a license to practice as a physical therapist or physical therapist
8 assistant, the board may, at its discretion, issue a license which is subject to
9 probation, restriction, or limitation to an applicant for licensure for any one or

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

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

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

29 (2) The person has been finally adjudicated and found guilty, or entered
30 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
31 any state or of the United States, **or any country**, for any offense [reasonably]
32 **directly** related to the [qualifications, functions, or] duties [of a physical
33 therapist or physical therapist assistant, for any offense an essential element of
34 which is fraud, dishonesty or act of violence, or for any offense involving moral
35 turpitude,] **and responsibilities of the occupation, as set forth in section**
36 **324.012, regardless of** whether or not sentence is imposed;

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

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

45 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other

46 compensation by fraud, deception, or misrepresentation; willfully and continually
47 overcharging or overtreating patients; or charging for sessions of physical therapy
48 which did not occur unless the services were contracted for in advance, or for
49 services which were not rendered or documented in the patient's records;

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

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

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

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

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

62 (g) Final disciplinary action by any professional association, professional
63 society, licensed hospital or medical staff of the hospital, or physical therapy
64 facility in this or any other state or territory, whether agreed to voluntarily or
65 not, and including but not limited to any removal, suspension, limitation, or
66 restriction of the person's professional employment, malpractice, or any other
67 violation of any provision of this chapter;

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

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

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

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

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

118 or limiting the practice of physical therapy while subject to an investigation or
119 while actually under investigation by any licensing authority, medical facility,
120 branch of the Armed Forces of the United States of America, insurance company,
121 court, agency of the state or federal government, or employer;

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

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

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

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

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

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

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

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

151 (17) Failure or refusal to properly guard against contagious, infectious,
152 or communicable diseases or the spread thereof; maintaining an unsanitary
153 facility or performing professional services under unsanitary conditions; or failure

154 to report the existence of an unsanitary condition in any physical therapy facility
155 to the board, in writing, within thirty days after the discovery thereof;

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

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

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

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

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

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

189 (24) Being unable to practice as a physical therapist or physical therapist

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

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

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

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

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

226 assistant with reasonable skill and safety to patients;

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

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

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

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

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

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

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

249 (5) Administer a public or private reprimand;

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

252 (7) Permanently withhold issuance of a license;

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

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

260 4. In any order of revocation, the board may provide that the physical
261 therapist or physical therapist assistant shall not apply for reinstatement of the

262 physical therapist's or physical therapist assistant's license for a period of time
263 ranging from two to seven years following the date of the order of revocation. All
264 stay orders shall toll this time period.

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

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

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

18 jurisdiction.

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

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

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

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

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

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

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

30 5. The applicant shall pass a test administered by the board on the laws

31 and rules related to the practice as a physical therapist assistant in this state.

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

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

 334.715. 1. The board may refuse to issue or renew any license required
2 under sections 334.700 to 334.725 for one or any combination of causes listed in
3 subsection 2 of this section or any cause listed in section 334.100. The board
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided in chapter 621. As an alternative to a refusal to
7 issue or renew any certificate, registration, or authority, the board may, in its
8 discretion, issue a license which is subject to reprimand, probation, restriction,
9 or limitation to an applicant for licensure for any one or any combination of
10 causes listed in subsection 2 of this section or section 334.100. The board's order
11 of reprimand, probation, limitation, or restriction shall contain a statement of the
12 discipline imposed, the basis therefor, the date such action shall become effective,
13 and a statement that the applicant has thirty days to request in writing a hearing
14 before the administrative hearing commission. If the board issues a probationary,
15 limited, or restricted license to an applicant for licensure, either party may file
16 a written petition with the administrative hearing commission within thirty days
17 of the effective date of the probationary, limited, or restricted license seeking
18 review of the board's determination. If no written request for a hearing is
19 received by the administrative hearing commission within the thirty-day period,
20 the right to seek review of the board's decision shall be considered waived.

21 2. The board may cause a complaint to be filed with the administrative

22 hearing commission as provided in chapter 621 against any holder of a certificate
23 of registration or authority, permit, or license required by sections 334.700 to
24 334.725 or any person who has failed to renew or has surrendered the person's
25 certification of registration or license for any one or any combination of the
26 following causes:

27 (1) Violated or conspired to violate any provision of sections 334.700 to
28 334.725 or any provision of any rule promulgated pursuant to sections 334.700
29 to 334.725; or

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

37 (3) Any cause listed in section 334.100.

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

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

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

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

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

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

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

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

57 (8) Revoke the person's license.

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

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

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

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

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

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

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

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

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

33 (6) Violation of, or assisting or enabling any person to violate, any
34 provision of sections 334.800 to 334.930 or any lawful rule or regulation adopted
35 pursuant to sections 334.800 to 334.930;

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

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

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

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

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

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

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

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

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

59 3. After the filing of such complaint, the proceedings shall be conducted
60 in accordance with the provisions of chapter 621. Upon a finding by the
61 administrative hearing commission that the grounds, provided in subsection 2 of
62 this section for disciplinary action are met, the board may, singly or in
63 combination, censure or place the person named in the complaint on probation

64 with such terms and conditions as the board deems appropriate for a period not
65 to exceed five years, or may suspend, for a period not to exceed three years, or
66 may revoke the license, certificate or permit.

67 4. An individual whose license has been revoked shall wait at least one
68 year from the date of revocation to apply for relicensure. Relicensure shall be at
69 the discretion of the board after compliance with all requirements of sections
70 334.800 to 334.930 relative to the licensing of the applicant for the first time.

71 5. Any person who violates any of the provisions of sections 334.800 to
72 334.930 is guilty of class A misdemeanor.

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

24 2. An applicant for license to practice as a licensed practical nurse shall
25 submit to the board a written application on forms furnished to the
26 applicant. The original application shall contain the applicant's statements
27 showing the applicant's education and other such pertinent information as the

28 board may require. Such applicant shall [be of good moral character, and] have
29 completed at least two years of high school, or its equivalent as established by the
30 state board of education, and have successfully completed a basic prescribed
31 curriculum in a state-accredited or approved school of nursing, earned a nursing
32 degree, certificate or diploma and completed a course approved by the board on
33 the role of the practical nurse. Each application shall contain a statement that
34 it is made under oath or affirmation and that its representations are true and
35 correct to the best knowledge and belief of the person signing same, subject to the
36 penalties of making a false affidavit or declaration. Applicants from
37 non-English-speaking countries shall be required to submit evidence of their
38 proficiency in the English language. The applicant must be approved by the
39 board and shall pass an examination as required by the board. The board may
40 require by rule as a requirement for licensure that each applicant shall pass an
41 oral or practical examination. Upon successfully passing the examination, the
42 board may issue to the applicant a license to practice as a licensed practical
43 nurse. The applicant for a license to practice licensed practical nursing shall pay
44 a fee in such amount as may be set by the board. The fee shall be uniform for all
45 applicants. Applicants from foreign countries shall be licensed as prescribed by
46 rule.

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

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

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

10 chapter 621.

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

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

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

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

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

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

44 (6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct,
45 or unprofessional conduct in the performance of the functions or duties of any

46 profession licensed or regulated by this chapter, including, but not limited to, the
47 following:

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

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

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

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

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

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

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

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

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

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

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

72 (l) Failing to inform the board of the nurse's current residence within
73 thirty days of changing residence;

74 (m) Any other conduct that is unethical or unprofessional involving a
75 minor;

76 (n) A departure from or failure to conform to nursing standards;

77 (o) Failure to establish, maintain, or communicate professional boundaries
78 with the patient. A nurse may provide health care services to a person with
79 whom the nurse has a personal relationship as long as the nurse otherwise meets
80 the standards of the profession;

81 (p) Violating the confidentiality or privacy rights of the patient, resident,

82 or client;

83 (q) Failing to assess, accurately document, or report the status of a
84 patient, resident, or client, or falsely assessing, documenting, or reporting the
85 status of a patient, resident, or client;

86 (r) Intentionally or negligently causing physical or emotional harm to a
87 patient, resident, or client;

88 (s) Failing to furnish appropriate details of a patient's, client's, or
89 resident's nursing needs to succeeding nurses legally qualified to provide
90 continuing nursing services to a patient, client, or resident;

91 (7) Violation of, or assisting or enabling any person to violate, any
92 provision of sections 335.011 to 335.096, or of any lawful rule or regulation
93 adopted pursuant to sections 335.011 to 335.096;

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

97 (9) Disciplinary action against the holder of a license or other right to
98 practice any profession regulated by sections 335.011 to 335.096 granted by
99 another state, territory, federal agency or country upon grounds for which
100 revocation or suspension is authorized in this state;

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

103 (11) Assisting or enabling any person to practice or offer to practice any
104 profession licensed or regulated by sections 335.011 to 335.096 who is not
105 registered and currently eligible to practice pursuant to sections 335.011 to
106 335.096;

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

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

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

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

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

118 such state or federal government or agency;

119 (17) Failure to successfully complete the intervention or alternative
120 program for substance use disorder;

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

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

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

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

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

141 (23) Failure to submit to a drug or alcohol screening when requested by
142 an employer or by the board. Failure to submit to a drug or alcohol screening
143 shall create the presumption that the test would have been positive for a drug for
144 which the individual did not have a prescription in a drug screening or positive
145 for alcohol in an alcohol screening;

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

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

151 (26) Failure to answer, failure to disclose, or failure to fully provide all
152 information requested on any application or renewal for a license. This includes
153 disclosing all pleas of guilt or findings of guilt in a case where the imposition of

154 sentence was suspended, whether or not the case is now confidential;

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

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

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

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

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

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

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

189 8. The board may apply to the administrative hearing commission for an

190 emergency suspension or restriction of a license for the following causes:

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

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

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

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

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

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

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

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

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

226 the licensee's current addresses on file with the board. Prior to the hearing, the
227 licensee may file affidavits and certified court records for consideration by the
228 administrative hearing commission.

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

238 11. (1) The administrative hearing commission shall hold a hearing
239 within forty-five days of the board's filing of the complaint to determine if cause
240 for discipline exists. The administrative hearing commission may grant a request
241 for a continuance, but shall in any event hold the hearing within one hundred
242 twenty days of the board's initial filing. The board shall be granted leave to
243 amend its complaint if it is more than thirty days prior to the hearing. If less
244 than thirty days, the board may be granted leave to amend if public safety
245 requires.

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

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

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

258 13. If the administrative hearing commission does not find probable cause
259 and does not grant the emergency suspension or restriction, the board shall
260 remove all reference to such emergency suspension or restriction from its public
261 records. Records relating to the suspension or restriction shall be maintained in

262 the board's files. The board or licensee may use such records in the course of any
263 litigation to which they are both parties. Additionally, such records may be
264 released upon a specific, written request of the licensee.

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

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

276 16. (1) The board may initiate a hearing before the board for discipline
277 of any licensee's license or certificate upon receipt of one of the following:

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

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

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

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

295 (3) Upon a finding that cause exists to discipline a licensee's license, the
296 board may 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
4 the board; and

5 [(3)] (2) Who has met either of the following conditions:

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

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

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

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

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

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

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

20 licensed or regulated under this chapter, for any offense an essential element of
21 which is fraud, dishonesty or act of violence, or for any offense involving moral
22 turpitude,] **and responsibilities of the occupation, as set forth in section**
23 **324.012, regardless of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

53 (14) Use of any advertisement or solicitation which is false, misleading or
54 deceptive to the general public or persons to whom the advertisement or
55 solicitation is primarily directed. False, misleading or deceptive advertisements

56 or solicitations shall include, but not be limited to:

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

59 (b) Any self-laudatory statement;

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

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

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

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

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

337.020. 1. Each person desiring to obtain a license, whether temporary,
2 provisional or permanent, as a psychologist shall make application to the
3 committee upon such forms and in such manner as may be prescribed by the
4 committee and shall pay the required application fee. The form shall include a
5 statement that the applicant has completed two hours of suicide assessment,
6 referral, treatment, and management training that meets the guidelines
7 developed by the committee. The committee shall not charge an application fee
8 until such time that the application has been approved. In the event that an
9 application is denied or rejected, no application fee shall be charged. The

10 application fee shall not be refundable. Each application shall contain a
11 statement that it is made under oath or affirmation and that its representations
12 are true and correct to the best knowledge and belief of the person signing the
13 application, subject to the penalties of making a false affidavit or declaration.

14 2. Each applicant, whether for temporary, provisional or permanent
15 licensure, shall submit evidence satisfactory to the committee that the applicant
16 is at least twenty-one years of age, [is of good moral character,] and meets the
17 appropriate educational requirements as set forth in either section 337.021 or
18 337.025, or is qualified for licensure without examination pursuant to section
19 337.029. In determining the acceptability of the applicant's qualifications, the
20 committee may require evidence that it deems reasonable and proper, in
21 accordance with law, and the applicant shall furnish the evidence in the manner
22 required by the committee.

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

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

40 5. A provisional license issued pursuant to subsection 4 of this section
41 shall only authorize and permit the applicant to render those psychological
42 services which are under the supervision and the full professional responsibility
43 and control of such person's postdoctoral degree licensed supervisor. A
44 provisional license shall automatically terminate upon issuance of a permanent
45 license, upon a finding of cause to discipline after notice and hearing pursuant

46 to section 337.035, upon the expiration of one year from the date of issuance
47 whichever event first occurs, or upon termination of supervision by the licensed
48 supervisor. The provisional license may be renewed after one year with a
49 maximum issuance of two years total per provisional licensee. The committee by
50 rule shall provide procedures for exceptions and variances from the requirement
51 of a maximum issuance of two years due to vacations, illness, pregnancy and
52 other good causes.

53 6. The committee, with assistance from the division, shall immediately
54 issue a temporary license to any applicant for licensure either by reciprocity
55 pursuant to section 337.029, or by endorsement of the score from the examination
56 for professional practice in psychology upon receipt of an application for such
57 licensure and upon proof that the applicant is either licensed as a psychologist
58 in another jurisdiction, is a diplomate of the American Board of Professional
59 Psychology, or is a member of the National Register of Health Services Providers
60 in Psychology.

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

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

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

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

77 8. Written and oral examinations pursuant to sections 337.010 to 337.090
78 shall be administered by the committee at least twice each year to any applicant
79 who meets the educational requirements set forth in either section 337.021 or
80 337.025 or to any applicant who is seeking licensure either by reciprocity
81 pursuant to section 337.029, or by endorsement of the score from the examination

82 of professional practice in psychology. The committee shall examine in the areas
83 of professional knowledge, techniques and applications, research and its
84 interpretation, professional affairs, ethics, and Missouri law and regulations
85 governing the practice of psychology. The committee may use, in whole or in part,
86 the examination for professional practice in psychology national examination in
87 psychology or such other national examination in psychology which may be
88 available.

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

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

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any certificate of registration or authority, permit or license required by this
10 chapter or any person who has failed to renew or has surrendered the person's
11 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
14 beverage to an extent that such use impairs a person's ability to perform the work
15 of any profession licensed or regulated by this chapter;

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

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

27 pursuant to this chapter;

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

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

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

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

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

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

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

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

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

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

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

56 (15) Being guilty of unethical conduct as defined in "Ethical Rules of
57 Conduct" as adopted by the committee and filed with the secretary of state.

58 3. After the filing of such complaint, the proceedings shall be conducted
59 in accordance with the provisions of chapter 621. Upon a finding by the
60 administrative hearing commission that the grounds, provided in subsection 2,
61 for disciplinary action are met, the committee may, singly or in combination,
62 censure or place the person named in the complaint on probation on such terms

63 and conditions as the department deems appropriate for a period not to exceed
64 five years, or may suspend, for a period not to exceed three years, or revoke the
65 license, certificate, or permit.

66 4. An interested third party may file a complaint or appear or present
67 evidence relative to such complaint or another complaint filed pursuant to this
68 section. For purposes of this section, an interested third party includes a parent
69 or guardian of a person who received treatment by a psychologist or any person
70 who is related within the second degree of consanguinity or affinity and who is
71 financially responsible for the payment of such treatment.

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

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

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
12 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
15 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
16 any state or of the United States, **or any country**, for any offense [reasonably]
17 **directly** related to the [qualifications, functions, or] duties [of any profession
18 licensed or regulated under this chapter, for any offense an essential element of
19 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**
21 **324.012, regardless of** whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any
23 permit or license issued under this chapter or in obtaining permission to take any
24 examination given or required under sections 337.300 to 337.345;

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

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

28 or dishonesty in the performance of the functions or duties of any profession
29 licensed by sections 337.300 to 337.345;

30 (6) Violation of, or assisting or enabling any person to violate, any
31 provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;

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

35 (8) Disciplinary action against the holder of a license or other right to
36 practice any profession regulated by sections 337.300 to 337.345 granted by
37 another state, territory, federal agency, or country upon grounds for which
38 revocation or suspension is authorized in this state;

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

41 (10) Assisting or enabling any person to practice or offer to practice any
42 profession licensed or regulated by sections 337.300 to 337.345 who is not
43 registered and currently eligible to practice as provided in sections 337.300 to
44 337.345;

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

47 (12) Failure to display a valid certificate or license if so required by
48 sections 337.300 to 337.345 or any rule promulgated thereunder;

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

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

53 (15) Being guilty of unethical conduct as defined in the code of conduct as
54 adopted by the committee and filed with the secretary of state.

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

337.510. 1. Each applicant for licensure as a professional counselor shall

2 furnish evidence to the committee that the applicant is at least eighteen years of
3 age, [is of good moral character,] is a United States citizen or is legally present
4 in the United States; and

5 (1) The applicant has completed a course of study as defined by the board
6 rule leading to a master's, specialist's, or doctoral degree with a major in
7 counseling, except any applicant who has held a license as a professional
8 counselor in this state or currently holds a license as a professional counselor in
9 another state shall not be required to have completed any courses related to
10 career development; and

11 (2) The applicant has completed acceptable supervised counseling as
12 defined by board rule. If the applicant has a master's degree with a major in
13 counseling as defined by board rule, the applicant shall complete at least two
14 years of acceptable supervised counseling experience subsequent to the receipt of
15 the master's degree. The composition and number of hours comprising the
16 acceptable supervised counseling experience shall be defined by board rule. An
17 applicant may substitute thirty semester hours of post master's graduate study
18 for one of the two required years of acceptable supervised counseling experience
19 if such hours are clearly related to counseling;

20 (3) After August 28, 2007, each applicant shall have completed a
21 minimum of three hours of graduate level coursework in diagnostic systems either
22 in the curriculum leading to a degree or as post master's graduate level course
23 work;

24 (4) Upon examination, the applicant is possessed of requisite knowledge
25 of the profession, including techniques and applications, research and its
26 interpretation, and professional affairs and ethics.

27 2. Any person holding a current license, certificate of registration, or
28 permit from another state or territory of the United States to practice as a
29 professional counselor who does not meet the requirements in section 324.009 and
30 who is at least eighteen years of age, [is of good moral character,] and is a United
31 States citizen or is legally present in the United States may be granted a license
32 without examination to engage in the practice of professional counseling in this
33 state upon the application to the board, payment of the required fee as
34 established by the board, and satisfying one of the following requirements:

35 (1) Approval by the American Association of State Counseling Boards
36 (AASCB) or its successor organization according to the eligibility criteria
37 established by AASCB. The successor organization shall be defined by board

38 rule; or

39 (2) In good standing and currently certified by the National Board for
40 Certified Counselors or its successor organization and has completed acceptable
41 supervised counseling experience as defined by board rule. The successor
42 organization shall be defined by board rule.

43 3. The committee shall issue a license to each person who files an
44 application and fee and who furnishes evidence satisfactory to the committee that
45 the applicant has complied with the provisions of this act and has taken and
46 passed a written, open-book examination on Missouri laws and regulations
47 governing the practice of professional counseling as defined in section
48 337.500. The division shall issue a provisional professional counselor license to
49 any applicant who meets all requirements of this section, but who has not
50 completed the required acceptable supervised counseling experience and such
51 applicant may reapply for licensure as a professional counselor upon completion
52 of such acceptable supervised counseling experience.

53 4. All persons licensed to practice professional counseling in this state
54 shall pay on or before the license renewal date a renewal license fee and shall
55 furnish to the committee satisfactory evidence of the completion of the requisite
56 number of hours of continuing education as required by rule, including two hours
57 of suicide assessment, referral, treatment, and management training, which shall
58 be no more than forty hours biennially. The continuing education requirements
59 may be waived by the committee upon presentation to the committee of
60 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
2 required by the provisions of sections 337.500 to 337.540 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of his right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.500 to 337.540 or any person who has
10 failed to renew or has surrendered his license for any one or any combination of
11 the following causes:

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

14 occupation of professional counselor;

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

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 license issued pursuant to the provisions of sections 337.500 to 337.540 or in
25 obtaining permission to take any examination given or required pursuant to the
26 provisions of sections 337.500 to 337.540;

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

29 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
30 the performance of the functions or duties of a professional counselor;

31 (6) Violation of, or assisting or enabling any person to violate, any
32 provision of sections 337.500 to 337.540, or of any lawful rule or regulation
33 adopted pursuant to sections 337.500 to 337.540;

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

36 (8) Revocation or suspension of a license or other right to practice
37 counseling granted by another state, territory, federal agency or country upon
38 grounds for which revocation or suspension is authorized in this state;

39 (9) A person is finally adjudged incapacitated by a court of competent
40 jurisdiction;

41 (10) Assisting or enabling any person to practice or offer to practice
42 professional counseling who is not licensed and currently eligible to practice
43 under the provisions of sections 337.500 to 337.540;

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

45 (12) Failure to display a valid license if so required by sections 337.500
46 to 337.540 or any rule promulgated hereunder;

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

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

50 solicitation is primarily directed;

51 (15) Being guilty of unethical conduct as defined in the ethical standards
52 for counselors adopted by the division and filed with the secretary of state.

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

57 4. After the filing of such complaint, the proceedings shall be conducted
58 in accordance with the provisions of chapter 621. Upon a finding by the
59 administrative hearing commission that the grounds, provided in subsection 2 of
60 this section, for disciplinary action are met, the committee may censure or place
61 the person named in the complaint on probation on such terms and conditions as
62 the committee deems appropriate for a period not to exceed five years, or may
63 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
2 furnish evidence to the committee that:

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

6 (2) The applicant has completed at least three thousand hours of
7 supervised clinical experience with a qualified clinical supervisor, as defined in
8 section 337.600, in no less than twenty-four months and no more than forty-eight
9 consecutive calendar months. For any applicant who has successfully completed
10 at least four thousand hours of supervised clinical experience with a qualified
11 clinical supervisor, as defined in section 337.600, within the same time frame
12 prescribed in this subsection, the applicant shall be eligible for application of
13 licensure at three thousand hours and shall be furnished a certificate by the state
14 committee for social workers acknowledging the completion of said additional
15 hours;

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

19 (4) The applicant is at least eighteen years of age, [is of good moral
20 character,] is a United States citizen or has status as a legal resident alien, and
21 has not been [convicted of a felony during the ten years immediately prior to
22 application for licensure] **finally adjudicated and found guilty, or entered**

23 a plea of guilty or nolo contendere, in a criminal prosecution under the
24 laws of any state, or of the United States, or any country, for any
25 offense directly related to the occupation, as set forth in section
26 324.012, regardless of whether or not sentence has been imposed.

27 2. Any person holding a current license, certificate of registration, or
28 permit from another state or territory of the United States or the District of
29 Columbia to practice clinical social work who does not meet the requirements of
30 section 324.009 and who has had no disciplinary action taken against the license,
31 certificate of registration, or permit for the preceding five years may be granted
32 a license to practice clinical social work in this state if the person has received
33 a masters or doctoral degree from a college or university program of social work
34 accredited by the council of social work education and has been licensed to
35 practice clinical social work for the preceding five years.

36 3. The committee shall issue a license to each person who files an
37 application and fee as required by the provisions of sections 337.600 to 337.689
38 and who furnishes evidence satisfactory to the committee that the applicant has
39 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this
40 section or with the provisions of subsection 2 of this section.

337.630. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.600 to 337.689 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.600 to 337.689 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of social work licensed under this chapter; except that the fact that a
15 person has undergone treatment for past substance or alcohol abuse and/or has
16 participated in a recovery program, shall not by itself be cause for refusal to issue
17 or renew a license;

18 (2) The person has been finally adjudicated and found guilty, or entered

19 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
20 of any state or of the United States, **or any country**, for any offense
21 [reasonably] **directly** related to the [qualifications, functions or] duties [of a
22 social worker licensed under this chapter; for any offense an essential element of
23 which is fraud, dishonesty or act of violence, or for any offense involving moral
24 turpitude,] **and responsibilities of the occupation, as set forth in section**
25 **324.012, regardless of** whether or not sentence is imposed;

26 (3) Use of fraud, deception, misrepresentation or bribery in securing any
27 license issued pursuant to the provisions of sections 337.600 to 337.689 or in
28 obtaining permission to take any examination given or required pursuant to the
29 provisions of sections 337.600 to 337.689;

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

32 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
33 the performance of the functions or duties of a social worker licensed pursuant
34 to this chapter;

35 (6) Violation of, or assisting or enabling any person to violate, any
36 provision of sections 337.600 to 337.689, or of any lawful rule or regulation
37 adopted pursuant to sections 337.600 to 337.689;

38 (7) Impersonation of any person holding a license or allowing any person
39 to use the person's license or diploma from any school;

40 (8) Revocation or suspension of a license or other right to practice social
41 work licensed pursuant to this chapter granted by another state, territory, federal
42 agency or country upon grounds for which revocation or suspension is authorized
43 in this state;

44 (9) Final adjudication as incapacitated by a court of competent
45 jurisdiction;

46 (10) Assisting or enabling any person to practice or offer to practice social
47 work licensed pursuant to this chapter who is not licensed and currently eligible
48 to practice pursuant to the provisions of sections 337.600 to 337.689;

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

50 (12) Failure to display a valid license if so required by sections 337.600
51 to 337.689 or any rule promulgated hereunder;

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

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

55 solicitation is primarily directed;

56 (15) Being guilty of unethical conduct as defined in the ethical standards
57 for clinical social workers adopted by the committee by rule and filed with the
58 secretary of state.

59 3. Any person, organization, association or corporation who reports or
60 provides information to the committee pursuant to the provisions of sections
61 337.600 to 337.689 and who does so in good faith shall not be subject to an action
62 for civil damages as a result thereof.

63 4. After the filing of such complaint, the proceedings shall be conducted
64 in accordance with the provisions of chapter 621. Upon a finding by the
65 administrative hearing commission that the grounds, provided in subsection 2 of
66 this section, for disciplinary action are met, the committee may censure or place
67 the person named in the complaint on probation on such terms and conditions as
68 the committee deems appropriate for a period not to exceed five years, or may
69 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
2 furnish evidence to the committee that:

3 (1) The applicant has a master's or doctorate degree in social work from
4 an accredited social work degree program approved by the council of social work
5 education;

6 (2) The applicant has achieved a passing score, as defined by the
7 committee, on an examination approved by the committee. The eligibility
8 requirements for such examination shall be determined by the state committee
9 for social workers;

10 (3) The applicant is at least eighteen years of age, [is of good moral
11 character,] is a United States citizen or has status as a legal resident alien, and
12 has not been [convicted of a felony during the ten years immediately prior to
13 application for licensure] **finally adjudicated and found guilty, or entered**
14 **a plea of guilty or nolo contendere, in a criminal prosecution under the**
15 **laws of any state or of the United States, or any country, for any offense**
16 **directly related to the duties and responsibilities of the occupation, as**
17 **set forth in section 324.012, regardless or whether or not sentence is**
18 **imposed;**

19 (4) The applicant has submitted a written application on forms prescribed
20 by the state board;

21 (5) The applicant has submitted the required licensing fee, as determined

22 by the committee.

23 2. Any applicant who answers in the affirmative to any question on the
24 application that relates to possible grounds for denial of licensure under section
25 337.630 shall submit a sworn affidavit setting forth in detail the facts which
26 explain such answer and copies of appropriate documents related to such answer.

27 3. The committee shall issue a license to each person who files an
28 application and fee as required by the provisions of sections 337.600 to 337.689
29 and who furnishes evidence satisfactory to the committee that the applicant has
30 complied with the provisions of subsection 1 of this section. The license shall
31 refer to the individual as a licensed master social worker and shall recognize that
32 individual's right to practice licensed master social work as defined in section
33 337.600.

 337.645. 1. Each applicant for licensure as an advanced macro social
2 worker shall furnish evidence to the committee that:

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

6 (2) The applicant has completed at least three thousand hours of
7 supervised advanced macro experience with a qualified advanced macro
8 supervisor as defined in section 337.600 in no less than twenty-four months and
9 no more than forty-eight consecutive calendar months. For any applicant who
10 has successfully completed at least four thousand hours of supervised advanced
11 macro experience with a qualified advanced macro supervisor, as defined in
12 section 337.600, within the same time frame prescribed in this subsection, the
13 applicant shall be eligible for application of licensure at three thousand hours and
14 shall be furnished a certificate by the state committee for social workers
15 acknowledging the completion of said additional hours;

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

19 (4) The applicant is at least eighteen years of age, [is of good moral
20 character,] is a United States citizen or has status as a legal resident alien, and
21 has not been [convicted of a felony during the ten years immediately prior to
22 application for licensure] **finally adjudicated and found guilty, or entered**
23 **a plea of guilty or nolo contendere, in a criminal prosecution under the**
24 **laws of any state or of the United States, or any country, for any offense**

25 **directly related to the duties and responsibilities of the occupation, as**
26 **set forth in section 324.012, regardless of whether or not sentence is**
27 **imposed.**

28 2. Any person holding a current license, certificate of registration, or
29 permit from another state or territory of the United States or the District of
30 Columbia to practice advanced macro social work who has had no disciplinary
31 action taken against the license, certificate of registration, or permit for the
32 preceding five years may be granted a license to practice advanced macro social
33 work in this state if the person meets one of the following criteria:

34 (1) Has received a master's or doctoral degree from a college or university
35 program of social work accredited by the council of social work education and has
36 been licensed to practice advanced macro social work for the preceding five years;
37 or

38 (2) Is currently licensed or certified as an advanced macro social worker
39 in another state, territory of the United States, or the District of Columbia having
40 substantially the same requirements as this state for advanced macro social
41 workers.

42 3. The committee shall issue a license to each person who files an
43 application and fee as required by the provisions of sections 337.600 to 337.689
44 and who furnishes evidence satisfactory to the committee that the applicant has
45 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this
46 section or with the provisions of subsection 2 of this section.

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

3 (1) The applicant has a baccalaureate degree in social work from an
4 accredited social work degree program approved by the council of social work
5 education;

6 (2) The applicant has achieved a passing score, as defined by the
7 committee, on an examination approved by the committee. The eligibility
8 requirements for such examination shall be determined by the state committee
9 for social work;

10 (3) The applicant is at least eighteen years of age, [is of good moral
11 character,] is a United States citizen or has status as a legal resident alien, and
12 has not been [convicted of a felony during the ten years immediately prior to
13 application for licensure] **finally adjudicated and found guilty, or entered**
14 **a plea of guilty or nolo contendere, in a criminal prosecution under the**

15 **laws of any state or of the United States, or any country, for any offense**
16 **directly related to the duties and responsibilities of the occupation, as**
17 **set forth in section 324.012, regardless of whether or not sentence is**
18 **imposed;**

19 (4) The applicant has submitted a written application on forms prescribed
20 by the state board;

21 (5) The applicant has submitted the required licensing fee, as determined
22 by the committee.

23 2. Any applicant who answers in the affirmative to any question on the
24 application that relates to possible grounds for denial of licensure pursuant to
25 section 337.630 shall submit a sworn affidavit setting forth in detail the facts
26 which explain such answer and copies of appropriate documents related to such
27 answer.

28 3. The committee shall issue a license to each person who files an
29 application and fee as required by the provisions of sections 337.600 to 337.689
30 and who furnishes evidence satisfactory to the committee that the applicant has
31 complied with the provisions of subsection 1 of this section.

32 4. The committee shall issue a certificate to practice independently under
33 subsection 3 of section 337.653 to any licensed baccalaureate social worker who
34 has satisfactorily completed three thousand hours of supervised experience with
35 a qualified baccalaureate supervisor in no less than twenty-four months and no
36 more than forty-eight consecutive calendar months.

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

3 (1) The applicant has a master's degree or a doctoral degree in marital
4 and family therapy from a program accredited by the Commission on
5 Accreditation for Marriage and Family Therapy Education, or its equivalent as
6 defined by committee regulation, from an educational institution accredited by a
7 regional accrediting body that is recognized by the United States Department of
8 Education;

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

12 (3) After August 28, 2008, the applicant shall have completed a minimum
13 of three semester hours of graduate-level course work in diagnostic systems either
14 within the curriculum leading to a degree as defined in subdivision (1) of this

15 subsection or as post-master's graduate-level course work. Each applicant shall
16 demonstrate supervision of diagnosis as a core component of the postgraduate
17 supervised clinical experience as defined in subdivision (2) of this subsection;

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

21 (5) The applicant is at least eighteen years of age, [is of good moral
22 character,] is a United States citizen or has status as a legal resident alien, and
23 has not been [convicted of a felony during the ten years immediately prior to
24 application for licensure] **finally adjudicated and found guilty, or entered**
25 **a plea of guilty or nolo contendere, in a criminal prosecution under the**
26 **laws of any state or of the United States, or any country, for any offense**
27 **directly related to the duties and responsibilities of the occupation, as**
28 **set forth in section 324.012, regardless of whether or not sentence is**
29 **imposed.**

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

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

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

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

43 3. The state committee shall issue a license to each person who files an
44 application and 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
2 required by the provisions of sections 337.700 to 337.739 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.700 to 337.739 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of marital and family therapist; except the fact that a person has
15 undergone treatment for past substance or alcohol abuse or has participated in
16 a recovery program, shall not by itself be cause for refusal to issue or renew a
17 license;

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

26 (3) Use of fraud, deception, misrepresentation or bribery in securing any
27 license issued pursuant to the provisions of sections 337.700 to 337.739 or in
28 obtaining permission to take any examination given or required pursuant to the
29 provisions of sections 337.700 to 337.739;

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

32 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
33 the performance of the functions or duties of a marital and family therapist;

34 (6) Violation of, or assisting or enabling any person to violate, any
35 provision of sections 337.700 to 337.739 or of any lawful rule or regulation
36 adopted pursuant to sections 337.700 to 337.739;

37 (7) Impersonation of any person holding a license or allowing any person
38 to use the person's license or diploma from any school;

39 (8) Revocation or suspension of a license or other right to practice marital
40 and family therapy granted by another state, territory, federal agency or country
41 upon grounds for which revocation or suspension is authorized in this state;

42 (9) Final adjudication as incapacitated by a court of competent

43 jurisdiction;

44 (10) Assisting or enabling any person to practice or offer to practice
45 marital and family therapy who is not licensed and is not currently eligible to
46 practice under the provisions of sections 337.700 to 337.739;

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

48 (12) Failure to display a valid license if so required by sections 337.700
49 to 337.739 or any rule promulgated hereunder;

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

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

54 (15) Being guilty of unethical conduct as defined in the ethical standards
55 for marital and family therapists adopted by the committee by rule and filed with
56 the secretary of state.

57 3. Any person, organization, association or corporation who reports or
58 provides information to the committee under sections 337.700 to 337.739 and who
59 does so in good faith shall not be subject to an action for civil damages as a result
60 thereof.

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

338.030. An applicant for examination shall be twenty-one years of age
2 [and in addition shall furnish satisfactory evidence of his good moral character]
3 and have had one year practical experience under the supervision of a licensed
4 pharmacist within a licensed pharmacy, or other location approved by the board,
5 and shall be a graduate of a school or college of pharmacy whose requirements for
6 graduation are satisfactory to and approved by the board of pharmacy.

338.055. 1. The board may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to this chapter for one or any
3 combination of causes stated in subsection 2 of this section or if the designated
4 pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or
5 controlling shareholder of the applicant has committed any act or practice in

6 subsection 2 of this section. 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
8 complaint with the administrative hearing commission as provided by chapter
9 621.

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

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

19 (2) The person has been finally adjudicated and found guilty, or entered
20 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
21 any state or of the United States, **or any country**, for any offense [reasonably]
22 **directly** related to the [qualifications, functions or] duties [of any profession
23 licensed or regulated under this chapter, for any offense an essential element of
24 which is fraud, dishonesty or act of violence, or for any offense involving moral
25 turpitude,] **and responsibilities of the occupation, as set forth in section**
26 **324.012**, whether or not sentence is imposed;

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

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

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

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

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

42 (8) Denial of licensure to an applicant or disciplinary action against an
43 applicant or the holder of a license or other right to practice any profession
44 regulated by this chapter granted by another state, territory, federal agency, or
45 country whether or not voluntarily agreed to by the licensee or applicant,
46 including, but not limited to, surrender of the license upon grounds for which
47 denial or discipline is authorized in this state;

48 (9) A person is finally adjudged incapacitated by a court of competent
49 jurisdiction;

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

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

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

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

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

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

63 (16) The intentional act of substituting or otherwise changing the content,
64 formula or brand of any drug prescribed by written or oral prescription without
65 prior written or oral approval from the prescriber for the respective change in
66 each prescription; provided, however, that nothing contained herein shall prohibit
67 a pharmacist from substituting or changing the brand of any drug as provided
68 under section 338.056, and any such substituting or changing of the brand of any
69 drug as provided for in section 338.056 shall not be deemed unprofessional or
70 dishonorable conduct unless a violation of section 338.056 occurs;

71 (17) Personal use or consumption of any controlled substance unless it is
72 prescribed, dispensed, or administered by a health care provider who is
73 authorized by law to do so.

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

78 combination, censure or place the person named in the complaint on probation on
79 such terms and conditions as the board deems appropriate for a period not to
80 exceed five years, or may suspend, for a period not to exceed three years, or
81 revoke the license, certificate, or permit. The board may impose additional
82 discipline on a licensee, registrant, or permittee found to have violated any
83 disciplinary terms previously imposed under this section or by agreement. The
84 additional discipline may include, singly or in combination, censure, placing the
85 licensee, registrant, or permittee named in the complaint on additional probation
86 on such terms and conditions as the board deems appropriate, which additional
87 probation shall not exceed five years, or suspension for a period not to exceed
88 three years, or revocation of the license, certificate, or permit.

89 4. If the board concludes that a licensee or registrant has committed an
90 act or is engaging in a course of conduct which would be grounds for disciplinary
91 action which constitutes a clear and present danger to the public health and
92 safety, the board may file a complaint before the administrative hearing
93 commission requesting an expedited hearing and specifying the activities which
94 give rise to the danger and the nature of the proposed restriction or suspension
95 of the licensee's or registrant's license. Within fifteen days after service of the
96 complaint on the licensee or registrant, the administrative hearing commission
97 shall conduct a preliminary hearing to determine whether the alleged activities
98 of the licensee or registrant appear to constitute a clear and present danger to the
99 public health and safety which justify that the licensee's or registrant's license
100 or registration be immediately restricted or suspended. The burden of proving
101 that the actions of a licensee or registrant constitute a clear and present danger
102 to the public health and safety shall be upon the state board of pharmacy. The
103 administrative hearing commission shall issue its decision immediately after the
104 hearing and shall either grant to the board the authority to suspend or restrict
105 the license or dismiss the action.

106 5. If the administrative hearing commission grants temporary authority
107 to the board to restrict or suspend the licensee's or registrant's license, such
108 temporary authority of the board shall become final authority if there is no
109 request by the licensee or registrant for a full hearing within thirty days of the
110 preliminary hearing. The administrative hearing commission shall, if requested
111 by the licensee or registrant named in the complaint, set a date to hold a full
112 hearing under the provisions of chapter 621 regarding the activities alleged in the
113 initial complaint filed by the board.

114 6. If the administrative hearing commission dismisses the action filed by
115 the board pursuant to subsection 4 of this section, such dismissal shall not bar
116 the board from initiating a subsequent action on the same grounds.

338.065. 1. At such time as the final trial proceedings are concluded
2 whereby a licensee or registrant, or any person who has failed to renew or has
3 surrendered his or her certificate of registration or authority, permit, or license,
4 has been adjudicated and found guilty, or has entered a plea of guilty or nolo
5 contendere, in a [felony] **criminal** prosecution [pursuant to] **under** the laws of
6 [the state of Missouri, the laws of any other state, territory, or the laws of] **any**
7 **state**, the United States [of America], **or any country**, for any offense
8 [reasonably] **directly** related to the [qualifications, functions or] duties [of a
9 licensee, permittee, or registrant pursuant to this chapter or any felony offense,
10 an essential element of which is fraud, dishonesty or act of violence, or for any
11 offense involving moral turpitude,] **and responsibilities of the occupation**
12 **as set forth in section 324.012, regardless of** whether or not sentence is
13 imposed, the board of pharmacy may hold a disciplinary hearing to singly or in
14 combination censure or place the licensee, permittee, or registrant named in the
15 complaint on probation on such terms and conditions as the board deems
16 appropriate for a period not to exceed five years, or may suspend, for a period not
17 to exceed three years, or revoke the license, certificate, registration or permit.

18 2. Anyone who has been revoked or denied a license, permit or certificate
19 to practice in another state may automatically be denied a license or permit to
20 practice in this state. However, the board of pharmacy may establish other
21 qualifications by which a person may ultimately be qualified and licensed to
22 practice in Missouri.

338.185. After August 28, 1990, notwithstanding any other provisions of
2 law, the board of pharmacy shall have access to records involving an applicant for
3 a license or permit or renewal of a license or permit as provided within this
4 chapter, where the applicant has been adjudicated and found guilty or entered a
5 plea of guilty or nolo contendere in a prosecution under the laws of any state or
6 of the United States, **or any country**, for any offense [reasonably] **directly**
7 related to the [qualifications, functions, or] duties [of any profession licensed or
8 regulated under this chapter, for any offense an essential element of which is
9 fraud, dishonesty or act of violence, or for any offense involving moral turpitude,]
10 **and responsibilities of the occupation as set forth in section 324.012,**
11 **regardless of** whether or not sentence is imposed.

339.040. 1. Licenses shall be granted only to persons who present, and
2 corporations, associations, partnerships, limited partnerships, limited liability
3 companies, and professional corporations whose officers, managers, associates,
4 general partners, or members who actively participate in such entity's brokerage,
5 broker-salesperson, or salesperson business present, satisfactory proof to the
6 commission that they[:

7 (1) Are persons of good moral character; and
8 (2) Bear a good reputation for honesty, integrity, and fair dealing; and
9 (3)] are competent to transact the business of a broker or salesperson in
10 such a manner as to safeguard the interest of the public.

11 2. In order to determine an applicant's qualifications to receive a license
12 under sections 339.010 to 339.180 and sections 339.710 to 339.860, the
13 commission shall hold oral or written examinations at such times and places as
14 the commission may determine.

15 3. Each applicant for a broker or salesperson license shall be at least
16 eighteen years of age and shall pay the broker examination fee or the salesperson
17 examination fee.

18 4. Each applicant for a broker license shall be required to have
19 satisfactorily completed the salesperson license examination prescribed by the
20 commission. For the purposes of this section only, the commission may permit
21 a person who is not associated with a licensed broker to take the salesperson
22 examination.

23 5. Each application for a broker license shall include a certificate from the
24 applicant's broker or brokers that the applicant has been actively engaged in the
25 real estate business as a licensed salesperson for at least two years immediately
26 preceding the date of application, and shall include a certificate from a school
27 accredited by the commission under the provisions of section 339.045 that the
28 applicant has, within six months prior to the date of application, successfully
29 completed the prescribed broker curriculum or broker correspondence course
30 offered by such school, except that the commission may waive all or part of the
31 requirements set forth in this subsection when an applicant presents proof of
32 other educational background or experience acceptable to the commission. Each
33 application for a broker-salesperson license shall include evidence of the current
34 broker license held by the applicant.

35 6. Each application for a salesperson license shall include a certificate
36 from a school accredited by the commission under the provisions of section

37 339.045 that the applicant has, within six months prior to the date of application,
38 successfully completed the prescribed salesperson curriculum or salesperson
39 correspondence course offered by such school, except that the commission may
40 waive all or part of the educational requirements set forth in this subsection
41 when an applicant presents proof of other educational background or experience
42 acceptable to the commission.

43 7. The commission may issue a temporary work permit pending final
44 review and printing of the license to an applicant who appears to have satisfied
45 the requirements for licenses. The commission may, at its discretion, withdraw
46 the work permit at any time.

47 8. Every active broker, broker-salesperson, salesperson, officer, manager,
48 general partner, member or associate shall provide upon request to the
49 commission evidence that during the two years preceding he or she has completed
50 twelve hours of real estate instruction in courses approved by the
51 commission. The commission may, by rule and regulation, provide for individual
52 waiver of this requirement.

53 9. Each entity that provides continuing education required under the
54 provisions of subsection 8 of this section may make available instruction courses
55 that the entity conducts through means of distance delivery. The commission
56 shall by rule set standards for such courses. The commission may by regulation
57 require the individual completing such distance-delivered course to complete an
58 examination on the contents of the course. Such examination shall be designed
59 to ensure that the licensee displays adequate knowledge of the subject matter of
60 the course, and shall be designed by the entity producing the course and approved
61 by the commission.

62 10. In the event of the death or incapacity of a licensed broker, or of one
63 or more of the licensed general partners, officers, managers, members or
64 associates of a real estate partnership, limited partnership, limited liability
65 company, professional corporation, corporation, or association whereby the affairs
66 of the broker, partnership, limited partnership, limited liability company,
67 professional corporation, corporation, or association cannot be carried on, the
68 commission may issue, without examination or fee, to the legal representative or
69 representatives of the deceased or incapacitated individual, or to another
70 individual approved by the commission, a temporary broker license which shall
71 authorize such individual to continue for a period to be designated by the
72 commission to transact business for the sole purpose of winding up the affairs of

73 the broker, partnership, limited partnership, limited liability company,
74 professional corporation, corporation, or association under the supervision of the
75 commission.

339.100. 1. The commission may, upon its own motion, and shall upon
2 receipt of a written complaint filed by any person, investigate any real
3 estate-related activity of a licensee licensed under sections 339.010 to 339.180
4 and sections 339.710 to 339.860 or an individual or entity acting as or
5 representing themselves as a real estate licensee. In conducting such
6 investigation, if the questioned activity or written complaint involves an affiliated
7 licensee, the commission may forward a copy of the information received to the
8 affiliated licensee's designated broker. The commission shall have the power to
9 hold an investigatory hearing to determine whether there is a probability of a
10 violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The
11 commission shall have the power to issue a subpoena to compel the production of
12 records and papers bearing on the complaint. The commission shall have the
13 power to issue a subpoena and to compel any person in this state to come before
14 the commission to offer testimony or any material specified in the
15 subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section
16 shall be served in the same manner as subpoenas in a criminal case. The fees
17 and mileage of witnesses shall be the same as that allowed in the circuit court in
18 civil cases.

19 2. The commission may cause a complaint to be filed with the
20 administrative hearing commission as provided by the provisions of chapter 621
21 against any person or entity licensed under this chapter or any licensee who has
22 failed to renew or has surrendered his or her individual or entity license for any
23 one or any combination of the following acts:

24 (1) Failure to maintain and deposit in a special account, separate and
25 apart from his or her personal or other business accounts, all moneys belonging
26 to others entrusted to him or her while acting as a real estate broker or as the
27 temporary custodian of the funds of others, until the transaction involved is
28 consummated or terminated, unless all parties having an interest in the funds
29 have agreed otherwise in writing;

30 (2) Making substantial misrepresentations or false promises or
31 suppression, concealment or omission of material facts in the conduct of his or her
32 business or pursuing a flagrant and continued course of misrepresentation
33 through agents, salespersons, advertising or otherwise in any transaction;

34 (3) Failing within a reasonable time to account for or to remit any moneys,
35 valuable documents or other property, coming into his or her possession, which
36 belongs to others;

37 (4) Representing to any lender, guaranteeing agency, or any other
38 interested party, either verbally or through the preparation of false documents,
39 an amount in excess of the true and actual sale price of the real estate or terms
40 differing from those actually agreed upon;

41 (5) Failure to timely deliver a duplicate original of any and all
42 instruments to any party or parties executing the same where the instruments
43 have been prepared by the licensee or under his or her supervision or are within
44 his or her control, including, but not limited to, the instruments relating to the
45 employment of the licensee or to any matter pertaining to the consummation of
46 a lease, listing agreement or the purchase, sale, exchange or lease of property, or
47 any type of real estate transaction in which he or she may participate as a
48 licensee;

49 (6) Acting for more than one party in a transaction without the knowledge
50 of all parties for whom he or she acts, or accepting a commission or valuable
51 consideration for services from more than one party in a real estate transaction
52 without the knowledge of all parties to the transaction;

53 (7) Paying a commission or valuable consideration to any person for acts
54 or services performed in violation of sections 339.010 to 339.180 and sections
55 339.710 to 339.860;

56 (8) Guaranteeing or having authorized or permitted any licensee to
57 guarantee future profits which may result from the resale of real property;

58 (9) Having been finally adjudicated and been found guilty of the violation
59 of any state or federal statute which governs the sale or rental of real property
60 or the conduct of the real estate business as defined in subsection 1 of section
61 339.010;

62 (10) Obtaining a certificate or registration of authority, permit or license
63 for himself or herself or anyone else by false or fraudulent representation, fraud
64 or deceit;

65 (11) Representing a real estate broker other than the broker with whom
66 associated without the express written consent of the broker with whom
67 associated;

68 (12) Accepting a commission or valuable consideration for the performance
69 of any of the acts referred to in section 339.010 from any person except the broker

70 with whom associated at the time the commission or valuable consideration was
71 earned;

72 (13) Using prizes, money, gifts or other valuable consideration as
73 inducement to secure customers or clients to purchase, lease, sell or list property
74 when the awarding of such prizes, money, gifts or other valuable consideration
75 is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or
76 offering for sale real property by offering free lots, or conducting lotteries or
77 contests, or offering prizes for the purpose of influencing a purchaser or
78 prospective purchaser of real property;

79 (14) Placing a sign on or advertising any property offering it for sale or
80 rent without the written consent of the owner or his or her duly authorized agent;

81 (15) Violation of, or attempting to violate, directly or indirectly, or
82 assisting or enabling any person to violate, any provision of sections 339.010 to
83 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant
84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;

85 (16) Committing any act which would otherwise be grounds for the
86 commission to refuse to issue a license under section 339.040;

87 (17) Failure to timely inform seller of all written offers unless otherwise
88 instructed in writing by the seller;

89 (18) Been finally adjudicated and found guilty, or entered a plea of guilty
90 or nolo contendere, in a criminal prosecution under the laws of this state or any
91 other state or of the United States, **or any country**, for any offense [reasonably]
92 **directly** related to the [qualifications, functions or] duties [of any profession
93 licensed or regulated under this chapter, for any offense an essential element of
94 which is fraud, dishonesty or act of violence, or for any offense involving moral
95 turpitude,] **and responsibilities of the occupation as set forth in section**
96 **324.012, regardless of** whether or not sentence is imposed;

97 (19) Any other conduct which constitutes untrustworthy, improper or
98 fraudulent business dealings, demonstrates bad faith or incompetence,
99 misconduct, or gross negligence;

100 (20) Disciplinary action against the holder of a license or other right to
101 practice any profession regulated under sections 339.010 to 339.180 and sections
102 339.710 to 339.860 granted by another state, territory, federal agency, or country
103 upon grounds for which revocation, suspension, or probation is authorized in this
104 state;

105 (21) Been found by a court of competent jurisdiction of having used any

106 controlled substance, as defined in chapter 195, to the extent that such use
107 impairs a person's ability to perform the work of any profession licensed or
108 regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

109 (22) Been finally adjudged insane or incompetent by a court of competent
110 jurisdiction;

111 (23) Assisting or enabling any person to practice or offer to practice any
112 profession licensed or regulated under sections 339.010 to 339.180 and sections
113 339.710 to 339.860 who is not registered and currently eligible to practice under
114 sections 339.010 to 339.180 and sections 339.710 to 339.860;

115 (24) Use of any advertisement or solicitation which is knowingly false,
116 misleading or deceptive to the general public or persons to whom the
117 advertisement or solicitation is primarily directed;

118 (25) Making any material misstatement, misrepresentation, or omission
119 with regard to any application for licensure or license renewal. As used in this
120 section, "material" means important information about which the commission
121 should be informed and which may influence a licensing decision;

122 (26) Engaging in, committing, or assisting any person in engaging in or
123 committing mortgage fraud, as defined in section 443.930.

124 3. After the filing of such complaint, the proceedings will be conducted in
125 accordance with the provisions of law relating to the administrative hearing
126 commission. A finding of the administrative hearing commissioner that the
127 licensee has performed or attempted to perform one or more of the foregoing acts
128 shall be grounds for the suspension or revocation of his license by the
129 commission, or the placing of the licensee on probation on such terms and
130 conditions as the real estate commission shall deem appropriate, or the
131 imposition of a civil penalty by the commission not to exceed two thousand five
132 hundred dollars for each offense. Each day of a continued violation shall
133 constitute a separate offense.

134 4. The commission may prepare a digest of the decisions of the
135 administrative hearing commission which concern complaints against licensed
136 brokers or salespersons and cause such digests to be mailed to all licensees
137 periodically. Such digests may also contain reports as to new or changed rules
138 adopted by the commission and other information of significance to licensees.

139 5. Notwithstanding other provisions of this section, a broker or
140 salesperson's license shall be revoked, or in the case of an applicant, shall not be
141 issued, if the licensee or applicant has [pleaded guilty to,] **been finally**

142 **adjudicated and found guilty or has** entered a plea of nolo contendere [to,
143 or been found guilty of any of the following offenses or offenses of a similar
144 nature established] **in a criminal prosecution** under the laws of [this,] any
145 [other] state, the United States, or any [other] country, [notwithstanding] **for**
146 **any offense directly related to the duties and responsibilities of the**
147 **occupation as set forth in section 324.012, regardless of** whether sentence
148 is imposed[:

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

151 (2) Any of the following sexual offenses: rape in the first degree, forcible
152 rape, rape, statutory rape in the first degree, statutory rape in the second degree,
153 rape in the second degree, sexual assault, sodomy in the first degree, forcible
154 sodomy, statutory sodomy in the first degree, statutory sodomy in the second
155 degree, child molestation in the first degree, child molestation in the second
156 degree, sodomy in the second degree, deviate sexual assault, sexual misconduct
157 involving a child, sexual misconduct in the first degree under section 566.090 as
158 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it
159 existed prior to August 28, 2013, sexual abuse in the first or second degree,
160 enticement of a child, or attempting to entice a child;

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

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

174 (5) Mortgage fraud as defined in section 570.310].

175 6. A person whose license was revoked under subsection 5 of this section
176 may appeal such revocation to the administrative hearing commission. Notice of
177 such appeal must be received by the administrative hearing commission within

178 ninety days of mailing, by certified mail, the notice of revocation. Failure of a
179 person whose license was revoked to notify the administrative hearing
180 commission of his or her intent to appeal waives all rights to appeal the
181 revocation. Upon notice of such person's intent to appeal, a hearing shall be held
182 before the administrative hearing commission.

339.511. 1. There shall be six classes of licensure for individuals
2 including:

- 3 (1) State-licensed appraiser trainee;
- 4 (2) State-licensed real estate appraiser;
- 5 (3) State-certified residential appraiser trainee;
- 6 (4) State-certified residential real estate appraiser;
- 7 (5) State-certified general appraiser trainee; and
- 8 (6) State-certified general real estate appraiser.

9 2. There shall be one class of license for appraisal management
10 companies.

11 3. Persons desiring to obtain licensure as a state-licensed appraiser
12 trainee, state-licensed real estate appraiser, state-certified residential appraiser
13 trainee, certification as a state-certified residential real estate appraiser,
14 state-certified general appraiser trainee, or state-certified general real estate
15 appraiser shall make written application to the commission on such forms as are
16 prescribed by the commission setting forth the applicant's qualifications for
17 licensure or certification [and present to the commission satisfactory proof that
18 the person is of good moral character and bears a good reputation for honesty,
19 integrity and fair dealing].

20 4. Each applicant for licensure as a state-licensed appraiser trainee,
21 state-licensed real estate appraiser, a state-certified residential appraiser trainee,
22 a state-certified residential real estate appraiser, a state-certified general
23 appraiser trainee, or a state-certified general real estate appraiser shall have
24 demonstrated the knowledge and competence necessary to perform appraisals of
25 residential and other real estate as the commission may prescribe by rule not
26 inconsistent with any requirements imposed by the appraiser qualifications
27 board. The commission shall prescribe by rule procedures for obtaining and
28 maintaining approved courses of instruction. The commission shall, also,
29 prescribe the hours of training in real estate appraisal practices and the
30 minimum level of experience acceptable for licensure or certification.

31 5. Persons who receive certification after March 30, 1991, or who have a

32 state license or certificate to engage in business as a real estate appraiser issued
33 by the commission, shall receive the same license or certificate from the
34 commission as such persons are currently holding without further education,
35 experience, examination or application fee, but shall be required to meet all
36 continuing education requirements prescribed by the commission.

37 6. Appraisal management companies desiring to obtain licensure shall:

38 (1) Make application to the commission on such forms as are prescribed
39 by the commission setting forth the applicant's qualifications for licensure;

40 (2) Remit the fee or fees as established by rule; **and**

41 (3) Post with the commission and maintain on renewal a surety bond in
42 the amount of twenty thousand dollars as further promulgated by rule[; and

43 (4) Submit to the commission satisfactory proof that any controlling
44 person, defined in section 339.503, is of good moral character and bears a good
45 reputation for honesty, integrity, and fair dealing].

339.532. 1. The commission may refuse to issue or renew any certificate
2 or license issued pursuant to sections 339.500 to 339.549 for one or any
3 combination of causes stated in subsection 2 of this section. The commission
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The commission may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any
9 state-certified real estate appraiser, state-licensed real estate appraiser,
10 state-licensed appraiser trainee, state-certified residential appraiser trainee,
11 state-certified general appraiser trainee, state-licensed appraisal management
12 company that is a legal entity other than a natural person, any person who is a
13 controlling person as defined in this chapter, or any person who has failed to
14 renew or has surrendered his or her certificate or license for any one or any
15 combination of the following causes:

16 (1) Procuring or attempting to procure a certificate or license pursuant to
17 section 339.513 by knowingly making a false statement, submitting false
18 information, refusing to provide complete information in response to a question
19 in an application for certification or licensure, or through any form of fraud or
20 misrepresentation;

21 (2) Failing to meet the minimum qualifications for certification or
22 licensure or renewal established by sections 339.500 to 339.549;

23 (3) Paying money or other valuable consideration, other than as provided
24 for by section 339.513, to any member or employee of the commission to procure
25 a certificate or license pursuant to sections 339.500 to 339.549;

26 (4) The person has been finally adjudicated and found guilty, or entered
27 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
28 any state or the United States, **or any country**, for any offense [reasonably]
29 **directly** related to the [qualifications, functions or] duties [of any profession
30 licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of
31 which an essential element is fraud, dishonesty or act of violence, or for any
32 offense involving moral turpitude,] **and responsibilities of the occupation**
33 **as set forth in section 324.012, regardless of** whether or not sentence is
34 imposed;

35 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or
36 misrepresentation in the performance of the functions or duties of any profession
37 licensed or regulated by sections 339.500 to 339.549;

38 (6) Violation of any of the standards for the development or
39 communication of real estate appraisals as provided in or pursuant to sections
40 339.500 to 339.549;

41 (7) Failure to comply with the Uniform Standards of Professional
42 Appraisal Practice promulgated by the appraisal standards board of the appraisal
43 foundation;

44 (8) Failure or refusal without good cause to exercise reasonable diligence
45 in developing an appraisal, preparing an appraisal report, or communicating an
46 appraisal;

47 (9) Negligence or incompetence in developing an appraisal, in preparing
48 an appraisal report, or in communicating an appraisal;

49 (10) Violating, assisting or enabling any person to willfully disregard any
50 of the provisions of sections 339.500 to 339.549 or the regulations of the
51 commission for the administration and enforcement of the provisions of sections
52 339.500 to 339.549;

53 (11) Accepting an appraisal assignment when the employment itself is
54 contingent upon the appraiser's reporting a predetermined analysis or opinion or
55 where the fee to be paid for the performance of the appraisal assignment is
56 contingent upon the opinion, conclusion, or valuation reached or upon the
57 consequences resulting from the appraisal assignment;

58 (12) Violating the confidential nature of governmental records to which

59 the person gained access through employment or engagement to perform an
60 appraisal assignment or specialized appraisal services for a governmental agency;

61 (13) Violating any term or condition of a certificate or license issued by
62 the commission pursuant to the authority of sections 339.500 to 339.549;

63 (14) Violation of any professional trust or confidence;

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

66 (16) Assisting or enabling any person to practice or offer to practice any
67 profession licensed or regulated by sections 339.500 to 339.549 who is not licensed
68 or certified and currently eligible to practice pursuant to sections 339.500 to
69 339.549;

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

73 (18) Disciplinary action against the holder of a license, certificate or other
74 right to practice any profession regulated pursuant to sections 339.500 to 339.549,
75 imposed by another state, territory, federal agency or country upon grounds for
76 which revocation or suspension is authorized in this state;

77 (19) Making any material misstatement, misrepresentation, or omission
78 with regard to any application for licensure or certification, or for license or
79 certification renewal. As used in this section, "material" means important
80 information about which the commission should be informed and which may
81 influence a licensing decision;

82 (20) Engaging in or committing, or assisting any person in engaging in or
83 committing, any practice or act of mortgage fraud, as defined in section 443.930;

84 (21) Influencing or attempting to influence the development, reporting, or
85 review of an appraisal through coercion, extortion, collusion, compensation,
86 instruction, inducement, intimidation, or bribery.

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

95 or the legal entity and any controlling person in the case of an appraisal
96 management company, revoked pursuant to this section may not obtain
97 certification as a state-certified real estate appraiser, licensure as a state-licensed
98 real estate appraiser, or licensure as an appraisal management company for at
99 least five years after the date of revocation.

100 4. Notwithstanding other provisions of this section, a real estate appraiser
101 license or certification or an appraisal management company license shall be
102 revoked, or in the case of an applicant, shall not be issued, if the licensee or
103 applicant, or any controlling person in the case of an appraisal management
104 company, has [pleaded guilty to,] **been finally adjudicated and found guilty,**
105 **or has** entered a plea of nolo contendere [to, or been found guilty of mortgage
106 fraud as defined in section 570.310] **in a criminal prosecution under the**
107 **laws of any state, the United States, or any country, for any offense**
108 **directly related to the duties and responsibilities of the occupation as**
109 **set forth in section 324.012, regardless of whether or not sentence is**
110 **imposed.** The commission shall notify the individual or legal entity of the
111 reasons for the revocation in writing, by certified mail.

112 5. A person, or the legal entity or controlling person in the case of an
113 appraisal management company, whose license is revoked under subsection 4 of
114 this section may appeal such revocation to the administrative hearing
115 commission, as provided by chapter 621, within ninety days from the time the
116 commission mails the notice of revocation. A person who fails to do so waives all
117 rights to appeal the revocation.

118 6. A certification of a state-certified real estate appraiser, a license of a
119 state-licensed real estate appraiser, or a license of an appraisal management
120 company that has been suspended as a result of disciplinary action by the
121 commission shall not be reinstated, and a person, controlling person, or legal
122 entity may not obtain certification as a state-certified real estate appraiser,
123 licensure as a state-licensed real estate appraiser, or licensure as an appraisal
124 management company subsequent to revocation, unless the applicant presents
125 evidence of completion of the continuing education required by section 339.530
126 during the period of suspension or revocation as well as fulfillment of any other
127 conditions imposed by the commission. Applicants for recertification, relicensure
128 or reinstatement also shall be required to successfully complete the examination
129 for original certification or licensure required by section 339.515 as a condition
130 to reinstatement of certification or licensure, or recertification or relicensure

131 subsequent to revocation.

340.228. 1. Any person desiring a license to practice veterinary medicine
2 in the state of Missouri shall make a written application to the board on forms
3 to be provided by the board. The board shall provide such forms without charge
4 upon the applicant's request.

5 2. Each application shall contain a statement that is made under oath or
6 affirmation that representations made therein are true, correct and contain no
7 material omissions of fact to the best knowledge and belief of the person making
8 the application and whose signature shall be subscribed thereto. Any person who
9 knowingly submits false information, information intended to mislead the board,
10 or omits a material fact on the application shall be subject to penalties provided
11 for by the laws of this state for giving a false statement under oath or
12 affirmation, in addition to any actions which the board may take pursuant to the
13 provisions of sections 340.200 to 340.330.

14 3. To qualify for licensure under sections 340.200 to 340.330, the
15 application must show that the applicant:

16 (1) [Is a person of good moral character;

17 (2)] Is a graduate of an accredited school of veterinary medicine;

18 [(3)] (2) Has completed a veterinary candidacy program after graduation
19 under the supervision of a veterinarian licensed and in good standing in any
20 state, territory or district of the United States. The supervising veterinarian
21 shall submit an affidavit to the board stating that the applicant has satisfactorily
22 completed the veterinary candidacy program. If the applicant submits
23 satisfactory proof that he or she has completed a student preceptor program
24 recognized and approved by the board before graduation, the board may waive the
25 veterinary candidacy requirement; and

26 [(4)] (3) Has passed an examination or examinations as prescribed by
27 board rule. The examination or examinations shall be designed to test the
28 examinee's knowledge of, and proficiency in, subjects and techniques commonly
29 taught in schools of veterinary medicine, the requirements of sections 340.200 to
30 340.330, other related statutes and administrative rules and other material as
31 determined by the board. An examinee must demonstrate scientific, practical and
32 legal knowledge sufficient to establish for the board that the examinee is
33 competent to practice veterinary medicine. The examination or examinations will
34 only be given in the English language. Applications for examination shall be in
35 writing, on a form furnished by the board and shall include evidence satisfactory

36 to the board that the applicant possesses the qualifications set forth in this
37 section.

38 4. The board may require such other information and proof of a person's
39 fitness as it deems necessary.

340.264. 1. The board may refuse to issue or renew any certificate of
2 registration or authority, permit or license required pursuant to sections 340.200
3 to 340.330 for one or any combination of causes stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons for the
5 refusal and shall advise the applicant of his or her right to file a complaint with
6 the administrative hearing commission as provided by chapter 621.

7 2. The board may file a complaint with the administrative hearing
8 commission as provided by chapter 621 against any holder of any certificate of
9 registration or authority, permit or license required by sections 340.200 to
10 340.330 or any person who has failed to renew or has surrendered his or her
11 certificate of registration or authority, permit or license for any one or
12 combination of the following causes:

13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
14 beverage to an extent that such use impairs a person's ability to perform the work
15 of any profession licensed or regulated by sections 340.200 to 340.330;

16 (2) The person has been finally adjudicated and found guilty, or entered
17 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
18 any state, [territory, district of the United States,] or the United States, **or any**
19 **country**, for any offense [reasonably] **directly** related to the [qualifications,
20 functions or] duties [of any profession licensed or regulated under sections
21 340.200 to 340.330 or for any offense for which an essential element is fraud,
22 dishonesty or act of violence, or for any offense involving moral turpitude,] **and**
23 **responsibilities of the occupation as set forth in section 324.012,**
24 **regardless of** whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any
26 certificate of registration or authority, permit or license issued pursuant to
27 sections 340.200 to 340.330 or in obtaining permission to take any examination
28 given or required pursuant to sections 340.200 to 340.330;

29 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct
30 or unprofessional conduct in the performance of the functions or duties of any
31 profession licensed or regulated by sections 340.200 to 340.330, including, but not
32 limited to:

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

35 (b) Willfully and continually overcharging for services or overtreating
36 patients or charging for services which did not occur unless the services were
37 contracted for in advance, or for services which were not rendered or documented
38 in the patient's records, or charging for services which were not consented to by
39 the owner of the patient or the owner's agent;

40 (c) Willfully or continually performing inappropriate or unnecessary
41 treatment, diagnostic tests or medical or surgical services;

42 (d) Attempting, directly or indirectly, by intimidation, coercion or
43 deception to obtain or retain a patient or discourage the owner from seeking a
44 second opinion or consultation;

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

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

50 (g) Performing or prescribing medical services which have been declared
51 by board rule to be of no medical value;

52 (h) Final disciplinary action by any professional veterinary medical
53 association or society or licensed hospital or clinic or medical staff of such
54 hospital or clinic in this state or any other state or territory, whether agreed to
55 voluntarily or not, and including, but not limited to, any removal, suspension,
56 limitation, surrender, or restriction of a license or staff or hospital or clinic
57 privileges, failure to renew such privileges or license for cause, or other final
58 disciplinary action, if the action was related to unprofessional conduct,
59 professional incompetence, malpractice or any other violation of sections 340.200
60 to 340.330;

61 (i) Dispensing, prescribing, administering or otherwise distributing any
62 drug, controlled substance or other treatment without sufficient examination or
63 establishment of a veterinarian-client-patient relationship, or for other medically
64 accepted therapeutic or experimental or investigative purposes, or not in the
65 course of professional practice, or not in good faith to relieve pain and suffering,
66 or not to cure an ailment, physical infirmity or disease; or the dispensing,
67 prescribing, administering or distribution of any drug, controlled substance or
68 other treatment by anyone other than a properly licensed veterinarian, unless

69 such person is a properly registered veterinary technician, unregistered assistant,
70 or the patient's owner and then to be limited to administration of drugs or other
71 treatment under the supervision, control or explicit instructions of a licensed
72 veterinarian;

73 (j) Terminating the medical care of a patient without adequate notice to
74 the owner or without making other arrangements for the continued care of the
75 patient;

76 (k) Failing to furnish details of a patient's medical records to another
77 treating veterinarian, hospital, clinic, owner, or owner's agent upon proper
78 request or waiver by the owner or owner's agent, or failing to comply with any
79 other law relating to medical records; except, radiographs prepared by the
80 licensed veterinarian shall remain the property of the veterinarian and shall be
81 returned upon request or as otherwise agreed between the veterinarian and
82 client;

83 (l) Failure of any applicant or licensee to cooperate with the board during
84 any investigation, if such investigation does not concern the applicant or licensee;

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

87 (n) Failure to timely pay license or registration renewal fees as specified
88 in sections 340.200 to 340.330;

89 (o) Violating a probation agreement with the board or any other licensing
90 authority of this state, another state or territory of the United States, or a federal
91 agency;

92 (p) Violating any informal consent agreement for discipline entered into
93 by an applicant or licensee with the board or any other licensing authority of this
94 state, another state or territory of the United States, or a federal agency;

95 (q) Failing to inform the board of any change in business or residential
96 address as required by sections 340.200 to 340.330 or administrative rule;

97 (r) Advertising by an applicant or licensee which is false or misleading,
98 or which violates any rules of the board, or which claims without substantiation
99 the positive cure of any disease, or professional superiority to or greater skill
100 than that possessed by any other veterinarian;

101 (5) Any conduct or practice which is or might be harmful or dangerous to
102 the health of a patient;

103 (6) Incompetency, gross negligence or repeated negligence in the
104 performance of the functions or duties of any profession licensed or regulated by

105 sections 340.200 to 340.330. For purposes of this subdivision, "repeated
106 negligence" means the failure, on more than one occasion, to use that degree of
107 skill and learning ordinarily used under the same or similar circumstances by
108 members of the profession;

109 (7) Violation of, or attempting to violate, directly or indirectly, or
110 assisting, or enabling any person to violate, any provisions of sections 340.200 to
111 340.330, or any lawful rule or regulation adopted pursuant to sections 340.200 to
112 340.330;

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

116 (9) Revocation, suspension, restriction, modification, limitation,
117 reprimand, warning, censure, probation or other final disciplinary action against
118 the holder of, or applicant for, a license or registration or other right to practice
119 any profession regulated by sections 340.200 to 340.330 or by another state,
120 territory, federal agency or country, whether or not voluntarily agreed to by the
121 licensee or applicant, including, but not limited to:

122 (a) Denial of licensure or registration;

123 (b) Surrender of the license or registration;

124 (c) Allowing the license or registration to expire or lapse; or

125 (d) Discontinuing or limiting the practice of veterinary medicine while
126 subject to an investigation or while actually under investigation by any licensing
127 authority, medical facility, insurance company, court, agency of the state or
128 federal government, or employer;

129 (10) Being adjudged incapacitated or disabled by a court of competent
130 jurisdiction;

131 (11) Assisting or enabling any person to practice or offer to practice any
132 profession licensed or regulated by sections 340.200 to 340.330 who is not licensed
133 or registered and currently eligible to practice under sections 340.200 to 340.330,
134 or knowingly performing any act which aids, assists, procures, advises, or
135 encourages any person to practice veterinary medicine who is not licensed or
136 registered and currently eligible to practice under sections 340.200 to 340.330;

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

139 (13) Failure to obtain, renew or display a valid certificate, license, permit
140 or notice if required;

- 141 (14) Violation of the drug laws or rules and regulations of this state, any
142 other state, territory, or the federal government;
- 143 (15) Knowingly or recklessly making or causing to be made, or aiding or
144 abetting in the making of a false statement or documentation in connection with
145 the birth, death, or health of any animal, executed in connection with the practice
146 of his or her profession or failure to file such statements or documents with the
147 proper officials of the federal or state government as provided by law or any rule
148 promulgated under sections 340.200 to 340.330;
- 149 (16) Soliciting patronage in person or by agents, under his or her own
150 name or under the name of another, actual or pretended, in such a manner as to
151 confuse, deceive or mislead the public as to the need or appropriateness of animal
152 health care or services or the qualifications of an individual person or persons to
153 diagnose, render, or perform such animal health care services;
- 154 (17) Failure or refusal to properly guard against contagious, infectious or
155 communicable diseases or the spread thereof;
- 156 (18) Maintaining an unsanitary office or facility, or performing
157 professional services under unsanitary conditions with due consideration given
158 to the place where the services are rendered;
- 159 (19) Practicing or offering to practice any profession or service regulated
160 by sections 340.200 to 340.330 independent of the supervision and direction of a
161 person licensed under sections 340.200 to 340.330 as a veterinarian in good
162 standing by any candidate for registration or person registered to practice as a
163 veterinary technician or engaged as an unregistered assistant to a veterinarian;
- 164 (20) Treating or attempting to treat ailments or health conditions of
165 animals other than as authorized under sections 340.200 to 340.330 or board rule
166 by any candidate for registration or person registered to practice as a veterinary
167 technician or engaged as an unregistered assistant to a licensed veterinarian;
- 168 (21) A pattern of personal use or consumption of any controlled substance
169 unless it is prescribed, dispensed or administered by a licensed physician;
- 170 (22) Any revocation, suspension, surrender, limitation or restriction of any
171 controlled substance authority, whether agreed to voluntarily or not;
- 172 (23) Being unable to practice as a veterinarian or veterinary technician
173 with reasonable skill and safety to patients because of illness, drunkenness,
174 excessive use of drugs, narcotics, chemicals, or as a result of any mental or
175 physical condition;
- 176 (24) Violation of any professional trust or confidence;

177 (25) Failing to obtain or renew any facility permit or to maintain
178 mandatory requirements or minimum standards for any such facility as required
179 by sections 340.200 to 340.330 or board rule.

180 3. If the board files a complaint pursuant to subsection 2 of this section,
181 the proceedings shall be conducted in accordance with the provisions of chapter
182 621. If the administrative hearing commission finds that grounds provided in
183 this section are met, the board may either singly or in combination:

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

187 (2) Suspend such license, certificate or permit for a period not to exceed
188 three years;

189 (3) Restrict or limit the license, certificate or permit for an indefinite
190 period of time;

191 (4) Revoke such license, certificate or permit;

192 (5) Administer a public or private reprimand;

193 (6) Deny the application for a license;

194 (7) Permanently withhold issuance of a license or certificate;

195 (8) Require the applicant or licensee to submit to the care, counseling or
196 treatment of physicians designated by the board at the expense of the person to
197 be examined;

198 (9) Require the person to attend such continuing educational courses and
199 pass such examinations as the board may direct.

340.274. 1. A license issued under sections 340.200 to 340.330 shall be
2 automatically revoked following a review of the record of the proceedings by the
3 board and upon a formal motion of the board:

4 (1) [When the final trial proceedings are concluded where a] **The** person
5 has been **finally** adjudicated and found guilty, or has entered a plea of guilty or
6 nolo contendere [whether or not a sentence is imposed:

7 (a)] in a [felony] criminal prosecution under the laws of [this state, the
8 laws of any other state, territory or district of the United States, or] **any state,**
9 the United States, **or any country,** for any offense [reasonably] **directly**
10 related to the [qualifications, functions or duties of the person licensed under
11 sections 340.200 to 340.330;

12 (b) For any felony offense, for which an essential element is fraud,
13 dishonesty or an act of violence; or

14 (c) For any felony offense involving moral turpitude] **duties and**
15 **responsibilities of the occupation as set forth in section 324.012,**
16 **regardless of whether or not sentence is imposed;**

17 (2) Upon the final and unconditional revocation or surrender of the
18 person's license to practice the same profession in another state, territory or
19 district of the United States upon grounds for which revocation is authorized in
20 this state.

21 2. The license of such person shall be automatically reinstated if the
22 conviction, judgment or revocation is set aside upon final appeal in any court of
23 competent jurisdiction.

24 3. Any person who has been denied a license, certificate, permit or other
25 authority to practice a profession in another state, if such profession in this state
26 is regulated pursuant to sections 340.200 to 340.330, shall automatically be
27 denied a license to practice such profession in this state; however, the board may
28 establish qualifications whereby such person may be qualified and licensed to
29 practice such profession in this state.

340.300. 1. Any person desiring to be registered as a veterinary
2 technician in the state of Missouri shall submit a written application to the
3 board. Such application shall be on forms furnished by the board without charge.

4 2. Each application shall contain a statement that is made under oath or
5 affirmation that representations made therein are true, correct and contain no
6 material omissions of fact to the best knowledge and belief of the person making
7 the application and whose signature shall be subscribed thereto. Any person who
8 knowingly submits false information, information intended to mislead the board,
9 or omits a material fact on the application shall be subject to penalties provided
10 for by the laws of this state for giving a false statement under oath or
11 affirmation; such penalty is in addition to and not in lieu of any action which the
12 board takes pursuant to the provisions of sections 340.200 to 340.330.

13 3. To qualify to be registered as a veterinary technician pursuant to this
14 section, the application must show that the applicant:

15 (1) Is at least eighteen years of age;

16 (2) [Is of good moral character;

17 (3)] Has successfully completed a college level course of study in veterinary
18 technology in a school having a curriculum approved by the board or a college
19 level course in the care and treatment of animals which is accredited by the
20 AVMA; and

21 [(4)] (3) Has passed an examination or examinations as prescribed by
22 board rule. The examination or examinations shall be designed to test the
23 examinee's knowledge of, proficiency in, subjects and techniques commonly taught
24 in schools providing a curriculum in veterinary technology, familiarity with the
25 requirements of sections 340.200 to 340.330, related statutes and board rules, and
26 other material as determined by the board. An examinee must demonstrate
27 scientific, practical and legal knowledge sufficient to establish to the board that
28 the applicant is competent to practice as a veterinary technician. Applications
29 for examination shall be in writing, on a form furnished by the board and shall
30 include evidence satisfactory to the board that the applicant possesses the
31 qualifications set forth in subdivisions (1), (2) and (3) of this subsection.

32 4. The board may require additional information and proof of a person's
33 fitness and qualifications by board rule.

 344.030. 1. An applicant for an initial license shall file a completed
2 application with the board on a form provided by the board, accompanied by an
3 application fee as provided by rule payable to the department of health and senior
4 services. Information provided in the application shall be attested by signature
5 to be true and correct to the best of the applicant's knowledge and belief.

6 2. No initial license shall be issued to a person as a nursing home
7 administrator unless:

8 (1) The applicant provides the board satisfactory proof that the applicant
9 is [of good moral character and] a high school graduate or equivalent;

10 (2) The applicant provides the board satisfactory proof that the applicant
11 has had a minimum of three years' experience in health care administration or
12 two years of postsecondary education in health care administration or has
13 satisfactorily completed a course of instruction and training prescribed by the
14 board, which includes instruction in the needs properly to be served by nursing
15 homes, the protection of the interests of residents therein, and the elements of
16 good nursing home administration, or has presented evidence satisfactory to the
17 board of sufficient education, training, or experience in the foregoing fields to
18 administer, supervise and manage a nursing home; and

19 (3) The applicant passes the examinations administered by the board. If
20 an applicant fails to make a passing grade on either of the examinations such
21 applicant may make application for reexamination on a form furnished by the
22 board and may be retested. If an applicant fails either of the examinations a
23 third time, the applicant shall be required to complete a course of instruction

24 prescribed and approved by the board. After completion of the board-prescribed
25 course of instruction, the applicant may reapply for examination. With regard to
26 the national examination required for licensure, no examination scores from other
27 states shall be recognized by the board after the applicant has failed his or her
28 third attempt at the national examination. There shall be a separate,
29 nonrefundable fee for each examination. The board shall set the amount of the
30 fee for examination by rules and regulations promulgated pursuant to section
31 536.021. The fee shall be set at a level to produce revenue which shall not
32 substantially exceed the cost and expense of administering the examination.

33 3. Nothing in sections 344.010 to 344.108, or the rules or regulations
34 thereunder shall be construed to require an applicant for a license as a nursing
35 home administrator, who is employed by an institution listed and certified by the
36 Commission for Accreditation of Christian Science Nursing
37 Organizations/Facilities, Inc., to administer institutions certified by such
38 commission for the care and treatment of the sick in accordance with the creed
39 or tenets of a recognized church or religious denomination, to demonstrate
40 proficiency in any techniques or to meet any educational qualifications or
41 standards not in accord with the remedial care and treatment provided in such
42 institutions. The applicant's license shall be endorsed to confine the applicant's
43 practice to such institutions.

44 4. The board may issue a temporary emergency license for a period not to
45 exceed ninety days to a person twenty-one years of age or over[, of good moral
46 character] and a high school graduate or equivalent to serve as an acting nursing
47 home administrator, provided such person is replacing a licensed nursing home
48 administrator who has died, has been removed or has vacated the nursing home
49 administrator's position. No temporary emergency license may be issued to a
50 person who has had a nursing home administrator's license denied, suspended or
51 revoked. A temporary emergency license may be renewed for one additional
52 ninety-day period upon a showing that the person seeking the renewal of a
53 temporary emergency license meets the qualifications for licensure and has filed
54 an application for a regular license, accompanied by the application fee, and the
55 applicant has taken the examination or examinations but the results have not
56 been received by the board. No temporary emergency license may be renewed
57 more than one time.

344.050. 1. The board may refuse to issue or renew any certificate of
2 registration or authority, permit or license required pursuant to this chapter for

3 one or any combination of causes stated in subsection 2 of this section. The board
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of his or her right to file a complaint with the administrative
6 hearing commission as provided by chapter 621. As an alternative to refusal to
7 issue or renew any certificate, registration or authority, permit or license, the
8 board may, at its discretion, issue a license which is subject to probation for any
9 one or any combination of causes stated in subsection 2 of this section. The
10 board's order of probation shall contain a statement of the discipline imposed, the
11 basis therefor, the date such action shall become effective, and a statement that
12 the applicant has thirty days to request in writing a hearing before the
13 administrative hearing commission. If the board issues a probationary license to
14 an applicant for licensure, the applicant may file a written petition with the
15 administrative hearing commission within thirty days of the effective date of the
16 probationary license seeking review of whether cause exists to discipline the
17 licensee under subsection 2 of this section. If no written request for a hearing is
18 received by the administrative hearing commission within the thirty-day period,
19 the right to seek review of the board's decision shall be waived.

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

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

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

38 (3) Use of fraud, deception, misrepresentation or bribery in securing any

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

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

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

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

50 (7) Violation of, or assisting or enabling any person to violate, any
51 provision of chapter 198 or any lawful rule or regulation promulgated thereunder;

52 (8) Impersonation of any person holding a certificate of registration or
53 authority, permit or license, or allowing any person to use such person's
54 certificate of registration or authority, permit, license or diploma from any school;

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

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

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

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

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

68 (14) Knowingly failing to report abuse or neglect of a resident in a
69 long-term care facility, as required by section 198.070, of which he or she has
70 actual knowledge that it is abuse or neglect;

71 (15) Violation of any professional trust or confidence;

72 (16) Having served as the administrator, operator, or any principal
73 involved in the operation of a facility licensed under chapter 198 and during such
74 time the facility has had its license revoked under section 198.036, has entered

75 into a consent agreement to obtain a probationary license under subsection 5 of
76 section 198.026, has had a license denied under subsection 2 of section 198.022,
77 or has surrendered its license while under investigation.

78 3. The administrative hearing commission shall have no authority to
79 require issuance of a license, pending a final determination by the commission,
80 in any case in which an applicant is seeking initial licensure.

81 4. No license may be suspended or revoked and no application for renewal
82 of a license may be denied under this section until the licensee has been afforded
83 an opportunity for hearing after due notice as provided in sections 621.015 to
84 621.205.

85 5. Upon a finding by the administrative hearing commission that the
86 grounds, provided in subsection 2 of this section, for disciplinary action are met,
87 the board may, singly or in combination, censure or place the person named in
88 the complaint on probation on such terms as the board deems appropriate, or may
89 suspend or revoke the certificate, permit or license. The board may exclude any
90 application for up to five years for any person who has had his or her license
91 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
2 mean:

3 (1) "Audiologist", a person who is licensed as an audiologist pursuant to
4 sections 345.010 to 345.080 to practice audiology;

5 (2) "Audiology aide", a person who is registered as an audiology aide by
6 the board, who does not act independently but works under the direction and
7 supervision of a licensed audiologist. Such person assists the audiologist with
8 activities which require an understanding of audiology but do not require formal
9 training in the relevant academics. To be eligible for registration by the board,
10 each applicant shall submit a registration fee[, be of good moral and ethical
11 character;] and:

12 (a) Be at least eighteen years of age;

13 (b) Furnish evidence of the person's educational qualifications which shall
14 be at a minimum:

15 a. Certification of graduation from an accredited high school or its
16 equivalent; and

17 b. On-the-job training;

18 (c) Be employed in a setting in which direct and indirect supervision are
19 provided on a regular and systematic basis by a licensed audiologist.

20 However, the aide shall not administer or interpret hearing screening or
21 diagnostic tests, fit or dispense hearing instruments, make ear impressions, make
22 diagnostic statements, determine case selection, present written reports to anyone
23 other than the supervisor without the signature of the supervisor, make referrals
24 to other professionals or agencies, use a title other than audiology aide, develop
25 or modify treatment plans, discharge clients from treatment or terminate
26 treatment, disclose clinical information, either orally or in writing, to anyone
27 other than the supervising audiologist, or perform any procedure for which he or
28 she is not qualified, has not been adequately trained or both;

29 (3) "Board", the state board of registration for the healing arts;

30 (4) "Commission", the advisory commission for speech-language
31 pathologists and audiologists;

32 (5) "Hearing instrument" or "hearing aid", any wearable device or
33 instrument designed for or offered for the purpose of aiding or compensating for
34 impaired human hearing and any parts, attachments or accessories, including ear
35 molds, but excluding batteries, cords, receivers and repairs;

36 (6) "Person", any individual, organization, or corporate body, except that
37 only individuals may be licensed pursuant to sections 345.010 to 345.080;

38 (7) "Practice of audiology":
39

40 (a) The application of accepted audiologic principles, methods and
41 procedures for the measurement, testing, interpretation, appraisal and prediction
42 related to disorders of the auditory system, balance system or related structures
43 and systems;

44 (b) Provides consultation or counseling to the patient, client, student,
45 their family or interested parties;

46 (c) Provides academic, social and medical referrals when appropriate;

47 (d) Provides for establishing goals, implementing strategies, methods and
48 techniques, for habilitation, rehabilitation or aural rehabilitation, related to
49 disorders of the auditory system, balance system or related structures and
50 systems;

51 (e) Provides for involvement in related research, teaching or public
52 education;

53 (f) Provides for rendering of services or participates in the planning,
54 directing or conducting of programs which are designed to modify audition,
55 communicative, balance or cognitive disorder, which may involve speech and
language or education issues;

56 (g) Provides and interprets behavioral and neurophysiologic
57 measurements of auditory balance, cognitive processing and related functions,
58 including intraoperative monitoring;

59 (h) Provides involvement in any tasks, procedures, acts or practices that
60 are necessary for evaluation of audition, hearing, training in the use of
61 amplification or assistive listening devices;

62 (i) Provides selection, assessment, fitting, programming, and dispensing
63 of hearing instruments, assistive listening devices, and other amplification
64 systems;

65 (j) Provides for taking impressions of the ear, making custom ear molds,
66 ear plugs, swim molds and industrial noise protectors;

67 (k) Provides assessment of external ear and cerumen management;

68 (l) Provides advising, fitting, mapping assessment of implantable devices
69 such as cochlear or auditory brain stem devices;

70 (m) Provides information in noise control and hearing conservation
71 including education, equipment selection, equipment calibration, site evaluation
72 and employee evaluation;

73 (n) Provides performing basic speech-language screening test;

74 (o) Provides involvement in social aspects of communication, including
75 challenging behavior and ineffective social skills, lack of communication
76 opportunities;

77 (p) Provides support and training of family members and other
78 communication partners for the individual with auditory balance, cognitive and
79 communication disorders;

80 (q) Provides aural rehabilitation and related services to individuals with
81 hearing loss and their families;

82 (r) Evaluates, collaborates and manages audition problems in the
83 assessment of the central auditory processing disorders and providing
84 intervention for individuals with central auditory processing disorders;

85 (s) Develops and manages academic and clinical problems in
86 communication sciences and disorders;

87 (t) Conducts, disseminates and applies research in communication
88 sciences and disorders;

89 (8) "Practice of speech-language pathology":

90 (a) Provides screening, identification, assessment, diagnosis, treatment,
91 intervention, including but not limited to prevention, restoration, amelioration

92 and compensation, and follow-up services for disorders of:

93 a. Speech: articulation, fluency, voice, including respiration, phonation
94 and resonance;

95 b. Language, involving the parameters of phonology, morphology, syntax,
96 semantics and pragmatic; and including disorders of receptive and expressive
97 communication in oral, written, graphic and manual modalities;

98 c. Oral, pharyngeal, cervical esophageal and related functions, such as
99 dysphagia, including disorders of swallowing and oral functions for feeding;
100 orofacial myofunctional disorders;

101 d. Cognitive aspects of communication, including communication disability
102 and other functional disabilities associated with cognitive impairment;

103 e. Social aspects of communication, including challenging behavior,
104 ineffective social skills, lack of communication opportunities;

105 (b) Provides consultation and counseling and makes referrals when
106 appropriate;

107 (c) Trains and supports family members and other communication
108 partners of individuals with speech, voice, language, communication and
109 swallowing disabilities;

110 (d) Develops and establishes effective augmentative and alternative
111 communication techniques and strategies, including selecting, prescribing and
112 dispensing of augmentative aids and devices; and the training of individuals,
113 their families and other communication partners in their use;

114 (e) Selects, fits and establishes effective use of appropriate
115 prosthetic/adaptive devices for speaking and swallowing, such as
116 tracheoesophageal valves, electrolarynges, or speaking valves;

117 (f) Uses instrumental technology to diagnose and treat disorders of
118 communication and swallowing, such as videofluoroscopy, nasendoscopy,
119 ultrasonography and stroboscopy;

120 (g) Provides aural rehabilitative and related counseling services to
121 individuals with hearing loss and to their families;

122 (h) Collaborates in the assessment of central auditory processing disorders
123 in cases in which there is evidence of speech, language or other cognitive
124 communication disorders; provides intervention for individuals with central
125 auditory processing disorders;

126 (i) Conducts pure-tone air conduction hearing screening and screening
127 tympanometry for the purpose of the initial identification or referral;

128 (j) Enhances speech and language proficiency and communication
129 effectiveness, including but not limited to accent reduction, collaboration with
130 teachers of English as a second language and improvement of voice, performance
131 and singing;

132 (k) Trains and supervises support personnel;

133 (l) Develops and manages academic and clinical programs in
134 communication sciences and disorders;

135 (m) Conducts, disseminates and applies research in communication
136 sciences and disorders;

137 (n) Measures outcomes of treatment and conducts continuous evaluation
138 of the effectiveness of practices and programs to improve and maintain quality
139 of services;

140 (9) "Speech-language pathologist", a person who is licensed as a
141 speech-language pathologist pursuant to sections 345.010 to 345.080; who engages
142 in the practice of speech-language pathology as defined in sections 345.010 to
143 345.080;

144 (10) "Speech-language pathology aide", a person who is registered as a
145 speech-language aide by the board, who does not act independently but works
146 under the direction and supervision of a licensed speech-language
147 pathologist. Such person assists the speech-language pathologist with activities
148 which require an understanding of speech-language pathology but do not require
149 formal training in the relevant academics. To be eligible for registration by the
150 board, each applicant shall submit a registration fee[, be of good moral and
151 ethical character;] and:

152 (a) Be at least eighteen years of age;

153 (b) Furnish evidence of the person's educational qualifications which shall
154 be at a minimum:

155 a. Certification of graduation from an accredited high school or its
156 equivalent; and

157 b. On-the-job training;

158 (c) Be employed in a setting in which direct and indirect supervision is
159 provided on a regular and systematic basis by a licensed speech-language
160 pathologist.

161 However, the aide shall not administer or interpret hearing screening or
162 diagnostic tests, fit or dispense hearing instruments, make ear impressions, make
163 diagnostic statements, determine case selection, present written reports to anyone

164 other than the supervisor without the signature of the supervisor, make referrals
165 to other professionals or agencies, use a title other than speech-language
166 pathology aide, develop or modify treatment plans, discharge clients from
167 treatment or terminate treatment, disclose clinical information, either orally or
168 in writing, to anyone other than the supervising speech-language pathologist, or
169 perform any procedure for which he or she is not qualified, has not been
170 adequately trained or both;

171 (11) "Speech-language pathology assistant", a person who is registered as
172 a speech-language pathology assistant by the board, who does not act
173 independently but works under the direction and supervision of a licensed
174 speech-language pathologist practicing for at least one year or speech-language
175 pathologist practicing under subdivision (1) or (6) of subsection 1 of section
176 345.025 for at least one year and whose activities require both academic and
177 practical training in the field of speech-language pathology although less training
178 than those established by sections 345.010 to 345.080 as necessary for licensing
179 as a speech-language pathologist. To be eligible for registration by the board,
180 each applicant shall submit the registration fee, supervising speech-language
181 pathologist information if employment is confirmed, if not such information shall
182 be provided after registration, [be of good moral character] and furnish evidence
183 of the person's educational qualifications which meet the following:

184 (a) Hold a bachelor's level degree from an institution accredited or
185 approved by a regional accrediting body recognized by the United States
186 Department of Education or its equivalent; and

187 (b) Submit official transcripts from one or more accredited colleges or
188 universities presenting evidence of the completion of bachelor's level course work
189 and requirements in the field of speech-language pathology as established by the
190 board through rules and regulations;

191 (c) Submit proof of completion of the number and type of clinical hours as
192 established by the board through rules and regulations.

345.050. 1. To be eligible for licensure by the board by examination, each
2 applicant shall submit the application fee and shall furnish evidence of such
3 person's [good moral and ethical character,] current competence and shall:

4 (1) Hold a master's or a doctoral degree from a program accredited by the
5 Council on Academic Accreditation of the American Speech-Language-Hearing
6 Association or other accrediting agency approved by the board in the area in
7 which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or
9 universities presenting evidence of the completion of course work and clinical
10 practicum requirements equivalent to that required by the Council on Academic
11 Accreditation of the American Speech-Language-Hearing Association or other
12 accrediting agency approved by the board; and

13 (3) Pass an examination promulgated or approved by the board. The
14 board shall determine the subject and scope of the examinations.

15 2. To be eligible for licensure by the board without examination, each
16 applicant shall make application on forms prescribed by the board, submit the
17 application fee [and shall be of good moral and ethical character], submit an
18 activity statement and meet one of the following requirements:

19 (1) The board shall issue a license to any speech-language pathologist or
20 audiologist who is licensed in another country and who has had no violations,
21 suspension or revocations of a license to practice speech-language pathology or
22 audiology in any jurisdiction; provided that, such person is licensed in a country
23 whose requirements are substantially equal to, or greater than, Missouri at the
24 time the applicant applies for licensure; or

25 (2) Hold the certificate of clinical competence issued by the American
26 Speech-Language-Hearing Association in the area in which licensure is sought.

345.065. 1. The board may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to sections 345.010 to 345.080
3 for one or any combination of causes stated in subsection 2 of this section. The
4 board shall notify the applicant in writing of the reasons for the refusal and shall
5 advise the applicant of the applicant's right to file a complaint with the
6 administrative hearing commission as provided by chapter 621. As an alternative
7 to a refusal to issue or renew any certificate, registration or authority, the board
8 may, at its discretion, issue a license or registration which is subject to probation,
9 restriction or limitation to an applicant for licensure or registration for any one
10 or any combination of causes stated in subsection 2 of this section. The board's
11 order of probation, limitation or restriction shall contain a statement of the
12 discipline imposed, the basis therefor, the date such action shall become effective
13 and a statement that the applicant has thirty days to request in writing a hearing
14 before the administrative hearing commission. If the board issues a probationary,
15 limited or restricted license or registration to an applicant for licensure or
16 registration, either party may file a written petition with the administrative
17 hearing commission within thirty days of the effective date of the probationary,

18 limited or restricted license or registration seeking review of the board's
19 determination. If no written request for a hearing is received by the
20 administrative hearing commission within the thirty-day period, the right to seek
21 review of the board's decision shall be considered as waived.

22 2. The board may cause a complaint to be filed with the administrative
23 hearing commission as provided by chapter 621 against any holder of any
24 certificate of registration or authority, permit or license required by sections
25 345.010 to 345.080 or any person who has failed to renew or has surrendered the
26 person's certificate of registration or authority, permit or license for any one or
27 any combination of the following causes:

28 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
29 beverage to an extent that such use impairs a person's ability to perform the work
30 of any profession licensed or regulated by sections 345.010 to 345.080;

31 (2) The person has been finally adjudicated and found guilty, or entered
32 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
33 any state or of the United States, **or any country**, for any offense [reasonably]
34 **directly** related to the [qualifications, functions or] duties [of any profession
35 licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an
36 essential element of which is fraud, dishonesty or act of violence, or for any
37 offense involving moral turpitude,] **and responsibilities of the occupation**
38 **as set forth in section 324.012, regardless of** whether or not sentence is
39 imposed;

40 (3) Use of fraud, deception, misrepresentation or bribery in securing any
41 certificate of registration or authority, permit or license issued pursuant to
42 sections 345.010 to 345.080 or in obtaining permission to take any examination
43 given or required pursuant to sections 345.010 to 345.080;

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

46 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
47 or dishonesty in the performance of the functions or duties of any profession
48 licensed or regulated by sections 345.010 to 345.080;

49 (6) Violation of, or assisting or enabling any person to violate, any
50 provision of sections 345.010 to 345.080, or of any lawful rule or regulation
51 adopted pursuant to sections 345.010 to 345.080;

52 (7) Impersonation of any person holding a certificate of registration or
53 authority, permit or license or allowing any person to use his or her certificate of

54 registration or authority, permit, license or diploma from any school;

55 (8) Disciplinary action against the holder of a license or other right to
56 practice any profession regulated by sections 345.010 to 345.080 granted by
57 another state, territory, federal agency or country upon grounds for which
58 revocation or suspension is authorized in this state;

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

61 (10) Assisting or enabling any person to practice or offer to practice any
62 profession licensed or regulated by sections 345.010 to 345.080 who is not
63 registered and currently eligible to practice pursuant to sections 345.010 to
64 345.080;

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

67 (12) Failure to display a valid certificate or license if so required by
68 sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010
69 to 345.080;

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

71 (14) Fraudulently or deceptively using a license, provisional license or
72 registration;

73 (15) Altering a license, provisional license or registration;

74 (16) Willfully making or filing a false report or record in the practice of
75 speech-language pathology or audiology;

76 (17) Using or promoting or causing the use of any misleading, deceiving,
77 improbable or untruthful advertising matter, promotional literature, testimonial,
78 guarantee, warranty, label, brand, insignia or any other representation;

79 (18) Falsely representing the use or availability of services or advice of a
80 physician;

81 (19) Misrepresenting the applicant, licensee or holder by using the word
82 doctor or any similar word, abbreviation or symbol if the use is not accurate or
83 if the degree was not obtained from a regionally accredited institution;

84 (20) Committing any act of dishonorable, immoral or unprofessional
85 conduct while engaging in the practice of speech-language pathology or audiology;

86 (21) Providing services or promoting the sale of devices, appliances or
87 products to a person who cannot reasonably be expected to benefit from such
88 services, devices, appliances or products.

89 3. After the filing of such complaint, the proceedings shall be conducted

90 in accordance with the provisions of chapter 621. Upon a finding by the
91 administrative hearing commission that the grounds, provided in subsection 2 of
92 this section, for disciplinary action are met, the board may, singly or in
93 combination, censure or place the person named in the complaint on probation on
94 such terms and conditions as the board deems appropriate for a period not to
95 exceed ten years, or may suspend, for a period not to exceed three years, or
96 restrict or limit the person's ability to practice for an indefinite period of time, or
97 revoke the license or registration.

98 4. The board may apply for relief by injunction, without bond, to restrain
99 any person, partnership or corporation from engaging in any act or practice which
100 constitutes an offense pursuant to sections 345.010 to 345.080. The board does
101 not need to allege and prove that there is no adequate remedy at law to obtain
102 an injunction. The members of the board and the advisory commission shall not
103 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
5 sections 346.010 to 346.250; and
- 6 [(4)] **(3)** (a) Holds an associate's degree or higher, from a state or
7 regionally accredited institution of higher education, in hearing instrument
8 sciences; or
- 9 (b) Holds an associate's level degree or higher, from a state or regionally
10 accredited institution of higher education and submits proof of completion of the
11 International Hearing Society's Distance Learning for Professionals in Hearing
12 Health Sciences Course; or
- 13 (c) Holds a master's or doctoral degree in audiology from a state or
14 regionally accredited institution; or
- 15 (d) Holds a current, unsuspended, unrevoked license from another country
16 if the standards for licensing in such country, as determined by the board, are
17 substantially equivalent to or exceed those required in paragraph (a) or (b) of this
18 subdivision; or
- 19 (e) Holds a current, unsuspended, unrevoked license from another
20 country, has been actively practicing as a licensed hearing aid fitter or dispenser
21 in another country for no less than forty-eight of the last seventy-two months, and
22 submits proof of completion of advance certification from either the International

23 Hearing Society or the National Board for Certification in Hearing Instrument
24 Sciences.

25 2. The provisions of subsection 1 of this section shall not apply to any
26 person holding a valid Missouri hearing instrument specialist license under this
27 chapter when applying for the renewal of that license. These provisions shall
28 apply to any person holding a hearing instrument specialist-in-training permit
29 at the time of their application for licensure or renewal of said permit.

30 3. (1) The board shall promulgate reasonable standards and rules for the
31 evaluation of applicants for purposes of determining the course of instruction and
32 training required of each applicant for a hearing instrument specialist license
33 under the requirement of subdivision (4) of subsection 1 of this section.

34 (2) Any rule or portion of a rule, as that term is defined in section
35 536.010, that is created under the authority delegated in this section shall
36 become effective only if it complies with and is subject to all of the provisions of
37 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly pursuant
39 to chapter 536 to review, to delay the effective date, or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 2013, shall be
42 invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 53 (13) Violation of any professional trust or confidence;
- 54 (14) Use of any advertisement or solicitation which is false, misleading or
55 deceptive to the general public or persons to whom the advertisement or
56 solicitation is primarily directed;
- 57 (15) Representing that the service or advice of a person licensed as a
58 physician pursuant to chapter 334 will be used or made available in the selection,
59 fitting, adjustment, maintenance or repair of hearing instruments when that is
60 not true, or using the words "doctor", "clinic", "clinical audiologist", "state-licensed
61 clinic", "state registered", "state certified", or "state approved" or any other term,
62 abbreviation, or symbol when it would falsely give the impression that service is
63 being provided by physicians licensed pursuant to chapter 334, or by audiologists
64 licensed pursuant to chapter 345, or that the licensee's service has been
65 recommended by the state when such is not the case.

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

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

9 (1) Been [convicted of a crime that if committed in this state would be a
10 felony or other crime involving moral turpitude] **finally adjudicated and**
11 **found guilty, or entered a plea of guilty or nolo contendere, in a**
12 **criminal prosecution under the laws of any state, or of the United**
13 **States, or any country, for any offense directed related to the duties**
14 **and responsibilities of the occupation as set forth in section 324.012,**
15 **regardless of whether or not sentence is imposed;**

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

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

20 (4) Engaged in conduct prohibited by section 436.254;

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

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

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

30 3. In making a determination under subsection 3 of this section, the
31 director shall consider:

32 (1) How recently the conduct occurred;

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

34 (3) Any other relevant conduct of the applicant.

35 4. An athlete agent may apply to renew a registration by submitting an
36 application for renewal in a form prescribed by the director. The application for
37 renewal must be signed by the applicant under penalty of perjury under section
38 575.040 and shall contain current information on all matters required in an
39 original registration.

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

Bill ✓

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