

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/HCS/House Bill No. 2046, Page 21, Section 193.265, Line 22,

of said page, by inserting after all of said line the following:

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

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 209.319 to 209.339 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

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

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

1 United States, or of any country, for any offense [reasonably]
2 directly related to the [qualifications, functions or] duties [of
3 an interpreter, for any offense an essential element of which is
4 fraud, dishonesty or an act of violence,] and responsibilities of
5 the occupation, as set forth in section 324.012, regardless of
6 whether or not sentence is imposed;

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

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

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

18 (6) Violation of, or assisting or enabling any person to
19 violate, any provision of sections 209.319 to 209.339, or of any
20 lawful rule or regulation adopted pursuant to sections 209.319 to
21 209.339;

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

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

28 (9) Discipline of a certification issued by the Missouri
29 commission for the deaf and hard of hearing or any other

1 certifying body upon grounds for which discipline is authorized
2 in this state if the licensee was given notice and an opportunity
3 to be heard before the certification was disciplined;

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

6 (11) Assisting or enabling any person to practice or offer
7 to practice interpreting who is not licensed and currently
8 eligible to practice under the provisions of sections 209.319 to
9 209.339;

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

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

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

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

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

1 license.

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

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

11 214.276. 1. The division may refuse to issue or renew any
12 license, required pursuant to sections 214.270 to 214.516 for one
13 or any combination of causes stated in subsection 2 of this
14 section. The division shall notify the applicant in writing of
15 the reasons for the refusal and shall advise the applicant of his
16 or her right to file a complaint with the administrative hearing
17 commission as provided by chapter 621.

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

23 (1) Use of any controlled substance, as defined in chapter
24 195, or alcoholic beverage to an extent that such use impairs a
25 person's ability to perform the work of any profession licensed
26 or regulated by sections 214.270 to 214.516;

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

1 the United States, or of any country, for any offense
2 [reasonably] directly related to the [qualifications, functions
3 or] duties [of any profession licensed or regulated pursuant to
4 sections 214.270 to 214.516, for any offense an essential element
5 of which is fraud, dishonesty or an act of violence, or for any
6 offense involving moral turpitude,] and responsibilities of the
7 occupation, as set forth in section 324.012, regardless of
8 whether or not sentence is imposed;

9 (3) Use of fraud, deception, misrepresentation or bribery
10 in securing any license, issued pursuant to sections 214.270 to
11 214.516 or in obtaining permission to take any examination given
12 or required pursuant to sections 214.270 to 214.516;

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

15 (5) Incompetence, misconduct, gross negligence, fraud,
16 misrepresentation or dishonesty in the performance of the
17 functions or duties of any profession regulated by sections
18 214.270 to 214.516;

19 (6) Violation of, or assisting or enabling any person to
20 violate, any provision of sections 214.270 to 214.516, or any
21 lawful rule or regulation adopted pursuant to sections 214.270 to
22 214.516;

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

25 (8) Disciplinary action against the holder of a license or
26 other right to practice any profession regulated by sections
27 214.270 to 214.516 granted by another state, territory, federal
28 agency or country upon grounds for which revocation or suspension
29 is authorized in this state;

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

3 (10) Assisting or enabling any person to practice or offer
4 to practice any profession licensed or regulated by sections
5 214.270 to 214.516 who is not registered and currently eligible
6 to practice pursuant to sections 214.270 to 214.516;

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

9 (12) Failure to display a valid license;

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

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

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

16 3. After the filing of such complaint, the proceedings
17 shall be conducted in accordance with the provisions of chapter
18 621. Upon a finding by the administrative hearing commission
19 that the grounds, provided in subsection 2 of this section, for
20 disciplinary action are met, the division may singly or in
21 combination, censure or place the person named in the complaint
22 on probation on such terms and conditions as the division deems
23 appropriate for a period not to exceed five years, or may
24 suspend, or revoke the license or permit or may impose a penalty
25 allowed by subsection 4 of section 214.410. No new license shall
26 be issued to the owner or operator of a cemetery or to any
27 corporation controlled by such owner for three years after the
28 revocation of the certificate of the owner or of a corporation
29 controlled by the owner.

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

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

12 256.477. 1. No person shall employ fraud or deceit in
13 obtaining the certificate of registration. A violation of this
14 subsection shall be a class B misdemeanor.

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

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

21 4. The board shall revoke the certification of registration
22 for [a] any person [convicted of any felony or any crime
23 involving moral turpitude or sentence of imprisonment or
24 probation in lieu thereof; or for any misdemeanor relating to or
25 arising out of the practice of geology affecting public health,
26 safety and welfare] who has been finally adjudicated and found
27 guilty, or entered a plea of guilty or nolo contendere, in a
28 criminal prosecution under the laws of any state, of the United
29 States, or of any country, for any offense directly related to

1 the duties and responsibilities of the occupation, as set forth
2 in section 324.012, regardless of whether or not sentence is
3 imposed.

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

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

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

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

28 (b) The person has been finally adjudicated and found
29 guilty, or has entered a plea of guilty or nolo contendere, in a

1 criminal prosecution under [any state or federal law] the laws of
2 any state, of the United States, or of any country, for any
3 offense [reasonably] directly related to the [qualifications,
4 functions or] duties and responsibilities of [any profession
5 licensed or regulated under this chapter, for any offense an
6 essential element of which is fraud, dishonesty or an act of
7 violence, or for any offense involving moral turpitude,] the
8 occupation, as set forth in section 324.012, regardless of
9 whether or not a sentence is imposed;

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

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

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

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

22 (g) Impersonating any permit or license holder or allowing
23 any person to use their permit or license;

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

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

1 this state;

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

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

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

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

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

21 3. Upon a finding that the grounds provided in subsection 2
22 of this section for disciplinary action are met, the office may,
23 singly or in combination, censure or place on probation on such
24 terms and conditions as the office deems appropriate for a period
25 not to exceed five years, or may suspend for a period not to
26 exceed three years or revoke the certificate, license, or permit.
27 In any order of revocation, the office may provide that the
28 person shall not apply for a new license for a maximum of three
29 years and one day following the date of the order of revocation.

1 All stay orders shall toll the disciplinary time periods allotted
2 herein. In lieu of or in addition to any remedy specifically
3 provided in subsection 1 of this section, the office may require
4 of a licensee:

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

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

10 Further amend said bill, Page 25, Section 324.009, Line 8,
11 by inserting after all of said line the following:

12 "324.012. 1. This section shall be known and may be cited
13 as the "Fresh Start Act of 2020".

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

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

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

20 (3) "Licensing authority", an agency, examining board,
21 credentialing board, or other office of the state with the
22 authority to impose occupational fees or licensing requirements
23 on any profession. The term "licensing authority" shall not
24 include the Missouri state board of accountant's licensure of
25 accountants pursuant to chapter 326, the board of podiatric
26 medicine's licensure of podiatrists pursuant to chapter 330, the
27 Missouri dental board's licensure of dentists pursuant to chapter
28 332, the state board of registration for the healing art's
29 licensure of physicians and surgeons pursuant to chapter 334, the

1 Missouri state board of nursing's licensure of nurses pursuant to
2 chapter 335, the board of pharmacy's licensure of pharmacists
3 pursuant to chapter 338, the Missouri real estate commission's
4 licensure of real estate brokers, real estate salespersons, or
5 real estate broker-salespersons pursuant to sections 339.010 to
6 339.205, the Missouri director of finance appointed pursuant to
7 chapter 361, or the peace officer standards and training
8 commission's licensure of peace officers or other law enforcement
9 personnel pursuant to chapter 590;

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

12 3. Notwithstanding any other provision of law, beginning
13 January 1, 2021, no person shall be disqualified by a state
14 licensing authority from pursuing, practicing, or engaging in any
15 occupation for which a license is required solely or in part
16 because of a prior conviction of a crime in this state or another
17 state, unless the criminal conviction directly relates to the
18 duties and responsibilities for the licensed occupation as set
19 forth in this section or is violent or sexual in nature.

20 4. Beginning August 28, 2020, applicants for examination of
21 licensure who have pleaded guilty to, entered a plea of nolo
22 contendere to, or been found guilty of any of the following
23 offenses or offenses of a similar nature established under the
24 laws of this state, any other state, United States, or any other
25 country, notwithstanding whether sentence is imposed, shall be
26 considered by state licensing authorities to have committed a
27 criminal offense that directly relates to the duties and
28 responsibilities of a licensed profession:

29 (1) Any murder in the first degree, or dangerous felony as

1 defined under section 556.061 excluding an "intoxication-related
2 traffic offense" or "intoxication-related boating offense" if the
3 person is found to be a "habitual offender" or "habitual boating
4 offender" as such terms are defined in section 577.001;

5 (2) Any of the following sexual offenses: rape in the first
6 degree, forcible rape, rape, statutory rape in the first degree,
7 statutory rape in the second degree, rape in the second degree,
8 sexual assault, sodomy in the first degree, forcible sodomy,
9 statutory sodomy in the first degree, statutory sodomy in the
10 second degree, child molestation in the first degree, child
11 molestation in the second degree, sodomy in the second degree,
12 deviate sexual assault, sexual misconduct involving a child,
13 sexual misconduct in the first degree under section 566.090 as it
14 existed prior to August 28, 2013, sexual abuse under section
15 566.100 as it existed prior to August 28, 2013, sexual abuse in
16 the first or second degree, enticement of a child, or attempting
17 to entice a child;

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

24 (4) Any of the following offenses involving child
25 pornography and related offenses: promoting obscenity in the
26 first degree, promoting obscenity in the second degree when the
27 penalty is enhanced to a class E felony, promoting child
28 pornography in the first degree, promoting child pornography in
29 the second degree, possession of child pornography in the first

1 degree, possession of child pornography in the second degree,
2 furnishing child pornography to a minor, furnishing pornographic
3 materials to minors, or coercing acceptance of obscene material;

4 (5) The offense of delivery of a controlled substance, as
5 provided in section 579.020, may be a disqualifying criminal
6 offense for the following occupations: real estate appraisers
7 and appraisal management companies, licensed pursuant to sections
8 339.500 to 339.549; veterinarians, licensed pursuant to sections
9 340.200 to 340.330; and nursing home administrators, licensed
10 pursuant to chapter 344; and

11 (6) Any offense an essential element of which is fraud may
12 be a disqualifying criminal offense for the following
13 occupations: private investigators, licensed pursuant to
14 sections 324.1100 to 324.1148; accountants, licensed pursuant to
15 chapter 326; architects, licensed pursuant to sections 327.091 to
16 327.172; engineers, licensed pursuant to sections 327.181 to
17 327.271; land surveyors, licensed pursuant to sections 327.272 to
18 327.371; landscape architects, licensed pursuant to sections
19 327.600 to 327.635; chiropractors, licensed pursuant to chapter
20 331; embalmers and funeral directors, licensed pursuant to
21 chapter 333; real estate appraisers and appraisal management
22 companies, licensed pursuant to sections 339.500 to 339.549; and
23 nursing home administrators, licensed pursuant to chapter 344.

24 5. If an individual is charged with any of the crimes set
25 forth in subsection 4 of this section, and is convicted, pleads
26 guilty to, or is found guilty of a lesser included offense and is
27 sentenced to a period of incarceration, such conviction shall
28 only be considered by state licensing authorities as a criminal
29 offense that directly relates to the duties and responsibilities

1 of a licensed profession for four years, beginning on the date
2 such individual is released from incarceration.

3 6. (1) Licensing authorities shall only list criminal
4 convictions that are directly related to the duties and
5 responsibilities for the licensed occupation.

6 (2) The licensing authority shall determine whether an
7 applicant with a criminal conviction listed under subdivision (1)
8 of this subsection will be denied a license based on the
9 following factors:

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

12 (b) The passage of time since the commission of the crime,
13 including consideration of the factors listed under subdivision
14 (3) of this subsection;

15 (c) The relationship of the crime to the ability, capacity,
16 and fitness required to perform the duties and discharge the
17 responsibilities of the occupation; and

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

20 (3) If an individual has a valid criminal conviction for a
21 criminal offense that could disqualify the individual from
22 receiving a license, the disqualification shall not apply to an
23 individual who has been exonerated for a crime for which he or
24 she has previously been convicted of or incarcerated.

25 7. An individual with a criminal record may petition a
26 licensing authority at any time for a determination of whether
27 the individual's criminal record will disqualify the individual
28 from obtaining a license. This petition shall include details on
29 the individual's criminal record. The licensing authority shall

1 inform the individual of his or her standing within thirty days
2 after the licensing authority has met, but in no event more than
3 four months after receiving the petition from the applicant. The
4 decision shall be binding, unless the individual has subsequent
5 criminal convictions or failed to disclose information in his or
6 her petition. The licensing authority may charge a fee by rule
7 to recoup its costs as set by rule making authority not to exceed
8 twenty-five dollars for each petition.

9 8. (1) If a licensing authority denies an individual a
10 license solely or in part because of the individual's prior
11 conviction of a crime, the licensing authority shall notify the
12 individual in writing of the following:

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

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

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

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

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

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

6 9. The provisions of this section shall apply to any
7 profession for which an occupational license is issued in this
8 state, including any new occupational license created by a state
9 licensing authority after August 28, 2020. Notwithstanding any
10 other provision of law, political subdivisions shall be
11 prohibited from creating any new occupational licenses after
12 August 28, 2020. The provisions of this section shall not apply
13 to business licenses, where the terms "occupational licenses" and
14 "business licenses" are used interchangeably in a city or county
15 charter definition."; and

16 Further amend said bill, Page 27, Section 324.035, Line 16,
17 by inserting after all of said line the following:

18 "324.047. 1. The purpose of this section is to promote
19 general welfare by establishing guidelines for the regulation of
20 occupations and professions not regulated prior to January 1,
21 2019, and guidelines for combining any additional occupations or
22 professions under a single license regulated by the state prior
23 to January 1, 2019.

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

25 (1) "Applicant group", any occupational or professional
26 group or organization, any individual, or any other interested
27 party that seeks to be licensed or further regulated or supports
28 any bill that proposes to combine any additional occupations or
29 professions under a single license regulated by the state prior

1 to January 1, 2019;

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

8 (3) "Department", the department of commerce and insurance;

9 (4) "Director", the director of the division of
10 professional registration;

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

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

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

18 (8) "Least restrictive type of occupational regulation",
19 the regulation that is least restrictive, in which the following
20 list of regulations in order from least to most restrictive is
21 used to make such determination:

22 (a) Bonding or insurance;

23 (b) Registration;

24 (c) Certification;

25 (d) Occupational license;

26 (9) "Occupational license", a nontransferable authorization
27 in law for an individual to perform a lawful occupation for
28 compensation based on meeting personal qualifications established
29 by a regulatory entity and that, if not possessed, prohibits the

1 individual from performing the occupation for compensation;

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

5 (11) "Personal qualifications", criteria related to an
6 individual's personal background, including completion of an
7 approved educational program, satisfactory performance on an
8 examination, work experience, criminal history, and completion of
9 continuing education;

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

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

15 (a) Submits notification to a state agency; and

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

17
18 Notification may include the individual's name and address, the
19 individual's agent for service of process, the location of the
20 activity to be performed, and a description of the service the
21 individual provides. Registration may include a requirement to
22 post a bond but does not include education or experience
23 requirements. If the requirement of registration is not met, the
24 individual is prohibited from performing the occupation for
25 compensation or using "registered" as a designated title. The
26 term "registration" shall not be synonymous with an occupational
27 license;

28 (14) "Regulatory entity", any board, commission, agency,
29 division, or other unit or subunit of state government that

1 regulates one or more professions, occupations, industries,
2 businesses, or other endeavors in this state;

3 (15) "State agency", every state office, department, board,
4 commission, regulatory entity, and agency of the state. The term
5 "state agency" includes, if provided by law, programs and
6 activities involving less than the full responsibility of a state
7 agency;

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

12 3. All individuals may engage in the occupation of their
13 choice, free from unreasonable government regulation. The state
14 shall not impose a substantial burden on an individual's pursuit
15 of his or her occupation or profession unless there is a
16 reasonable interest for the state to protect the general welfare.
17 If such an interest exists, the regulation adopted by the state
18 shall be the least restrictive type of occupational regulation
19 consistent with the public interest to be protected.

20 4. All bills introduced in the general assembly to
21 regulate, pursuant to subsection 6 of this section, an occupation
22 or profession shall be reviewed according to the following
23 criteria. An occupation or profession shall be regulated by the
24 state if:

25 (1) Unregulated practice could cause harm and endanger the
26 general welfare, and the potential for further harm and
27 endangerment is recognizable;

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

1 (3) The general welfare cannot be sufficiently protected by
2 other means.

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

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

14 (2) If the consumer has challenges accessing credentialing
15 information or possesses significantly less information on how to
16 report abuses such that the practitioner puts the consumer in a
17 disadvantageous position relative to the practitioner to judge
18 the quality of the practitioner's services, the regulation shall
19 implement a system of certification; and

20 (3) If other regulatory structures, such as bonding,
21 insurance, registration, and certification, insufficiently
22 protect the general welfare from recognizable harm, the
23 regulation shall implement a system of licensing.

24 6. After January 1, 2019, any relevant regulatory entity
25 shall report, and the department shall make available to the
26 general assembly, upon the filing of a bill that proposes
27 additional regulation of a profession or occupation currently
28 regulated by the regulatory entity, the following factors to the
29 department:

1 (1) A description of the professional or occupational group
2 proposed for expansion of regulation, including the number of
3 individuals or business entities that would be subject to
4 regulation to the extent that such information is available; the
5 names and addresses of associations, organizations, and other
6 groups representing the practitioners; and an estimate of the
7 number of practitioners in each group;

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

13 (3) The nature and extent of potential harm to the public
14 if the profession or occupation is not regulated as described in
15 the bill, the extent to which there is a threat to the general
16 welfare, and production of evidence of potential harm, including
17 a description of any complaints filed with state law enforcement
18 authorities, courts, departmental agencies, professional or
19 occupational boards, and professional and occupational
20 associations that have been lodged against practitioners of the
21 profession or occupation in this state within the past five
22 years. Notwithstanding the provisions of this section or any
23 other section, the relevant regulatory entity shall provide, and
24 the department shall make available to the general assembly, the
25 information relating to such complaints even if the information
26 is considered a closed record or otherwise confidential; except
27 that, the regulatory entity and the department shall redact names
28 and other personally identifiable information from the
29 information released;

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

7 (5) The extent to which expansion of regulation of the
8 profession or occupation will increase the cost of goods or
9 services provided by practitioners and the overall
10 cost-effectiveness and economic impact of the proposed
11 regulation, including the direct cost to the government and the
12 indirect costs to consumers;

13 (6) The extent to which expansion of regulation of the
14 profession or occupation would increase or decrease the
15 availability of services to the public;

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

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

23 (9) A list of other states that regulate the profession or
24 occupation, the type of regulation, copies of other states' laws,
25 and available evidence from those states of the effect of
26 regulation on the profession or occupation in terms of a
27 before-and-after analysis;

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

1 (11) Whether the proposed requirements for regulation
2 exceed the national industry standards of minimal competence, if
3 such standards exist, and what those standards are if they exist;
4 and

5 (12) The method proposed to finance the proposed regulation
6 and financial data pertaining to whether the proposed regulation
7 can be reasonably financed by current or proposed licensees
8 through dedicated revenue mechanisms.

9 7. If no existing regulatory entity regulates the
10 occupation or profession to be regulated in the bill, the
11 department shall report and make available to the general
12 assembly, upon the filing of a bill after January 1, 2019, that
13 proposes new regulation of a profession or occupation, the
14 following factors:

15 (1) A description of the professional or occupational group
16 proposed for regulation, including the number of individuals or
17 business entities that would be subject to regulation to the
18 extent that such information is available; the names and
19 addresses of associations, organizations, and other groups
20 representing the practitioners; and an estimate of the number of
21 practitioners in each group;

22 (2) The nature and extent of potential harm to the public
23 if the profession or occupation is not regulated, the extent to
24 which there is a threat to the general welfare, and production of
25 evidence of potential harm, including a description of any
26 complaints filed with state law enforcement authorities, courts,
27 departmental agencies, professional or occupational boards, and
28 professional and occupational associations that have been lodged
29 against practitioners of the profession or occupation in this

1 state within the past five years. Notwithstanding the provisions
2 of this section or any other section, the department shall
3 release the information relating to such complaints even if the
4 information is considered a closed record or otherwise
5 confidential; except that, the department shall redact names and
6 other personally identifiable information from the information
7 released;

8 (3) A list of other states that regulate the profession or
9 occupation, the type of regulation, copies of other states' laws,
10 and available evidence from those states of the effect of
11 regulation on the profession or occupation in terms of a
12 before-and-after analysis;

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

15 (5) Whether the proposed requirements for regulation exceed
16 the national industry standards of minimal competence, if such
17 standards exist, and what those standards are if they exist.

18 8. After January 1, 2019, applicant groups may report to
19 the department, and the department shall make available to the
20 general assembly, any of the information required in subsection 6
21 or 7 of this section and whether the profession or occupation
22 plans to apply for mandated benefits.

23 9. Nothing in this section shall be construed to change any
24 requirement for an individual to hold current private
25 certification as a condition of licensure or renewal of
26 licensure. This section shall not require a private
27 certification organization to grant or deny private certification
28 to any individual.

29 324.086. 1. The board may refuse to issue or renew any

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

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

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

19 (2) The person has been finally adjudicated and found
20 guilty, or entered a plea of guilty or nolo contendere, in a
21 criminal prosecution under the laws of any state [or]_ of the
22 United States, or of any country, for any offense [reasonably]
23 directly related to the [qualifications, functions or] duties [of
24 any profession licensed or regulated by sections 324.050 to
25 324.089, for any offense an essential element of which is fraud,
26 dishonesty or an act of violence, or for any offense involving
27 moral turpitude,] and responsibilities of the occupation, as set
28 forth in section 324.012, regardless of whether or not sentence
29 is imposed;

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

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

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

13 (6) Violation of, or assisting or enabling any person to
14 violate, any provision of sections 324.050 to 324.089 or any
15 lawful rule or regulation adopted pursuant to sections 324.050 to
16 324.089;

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

21 (8) Disciplinary action against the holder of a license or
22 other right to practice any profession regulated by sections
23 324.050 to 324.089 granted by another state, territory, federal
24 agency or country upon grounds for which revocation or suspension
25 is authorized in this state;

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

28 (10) Assisting or enabling any person to practice or offer
29 to practice any profession licensed or regulated by sections

1 324.050 to 324.089 who is not registered and currently eligible
2 to practice pursuant to sections 324.050 to 324.089;

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

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

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

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

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

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

25 4. An individual whose license has been revoked shall wait
26 at least one year from the date of revocation to apply for
27 relicensure. Relicensure shall be at the discretion of the board
28 after compliance with all requirements of sections 324.050 to
29 324.089 relative to the licensing of the applicant for the first

1 time.

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

9 2. The committee may cause a complaint to be filed with the
10 administrative hearing commission as provided in chapter 621
11 against the holder of any license required by sections 324.200 to
12 324.225 or any person who has failed to renew or has surrendered
13 the person's license for any one or any combination of the
14 following causes:

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

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

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

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

28 (5) The person has been finally adjudicated and found
29 guilty, or entered a plea of guilty or nolo contendere, in a

1 criminal prosecution pursuant to the laws of any state [or], of
2 the United States, or of any country, for any offense
3 [reasonably] directly related to the [qualifications, functions,
4 or] duties [of the professional who is regulated pursuant to
5 sections 324.200 to 324.225, for any offense an essential element
6 of which is fraud, dishonesty or act of violence, or for any
7 offense involving moral turpitude,] and responsibilities of the
8 occupation, as set forth in section 324.012, regardless of
9 whether or not sentence is imposed;

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

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

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

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

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

25 (11) Use or unlawful possession of any controlled
26 substance, as defined in chapter 195, or alcoholic beverage to an
27 extent that such use impairs a person's ability to perform the
28 work of any profession that is licensed or regulated by sections
29 324.200 to 324.225;

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

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

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

9 4. After the filing of a complaint pursuant to subsection 2
10 of this section, the proceedings shall be conducted in accordance
11 with the provisions of chapter 621. Upon a finding by the
12 administrative hearing commission that the grounds, provided in
13 subsection 2 of this section, for disciplinary action are met,
14 the committee may, singly or in combination, censure or place the
15 person named in the complaint on probation on such terms and
16 conditions as the committee deems appropriate for a period not to
17 exceed five years, or may suspend, for a period not to exceed
18 three years, or revoke the license of the person. An individual
19 whose license has been revoked shall wait one year from the date
20 of revocation to apply for relicensure. Relicensure shall be at
21 the discretion of the committee after compliance with all
22 requirements of sections 324.200 to 324.225 relative to the
23 licensing of an applicant for the first time.

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

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

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

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

14 (1) The person has been finally adjudicated and found
15 guilty, or entered a plea of guilty or nolo contendere, in a
16 criminal prosecution pursuant to the laws of any state [or], of
17 the United States, or of any country, for any offense
18 [reasonably] directly related to the [qualifications, functions
19 or] duties [of the profession regulated pursuant to sections
20 324.240 to 324.275, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense
22 involving moral turpitude,] and responsibilities of the
23 occupation, as set forth in section 324.012, regardless of
24 whether or not sentence is imposed;

25 (2) Use of fraud, deception, misrepresentation or bribery
26 in securing any license issued pursuant to sections 324.240 to
27 324.275 or in obtaining permission to take any examination given
28 or required pursuant to sections 324.240 to 324.275;

29 (3) Obtaining or attempting to obtain any fee, charge,

1 tuition or other compensation by fraud, deception or
2 misrepresentation;

3 (4) Incompetency, misconduct, gross negligence, fraud,
4 misrepresentation or dishonesty in the performance of the
5 functions or duties of the profession regulated by sections
6 324.240 to 324.275;

7 (5) Violation of, or assisting or enabling any person to
8 violate, any provision of sections 324.240 to 324.275, or of any
9 lawful rule or regulation adopted pursuant to sections 324.240 to
10 324.275, including providing massage therapy under subdivision
11 (7) of section 324.240 at a massage business as defined in
12 subdivision (5) of section 324.240 that is not licensed under
13 this chapter;

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

17 (7) Disciplinary action against the holder of a license or
18 other right to practice the profession regulated by sections
19 324.240 to 324.275 granted by another state, territory, federal
20 agency or country upon grounds for which revocation or suspension
21 is authorized in this state;

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

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

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

29 3. Any person, organization, association or corporation who

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

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

14 324.265. 1. A person desiring a license to practice
15 massage therapy shall be at least eighteen years of age, [shall
16 be of good moral character,] shall pay the appropriate required
17 application fee, and shall submit satisfactory evidence to the
18 board of meeting at least one of the following requirements:

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

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

29 (a) The five hundred hours of supervised instruction shall

1 consist of three hundred hours dedicated to massage theory and
2 practice techniques, one hundred hours dedicated to the study of
3 anatomy and physiology, fifty hours dedicated to business
4 practice, professional ethics, hygiene and massage law in the
5 state of Missouri, and fifty hours dedicated to ancillary
6 therapies, including cardiopulmonary resuscitation (CPR) and
7 first aid.

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

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

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

26 (1) Application for renewal;

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

29 (3) Payment of the appropriate renewal fee.

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

9 4. An applicant who possesses the qualifications specified
10 in subsection 2 of this section to take the examination approved
11 by the board may be granted a provisional license to engage in
12 the practice of massage therapy. An applicant for a provisional
13 license shall submit proof that the applicant has applied for the
14 examination approved by the board. A provisional license shall
15 be valid for one year from the date of issuance and shall be
16 deemed void upon its expiration date. A provisional licensee is
17 prohibited from practicing massage therapy after expiration of
18 the provisional license.

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

24 6. A student license may be renewed until the student
25 completes such student's training. Upon request, the board may
26 extend a provisional license for good cause at the discretion of
27 the board. An application for the extension of a provisional
28 license shall be submitted to the board prior to the expiration
29 of the provisional license.

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

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

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

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

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

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

24 9. Any nonresident person holding a current license,
25 registration, or certification in massage therapy from another
26 state or recognized national certification system determined as
27 acceptable by the board shall be exempt from licensure as defined
28 in this chapter when temporarily present in this state for the
29 purpose of providing massage therapy services at special events

1 such as conventions, sporting events, educational field trips,
2 conferences, and traveling shows or exhibitions.

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

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

17 (1) The person has been finally adjudicated and found
18 guilty, or entered a plea of guilty or nolo contendere, in a
19 criminal prosecution under the laws of [this state or] any
20 [other] state or of the United States, or of any country, for any
21 offense [reasonably] directly related to the [qualifications,
22 functions or] duties [of the profession regulated by sections
23 324.400 to 324.439; for any offense for which an essential
24 element is fraud, dishonesty or an act of violence; or for a
25 felony,] and responsibilities of the occupation, as set forth in
26 section 324.012, regardless of whether or not sentence is
27 imposed;

28 (2) Use of fraud, deception, misrepresentation or bribery
29 in securing any certificate of registration issued pursuant to

1 sections 324.400 to 324.439 or in obtaining permission to take
2 any examination given or required pursuant to sections 324.400 to
3 324.439;

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

7 (4) Incompetency, misconduct, gross negligence, fraud,
8 misrepresentation or dishonesty in the performance of the
9 functions or duties of the profession regulated by sections
10 324.400 to 324.439;

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

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

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

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

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

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

1 as it relates to the interior design profession.

2 3. After the filing of a complaint pursuant to subsection 2
3 of this section, the proceedings shall be conducted in accordance
4 with the provisions of chapter 536 and chapter 621. Upon a
5 finding by the administrative hearing commission that the
6 grounds, provided in subsection 2 of this section, for
7 disciplinary action are met, the division shall censure or place
8 the person named in the complaint on probation for a period not
9 to exceed five years or may suspend the person's certificate for
10 a period not to exceed three years or may revoke the person's
11 certificate of registration.

12 324.496. 1. The board, with recommendation by the
13 committee, may refuse to issue, renew or reinstate any license
14 required by sections 324.475 to 324.499 for one or any
15 combination of causes stated in subsection 2 of this section.
16 The board shall notify the applicant in writing of the reasons
17 for the refusal and shall advise the applicant of his or her
18 right to file a complaint with the administrative hearing
19 commission as provided by chapter 621.

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

26 (1) The person has been finally adjudicated and found
27 guilty, or entered a plea of guilty or nolo contendere, in a
28 criminal prosecution pursuant to the laws of any state [or], of
29 the United States, or of any country, for any offense

1 [reasonably] directly related to the [qualifications, functions
2 or] duties [of the profession regulated pursuant to sections
3 324.475 to 324.499, for any offense an essential element of which
4 is fraud, dishonesty or an act of violence, or for any offense
5 involving moral turpitude,] and responsibilities of the
6 occupation, as set forth in section 324.012, regardless of
7 whether or not sentence is imposed;

8 (2) Use of fraud, deception, misrepresentation or bribery
9 in securing any license issued pursuant to sections 324.475 to
10 324.499 or in obtaining permission to take any examination given
11 or required pursuant to sections 324.475 to 324.499;

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

15 (4) Incompetency, misconduct, gross negligence, fraud,
16 misrepresentation or dishonesty in the performance of the
17 functions or duties of the profession regulated by sections
18 324.475 to 324.499;

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

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

25 (7) Disciplinary action against the holder of a license or
26 other right to practice the profession regulated by sections
27 324.475 to 324.499 granted by another state, territory, federal
28 agency or country upon grounds for which revocation or suspension
29 is authorized in this state;

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

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

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

8 (11) Use of any controlled substance, as defined in chapter
9 195, or alcoholic beverage to an extent that such use impairs a
10 person's ability to perform the work of any profession licensed
11 or regulated by sections 324.475 to 324.499.

12 3. Any person, organization, association or corporation who
13 reports or provides information to the division, board or
14 committee pursuant to the provisions of sections 324.475 to
15 324.499 and who does so in good faith and without negligence
16 shall not be subject to an action for civil damages as a result
17 thereof.

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

27 324.523. 1. The division may refuse to issue or cause a
28 complaint to be filed with the administrative hearing commission
29 as provided by chapter 621 against any holder of any certificate

1 of registration or authority, permit or license required under
2 sections 324.520 to 324.526, or any person who has failed to
3 renew or has surrendered his or her certificate of registration
4 or authority, permit, or license for any one or any combination
5 of the following causes:

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

11 (2) Final adjudication and finding of guilt, or the
12 [entrance of a] plea of guilty or nolo contendere, in a criminal
13 prosecution under the laws of any state [or], of the United
14 States, or of any country, for any offense [reasonably] directly
15 related to the [qualifications, functions, or] duties [of any
16 profession that is licensed or regulated under sections 324.520
17 to 324.526, and the regulations promulgated thereunder, for any
18 offense an essential element of which is fraud, dishonesty, or an
19 act of violence, or for any offense involving moral turpitude,]
20 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
23 in securing any certificate of registration or authority, permit
24 or license required under sections 324.520 to 324.526;

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

28 (5) Incompetence, misconduct, gross negligence, fraud,
29 misrepresentation, or dishonesty in the performance of the

1 functions or duties of any profession that is licensed or
2 regulated under sections 324.520 to 324.526;

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

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

11 (8) Disciplinary action against the holder of a license or
12 other right to practice any profession regulated under sections
13 324.520 to 324.526 granted by another state, territory, federal
14 agency, or country upon grounds for which revocation or
15 suspension is authorized in this state;

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

18 (10) Assisting or enabling any person to practice or offer
19 to practice any profession licensed or regulated under sections
20 324.520 to 324.526 who is licensed and is currently ineligible to
21 practice under sections 324.520 to 324.526;

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

25 (12) Failure to display a valid license;

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

29 (14) Failure or refusal to properly guard against

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

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

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

1 324.940. 1. The division may refuse to issue or renew or
2 may suspend any license required under sections 324.900 to
3 324.945 for one or any combination of causes stated in subsection
4 4 of this section. The division shall notify the applicant in
5 writing of the reasons for the refusal and shall advise the
6 applicant of his or her right to file a complaint with the
7 administrative hearing commission as provided by chapter 621.

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

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

18 4. The division may cause a complaint to be filed with the
19 administrative hearing commission as provided by chapter 621
20 against any holder of any license required by sections 324.900 to
21 324.945 or any person who has failed to renew or has surrendered
22 his or her license for any one or any combination of the
23 following causes:

24 (1) The final adjudication and finding of guilty, or the
25 entering of a plea of guilty or nolo contendere, in a criminal
26 prosecution under the laws of any state [or], of the United
27 States, or of any country, for any offense [reasonably] directly
28 related to the [qualifications, functions, or] duties [of any
29 profession licensed or regulated by sections 324.900 to 324.945,

1 for any offense an essential element of which is fraud,
2 dishonesty, or an act of violence,] and responsibilities of the
3 occupation, as set forth in section 324.012, regardless of
4 whether or not sentence is imposed;

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

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

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

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

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

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

23 (8) Assisting or enabling any person to practice or offer
24 to practice any profession licensed or regulated by sections
25 324.900 to 324.945 who is not registered and currently eligible
26 to practice under sections 324.900 to 324.945;

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

29 5. After the filing of such complaint, the proceedings

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

10 6. An individual whose license has been revoked shall wait
11 at least one year from the date of revocation to apply for
12 relicensure. Relicensure shall be at the discretion of the
13 division after compliance with all requirements of sections
14 324.900 to 324.945 relative to the previous licensing of the
15 applicant.

16 324.1112. 1. The board may deny a request for a license if
17 the applicant:

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

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

25 (3) Has been convicted of or entered a plea of guilty or
26 nolo contendere to a misdemeanor offense involving moral
27 turpitude, including receiving a suspended imposition of sentence
28 following a plea of guilty to a misdemeanor offense] in a
29 criminal prosecution under the laws of any state, of the United

1 States, or of any country, for any offense directly related to
2 the duties and responsibilities of the occupation, as set forth
3 in section 324.012, regardless of whether or not a sentence has
4 been imposed;

5 [(4)] (3) Has been refused a license under sections
6 324.1100 to 324.1148 or had a license revoked or denied in this
7 state or any other state;

8 [(5)] (4) Has falsified or willfully misrepresented
9 information in an employment application, records of evidence, or
10 in testimony under oath;

11 [(6)] (5) Has been dependent on or abused alcohol or drugs;
12 or

13 [(7)] (6) Has used, possessed, or trafficked in any illegal
14 substance;

15 [(8)] (7) While unlicensed, committed or aided and abetted
16 the commission of any act for which a license is required by
17 sections 324.1100 to 324.1148 after August 28, 2007; or

18 [(9)] (8) Knowingly made any false statement in the
19 application to the board.

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

22 324.1118. A private investigator agency or private fire
23 investigator agency shall not hire an individual, who is not
24 licensed as a private investigator or private fire investigator,
25 as an employee if the individual:

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

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

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

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

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

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

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

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

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

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

28 327.131. Any person may apply to the board for licensure as
29 an architect who is over the age of twenty-one, [is of good moral

1 character,] has acquired an accredited degree from an accredited
2 degree program from a school of architecture, holds a certified
3 Intern Development Program (IDP) record with the National Council
4 of Architectural Registration Boards, and has taken and passed
5 all divisions of the Architect Registration Examination.

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

26 327.312. 1. Any person may apply to the board for
27 enrollment as a land surveyor-in-training [who is of good moral
28 character,] who is a high school graduate, or who holds a
29 Missouri certificate of high school equivalence (GED), and

1 either:

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

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

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

27 2. The board shall issue a certificate of completion to
28 each applicant who satisfies the requirements of the
29 aforementioned land surveyor-in-training program and passes such

1 examination or examinations as shall be required by the board.

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

16 327.441. 1. The board may refuse to issue any license or
17 certificate of authority required pursuant to this chapter for
18 one or any combination of causes stated in subsection 2 of this
19 section. The board shall notify the applicant in writing of the
20 reasons for the refusal and shall advise the applicant of the
21 applicant's right to file a complaint with the administrative
22 hearing commission as provided by chapter 621.

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

1 (1) Use of any controlled substance, as defined in chapter
2 195, or alcoholic beverage to an extent that such use impairs a
3 person's ability to perform the work of any profession licensed
4 or regulated by this chapter;

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

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

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

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

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

29 (7) Impersonation of any person holding a license or

1 certificate of authority, or allowing any person to use his or
2 her license or certificate of authority, or diploma from any
3 school;

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

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

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

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

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

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

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

24 3. After the filing of such complaint, the proceedings
25 shall be conducted in accordance with the provisions of chapter
26 621. Upon a finding by the administrative hearing commission
27 that the grounds, provided in subsection 2 of this section, for
28 disciplinary action are met, the board may, singly or in
29 combination, censure or place the person named in the complaint

1 on probation on such terms and conditions as the board deems
2 appropriate for a period not to exceed five years, or may
3 suspend, for a period not to exceed three years, or order a civil
4 penalty under section 327.077, or revoke the license or
5 certificate of authority of the person named in the complaint.

6 327.612. Any person who [is of good moral character,] has
7 attained the age of twenty-one years, and has a degree in
8 landscape architecture from an accredited school of landscape
9 architecture and has acquired at least three years satisfactory
10 landscape architectural experience after acquiring such a degree
11 may apply to the board for licensure as a professional landscape
12 architect.

13 328.075. 1. Any person desiring to practice as an
14 apprentice for barbering in this state shall apply to the board,
15 shall be registered as an apprentice with the board, and shall
16 pay the appropriate fees prior to beginning their apprenticeship.
17 Barber apprentices [shall be of good moral character and] shall
18 be at least seventeen years of age.

19 2. Any person desiring to act as an apprentice supervisor
20 for barbering in this state shall first possess a license to
21 practice the occupation of barbering, apply to the board, pay the
22 appropriate fees, complete an eight-hour apprentice supervision
23 instruction course certified by the board, and be issued a
24 license as a barber apprentice supervisor prior to supervising
25 barber apprentices.

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

28 4. Any rule or portion of a rule, as that term is defined
29 in section 536.010, that is created under the authority delegated

1 in this section shall become effective only if it complies with
2 and is subject to all of the provisions of chapter 536 and, if
3 applicable, section 536.028. This section and chapter 536 are
4 nonseverable and if any of the powers vested with the general
5 assembly pursuant to chapter 536 to review, to delay the
6 effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2004,
9 shall be invalid and void.

10 328.150. 1. The board may refuse to issue any certificate
11 of registration or authority, permit or license required pursuant
12 to this chapter for one or any combination of causes stated in
13 subsection 2 of this section. The board shall notify the
14 applicant in writing of the reasons for the refusal and shall
15 advise the applicant of his right to file a complaint with the
16 administrative hearing commission as provided by chapter 621.

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

24 (1) Use of any controlled substance, as defined in chapter
25 195, or alcoholic beverage to an extent that such use impairs a
26 person's ability to perform the work of any profession licensed
27 or regulated by this chapter;

28 (2) The person has been finally adjudicated and found
29 guilty, or entered a plea of guilty or nolo contendere, in a

1 criminal prosecution under the laws of any state [or], of the
2 United States, or of any country, for any offense [reasonably]
3 directly related to the [qualifications, functions or] duties [of
4 any profession licensed or regulated under this chapter, for any
5 offense an essential element of which is fraud, dishonesty or an
6 act of violence, or for any offense involving moral turpitude,]
7 and responsibilities of the occupation, as set forth in section
8 324.012, regardless of whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 exceed three years, or revoke the license, certificate, or
2 permit.

3 329.140. 1. The board may refuse to issue any certificate
4 of registration or authority, permit or license required pursuant
5 to this chapter for one or any combination of causes stated in
6 subsection 2 of this section. The board shall notify the
7 applicant in writing of the reasons for the refusal and shall
8 advise the applicant of the applicant's right to file a complaint
9 with the administrative hearing commission as provided by chapter
10 621.

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

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

22 (2) The person has been finally adjudicated and found
23 guilty, or entered a plea of guilty or nolo contendere, in a
24 criminal prosecution under the laws of any state [or], of the
25 United States, or of any country, for any offense [reasonably]
26 directly related to the [qualifications, functions or] duties [of
27 any profession licensed or regulated under this chapter, for any
28 offense an essential element of which is fraud, dishonesty or an
29 act of violence, or for any offense involving moral turpitude,]

1 and responsibilities of the occupation, as set forth in section
2 324.012, regardless of whether or not sentence is imposed;

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

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

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

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

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

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

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

29 (10) Assisting or enabling any person to practice or offer

1 to practice any profession licensed or regulated by this chapter
2 who is not licensed and currently eligible to practice under this
3 chapter;

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

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

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

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

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

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

26 4. The board, acting upon its own knowledge or written or
27 verified complaint filed by any person, may discipline a person
28 as provided in subsections 1 to 3 of this section or the board
29 may bring an action to enjoin any person, firm or corporation

1 from engaging in an occupation regulated by the provisions of
2 this chapter, if such person, firm or corporation without being
3 licensed to do so by the board, engages in or practices an
4 occupation licensed pursuant to this chapter. The action shall
5 be brought in the county in which such person resides, or, in the
6 case of a firm or corporation, where the firm or corporation
7 maintains its principal office; and, unless it appears that such
8 person, firm or corporation so engaging or practicing such
9 occupation is licensed, the injunction shall be issued, and such
10 person, firm or corporation shall be perpetually enjoined from
11 engaging in such activities throughout the state.

12 331.030. 1. No person shall engage in the practice of
13 chiropractic without having first secured a chiropractic license
14 as provided in this chapter.

15 2. Any person desiring to procure a license authorizing the
16 person to practice chiropractic in this state shall make
17 application on the form prescribed by the board. The application
18 shall contain a statement that it is made under oath or
19 affirmation and that representations contained thereon are true
20 and correct to the best knowledge and belief of the person
21 signing the application, subject to the penalties of making a
22 false affidavit or declaration, and shall give the applicant's
23 name, address, age, sex, name of chiropractic schools or colleges
24 which the person attended or of which the person is a graduate,
25 and such other reasonable information as the board may require.
26 The applicant shall give evidence satisfactory to the board of
27 the successful completion of the educational requirements of this
28 chapter, [that the applicant is of good moral character,] and
29 that the chiropractic school or college of which the applicant is

1 a graduate is teaching chiropractic in accordance with the
2 requirements of this chapter. The board may make a final
3 determination as to whether or not the school from which the
4 applicant graduated is so teaching.

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

1 4. Each applicant shall pay upon application an application
2 or examination fee. All moneys collected pursuant to the
3 provisions of this chapter shall be nonrefundable and shall be
4 collected by the director of the division of professional
5 registration who shall transmit it to the department of revenue
6 for deposit in the state treasury to the credit of the
7 chiropractic board fund. Any person failing to pass a practical
8 examination administered or approved by the board may be
9 reexamined upon fulfilling such requirements, including the
10 payment of a reexamination fee, as the board may by rule
11 prescribe.

12 5. Every applicant for licensure by examination shall have
13 taken and successfully passed all required and optional parts of
14 the written examination given by the National Board of
15 Chiropractic Examiners, including the written clinical competency
16 examination, under such conditions as established by rule of the
17 board, and all applicants for licensure by examination shall
18 successfully pass a practical examination administered or
19 approved by the board and a written examination testing the
20 applicant's knowledge and understanding of the laws and
21 regulations regarding the practice of chiropractic in this state.
22 The board shall issue to each applicant who meets the standards
23 and successful completion of the examinations, as established by
24 rule of the board, a license to practice chiropractic. The board
25 shall not recognize any correspondence work in any chiropractic
26 school or college as credit for meeting the requirements of this
27 chapter.

28 6. The board shall issue a license without examination to
29 persons who have been regularly licensed to practice chiropractic

1 in any foreign country, provided that the regulations for
2 securing a license in the other country are equivalent to those
3 required for licensure in the state of Missouri, when the
4 applicant furnishes satisfactory evidence that the applicant has
5 continuously practiced chiropractic for at least one year
6 immediately preceding the applicant's application to the board
7 [and that the applicant is of good moral character], and upon the
8 payment of the reciprocity license fee as established by rule of
9 the board. The board may require an applicant to successfully
10 complete the Special Purposes Examination for Chiropractic (SPEC)
11 administered by the National Board of Chiropractic Examiners if
12 the requirements for securing a license in the other country are
13 not equivalent to those required for licensure in the state of
14 Missouri at the time application is made for licensure under this
15 subsection.

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

21 8. A chiropractic physician currently licensed in Missouri
22 shall apply to the board for certification prior to engaging in
23 the practice of meridian therapy/acupressure/acupuncture. Each
24 such application shall be accompanied by the required fee. The
25 board shall establish by rule the minimum requirements for the
26 specialty certification under this subsection. "Meridian
27 therapy/acupressure/acupuncture" shall mean methods of diagnosing
28 and the treatment of a patient by stimulating specific points on
29 or within the body by various methods including but not limited

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

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

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

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

16 331.060. 1. The board may refuse to issue any certificate
17 of registration or authority, permit or license required pursuant
18 to this chapter for one or any combination of causes stated in
19 subsection 2 of this section. The board shall notify the
20 applicant in writing of the reasons for the refusal and shall
21 advise the applicant of his right to file a complaint with the
22 administrative hearing commission as provided by chapter 621.

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

1 (1) Use of any controlled substance, as defined in chapter
2 195, or alcoholic beverage to an extent that such use impairs a
3 person's ability to perform the work of any profession licensed
4 or regulated by this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (b) Any self-laudatory statement;

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

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

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

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

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

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

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

29 (18) Engaging in unprofessional or improper conduct in the

1 practice of chiropractic;

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

5 (20) Being unable to practice as a chiropractic physician
6 with reasonable skill and safety to patients because of one of
7 the following: professional incompetency; illness, drunkenness,
8 or excessive use of drugs, narcotics, or chemicals; any mental or
9 physical condition. In enforcing this subdivision the board
10 shall, after a hearing before the board, upon a finding of
11 probable cause, require the chiropractor for the purpose of
12 establishing his competency to practice as a chiropractic
13 physician to submit to a reexamination, which shall be conducted
14 in accordance with rules adopted for this purpose by the board,
15 including rules to allow the examination of the chiropractic
16 physician's professional competence by at least three
17 chiropractic physicians, or to submit to a mental or physical
18 examination or combination thereof by at least three physicians.
19 One examiner shall be selected by the chiropractic physician
20 compelled to take the examination, one selected by the board, and
21 one shall be selected by the two examiners so selected. Notice
22 of the physical or mental examination shall be given by personal
23 service or certified mail. Failure of the chiropractic physician
24 to submit to an examination when directed shall constitute an
25 admission of the allegations against him, unless the failure was
26 due to circumstances beyond his control. A chiropractic
27 physician whose right to practice has been affected under this
28 subdivision shall, at reasonable intervals, be afforded an
29 opportunity to demonstrate that he can resume competent practice

1 with reasonable skill and safety to patients.

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

8 (b) When the board finds any person unqualified because of
9 any of the grounds set forth in this subdivision, it may enter an
10 order imposing one or more of the following: denying his
11 application for a license; permanently withholding issuance of a
12 license; administering a public or private reprimand; suspending
13 or limiting or restricting his license to practice as a
14 chiropractic physician for a period of not more than five years;
15 revoking his license to practice as a chiropractic physician;
16 requiring him to submit to the care, counseling or treatment of
17 physicians designated by the chiropractic physician compelled to
18 be treated. For the purpose of this subdivision, "license"
19 includes the certificate of registration, or license, or both,
20 issued by the board.

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

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

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

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

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

13 332.231. Any person [who is of good moral character and
14 reputation and] who has satisfactorily completed a course in
15 dental hygiene in an accredited dental hygiene school may apply
16 to the board for examination and registration as a dental
17 hygienist in Missouri.

18 332.251. 1. Each applicant for examination as a dental
19 hygienist shall[, after the board has determined that he is a
20 person of good moral character and reputation,] appear before the
21 board at the time and place specified by the board in a written
22 notice to each such applicant. The fee accompanying the
23 application as provided in section 332.241 shall not be refunded
24 to any applicant who fails to appear at the time and place so
25 specified, but the board for good cause shown, as defined by
26 rule, may permit any applicant to take the examination or
27 examinations at a later time without paying an additional fee.

28 2. The board shall determine and specify by rule whether
29 dental hygienist examinations shall be written or oral or

1 clinical or all three, but in any event the examination shall be
2 of such form and of such content and character as to thoroughly
3 test the qualifications of the applicant to practice as a dental
4 hygienist in Missouri. Completion of the national board
5 theoretical examination with scores acceptable to the board, as
6 promulgated by rule, is a prerequisite to taking the dental
7 hygienist examinations.

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

21 4. The board shall determine and specify by rule the number
22 of times an applicant may fail all or a portion of the dental
23 hygiene examinations without completing additional education in
24 an accredited dental hygiene school, and shall specify by rule
25 the type and amount of additional education which shall be
26 required of an applicant, which type and amount may vary
27 depending upon the failed portions of the dental hygiene
28 examinations. However, no applicant shall be refused permission
29 to take the dental hygiene examinations twice without completing

1 additional education, nor shall additional education be required
2 if the applicant only fails an examination over Missouri laws.

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

24 332.291. Any person registered and currently licensed as a
25 dental hygienist[, who is of good moral character,] who has been
26 practicing as a dental hygienist in Missouri immediately
27 preceding the date of his application under the continuous
28 supervision of a registered and currently licensed dentist in
29 Missouri, may apply to the board for a certificate to be signed

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

12 333.041. 1. Each applicant for a license to practice
13 funeral directing shall furnish evidence to establish to the
14 satisfaction of the board that he or she is[:

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

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

19 2. Every person desiring to enter the profession of
20 embalming dead human bodies within the state of Missouri and who
21 is enrolled in a program accredited by the American Board of
22 Funeral Service Education, any successor organization, or other
23 accrediting entity as approved by the board shall register with
24 the board as a practicum student upon the form provided by the
25 board. After such registration, a student may assist, under the
26 direct supervision of Missouri licensed embalmers and funeral
27 directors, in Missouri licensed funeral establishments, while
28 serving his or her practicum. The form for registration as a
29 practicum student shall be accompanied by a fee in an amount

1 established by the board.

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

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

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

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

19 [(4)] (3) Upon due examination administered by the board,
20 is possessed of a knowledge of the subjects of embalming,
21 anatomy, pathology, bacteriology, mortuary administration,
22 chemistry, restorative art, together with statutes, rules and
23 regulations governing the care, custody, shelter and disposition
24 of dead human bodies and the transportation thereof or has passed
25 the national board examination of the Conference of Funeral
26 Service Examining Boards. If any applicant fails to pass the
27 state examination, he or she may retake the examination at the
28 next regular examination meeting. The applicant shall notify the
29 board office of his or her desire to retake the examination at

1 least thirty days prior to the date of the examination. Each
2 time the examination is retaken, the applicant shall pay a new
3 examination fee in an amount established by the board;

4 [(5)] (4) Has been employed full time in funeral service in
5 a licensed funeral establishment and has personally embalmed at
6 least twenty-five dead human bodies under the personal
7 supervision of an embalmer who holds a current and valid Missouri
8 embalmer's license during an apprenticeship of not less than
9 twelve consecutive months. "Personal supervision" means that the
10 licensed embalmer shall be physically present during the entire
11 embalming process in the first six months of the apprenticeship
12 period and physically present at the beginning of the embalming
13 process and available for consultation and personal inspection
14 within a period of not more than one hour in the remaining six
15 months of the apprenticeship period. All transcripts and other
16 records filed with the board shall become a part of the board
17 files.

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

22 5. Examinations required by this section and section
23 333.042 shall be held at least twice a year at times and places
24 fixed by the board. The board shall by rule and regulation
25 prescribe the standard for successful completion of the
26 examinations.

27 6. Upon establishment of his or her qualifications as
28 specified by this section or section 333.042, the board shall
29 issue to the applicant a license to practice funeral directing or

1 embalming, as the case may require, and shall register the
2 applicant as a duly licensed funeral director or a duly licensed
3 embalmer. Any person having the qualifications required by this
4 section and section 333.042 may be granted both a license to
5 practice funeral directing and to practice embalming.

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

13 334.414. 1. The board shall issue a certificate of
14 registration to any applicant that meets the qualifications for
15 an anesthesiologist assistant and that has paid the required
16 fees.

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

19 (1) Establishing application forms to be furnished to all
20 persons seeking registration pursuant to sections 334.400 to
21 334.430;

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

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

28 (4) Setting the amount of the fees for registration,
29 licensure, and renewal pursuant to sections 334.400 to 334.430.

1 The fees shall be set at a level to produce revenue which shall
2 not substantially exceed the cost and expense of administering
3 the provisions of sections 334.400 to 334.430;

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

7
8 No rule or portion of a rule promulgated pursuant to the
9 authority of sections 334.400 to 334.430 shall become effective
10 unless it has been promulgated pursuant to chapter 536.

11 3. The board shall have the authority to:

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

15 (2) Establish guidelines for anesthesiologist assistants
16 pursuant to sections 334.400 to 334.430.

17 4. The board may refuse to issue, suspend, revoke, or renew
18 any certificate of registration or authority, permit, or license
19 required pursuant to sections 334.400 to 334.430 for one or any
20 combination of causes stated in subsection 5 of this section.

21 The board shall notify the applicant in writing of the reasons
22 for the refusal, suspension, or revocation and shall advise the
23 applicant of the right to file a complaint with the
24 administrative hearing commission as provided by chapter 621.

25 5. The board may cause a complaint to be filed with the
26 administrative hearing commission as provided by chapter 621
27 against any holder of any certificate of registration or
28 authority, permit, or license required pursuant to sections
29 334.400 to 334.430 or against any person who has failed to renew

1 or has surrendered a certificate of registration or authority,
2 permit, or license for any one or any combination of the
3 following causes:

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

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

18 (3) Use of fraud, deception, misrepresentation, or bribery
19 in securing any certificate of registration or authority, permit
20 or license issued pursuant to sections 334.400 to 334.430 or in
21 obtaining permission to take any examination given or required
22 pursuant to sections 334.400 to 334.430;

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

26 (5) Incompetency, misconduct, gross negligence, fraud,
27 misrepresentation, or dishonesty in the performance of the
28 functions and duties of an anesthesiologist assistant;

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

1 violate any provision of sections 334.400 to 334.430 or any
2 lawful rule or regulation adopted pursuant to sections 334.400 to
3 334.430;

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

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

13 (9) Final adjudication of insanity or incompetency by a
14 court of competent jurisdiction;

15 (10) Assisting or enabling any person to practice or offer
16 to practice as an anesthesiologist assistant who is not
17 registered and currently eligible to practice pursuant to
18 sections 334.400 to 334.430;

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

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

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

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

27 6. After the filing of such complaint, the proceedings
28 shall be conducted in accordance with the provisions of chapter
29 621. Upon a finding by the administrative hearing commission

1 that the grounds, provided in subsection 5 of this section, for
2 disciplinary action are met, the board may, singly or in
3 combination, censure or place the person named in the complaint
4 on probation with such terms and conditions as the board deems
5 appropriate for a period not to exceed ten years, or suspend his
6 or her license for a period not to exceed seven years, or revoke
7 his or her license, certificate, or permit.

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

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

15 334.530. 1. A candidate for license to practice as a
16 physical therapist shall furnish evidence of such person's [good
17 moral character and the person's] educational qualifications by
18 submitting satisfactory evidence of completion of a program of
19 physical therapy education approved as reputable by the board. A
20 candidate who presents satisfactory evidence of the person's
21 graduation from a school of physical therapy approved as
22 reputable by the American Medical Association or, if graduated
23 before 1936, by the American Physical Therapy Association, or if
24 graduated after 1988, the Commission on Accreditation for
25 Physical Therapy Education or its successor, is deemed to have
26 complied with the educational qualifications of this subsection.

27 2. Persons desiring to practice as physical therapists in
28 this state shall appear before the board at such time and place
29 as the board may direct and be examined as to their fitness to

1 engage in such practice. Applications for examination shall be
2 in writing, on a form furnished by the board and shall include
3 evidence satisfactory to the board that the applicant possesses
4 the qualifications set forth in subsection 1 of this section.
5 Each application shall contain a statement that it is made under
6 oath or affirmation and that its representations are true and
7 correct to the best knowledge and belief of the applicant,
8 subject to the penalties of making a false affidavit or
9 declaration.

10 3. The examination of qualified candidates for licenses to
11 practice physical therapy shall test entry-level competence as
12 related to physical therapy theory, examination and evaluation,
13 physical therapy diagnosis, prognosis, treatment, intervention,
14 prevention, and consultation.

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

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

25 334.613. 1. The board may refuse to issue or renew a
26 license to practice as a physical therapist or physical therapist
27 assistant for one or any combination of causes stated in
28 subsection 2 of this section. The board shall notify the
29 applicant in writing of the reasons for the refusal and shall

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

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

29 (1) Use of any controlled substance, as defined in chapter

1 195, or alcoholic beverage to an extent that such use impairs a
2 person's ability to perform the work of a physical therapist or
3 physical therapist assistant;

4 (2) The person has been finally adjudicated and found
5 guilty, or entered a plea of guilty or nolo contendere, in a
6 criminal prosecution under the laws of any state [or], of the
7 United States, or of any country, for any offense [reasonably]
8 directly related to the [qualifications, functions, or] duties
9 [of a physical therapist or physical therapist assistant, for any
10 offense an essential element of which is fraud, dishonesty, or an
11 act of violence, or for any offense involving moral turpitude,]
12 and responsibilities of the occupation, as set forth in section
13 324.012, regardless of whether or not sentence is imposed;

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

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

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

29 (b) Attempting, directly or indirectly, by way of

1 intimidation, coercion, or deception, to obtain or retain a
2 patient or discourage the use of a second opinion or
3 consultation;

4 (c) Willfully and continually performing inappropriate or
5 unnecessary treatment or services;

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

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

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

14 (g) Final disciplinary action by any professional
15 association, professional society, licensed hospital or medical
16 staff of the hospital, or physical therapy facility in this or
17 any other state or territory, whether agreed to voluntarily or
18 not, and including but not limited to any removal, suspension,
19 limitation, or restriction of the person's professional
20 employment, malpractice, or any other violation of any provision
21 of this chapter;

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

27 (i) Engaging in or soliciting sexual relationships, whether
28 consensual or nonconsensual, while a physical therapist or
29 physical therapist assistant/patient relationship exists; making

1 sexual advances, requesting sexual favors, or engaging in other
2 verbal conduct or physical contact of a sexual nature with
3 patients or clients;

4 (j) Terminating the care of a patient without adequate
5 notice or without making other arrangements for the continued
6 care of the patient;

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

11 (l) Failure of any applicant or licensee, other than the
12 licensee subject to the investigation, to cooperate with the
13 board during any investigation;

14 (m) Failure to comply with any subpoena or subpoena duces
15 tecum from the board or an order of the board;

16 (n) Failure to timely pay license renewal fees specified in
17 this chapter;

18 (o) Violating a probation agreement with this board or any
19 other licensing agency;

20 (p) Failing to inform the board of the physical therapist's
21 or physical therapist assistant's current telephone number,
22 residence, and business address;

23 (q) Advertising by an applicant or licensee which is false
24 or misleading, or which violates any rule of the board, or which
25 claims without substantiation the positive cure of any disease,
26 or professional superiority to or greater skill than that
27 possessed by any other physical therapist or physical therapist
28 assistant. An applicant or licensee shall also be in violation
29 of this provision if the applicant or licensee has a financial

1 interest in any organization, corporation, or association which
2 issues or conducts such advertising;

3 (5) Any conduct or practice which is or might be harmful or
4 dangerous to the mental or physical health of a patient or the
5 public; or incompetency, gross negligence, or repeated negligence
6 in the performance of the functions or duties of a physical
7 therapist or physical therapist assistant. For the purposes of
8 this subdivision, "repeated negligence" means the failure, on
9 more than one occasion, to use that degree of skill and learning
10 ordinarily used under the same or similar circumstances by the
11 member of the applicant's or licensee's profession;

12 (6) Violation of, or attempting to violate, directly or
13 indirectly, or assisting or enabling any person to violate, any
14 provision of this chapter, or of any lawful rule adopted under
15 this chapter;

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

19 (8) Revocation, suspension, restriction, modification,
20 limitation, reprimand, warning, censure, probation, or other
21 final disciplinary action against a physical therapist or
22 physical therapist assistant for a license or other right to
23 practice as a physical therapist or physical therapist assistant
24 by another state, territory, federal agency or country, whether
25 or not voluntarily agreed to by the licensee or applicant,
26 including but not limited to the denial of licensure, surrender
27 of the license, allowing the license to expire or lapse, or
28 discontinuing or limiting the practice of physical therapy while
29 subject to an investigation or while actually under investigation

1 by any licensing authority, medical facility, branch of the Armed
2 Forces of the United States of America, insurance company, court,
3 agency of the state or federal government, or employer;

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

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

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

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

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

20 (14) Soliciting patronage in person or by agents or
21 representatives, or by any other means or manner, under the
22 person's own name or under the name of another person or concern,
23 actual or pretended, in such a manner as to confuse, deceive, or
24 mislead the public as to the need or necessity for or
25 appropriateness of physical therapy services for all patients, or
26 the qualifications of an individual person or persons to render,
27 or perform physical therapy services;

28 (15) Using, or permitting the use of, the person's name
29 under the designation of "physical therapist", "physiotherapist",

1 "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.",
2 "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant",
3 "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with
4 reference to the commercial exploitation of any goods, wares or
5 merchandise;

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

10 (17) Failure or refusal to properly guard against
11 contagious, infectious, or communicable diseases or the spread
12 thereof; maintaining an unsanitary facility or performing
13 professional services under unsanitary conditions; or failure to
14 report the existence of an unsanitary condition in any physical
15 therapy facility to the board, in writing, within thirty days
16 after the discovery thereof;

17 (18) Any candidate for licensure or person licensed to
18 practice as a physical therapist or physical therapist assistant
19 paying or offering to pay a referral fee or, notwithstanding
20 section 334.010 to the contrary, practicing or offering to
21 practice professional physical therapy independent of the
22 prescription and direction of a person licensed and registered as
23 a physician and surgeon under this chapter, as a physician
24 assistant under this chapter, as a chiropractor under chapter
25 331, as a dentist under chapter 332, as a podiatrist under
26 chapter 330, as an advanced practice registered nurse under
27 chapter 335, or any licensed and registered physician,
28 chiropractor, dentist, podiatrist, or advanced practice
29 registered nurse practicing in another jurisdiction, whose

1 license is in good standing;

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

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

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

12 (22) Attempting to engage in conduct that subverts or
13 undermines the integrity of the licensing examination or the
14 licensing examination process, including but not limited to
15 utilizing in any manner recalled or memorized licensing
16 examination questions from or with any person or entity, failing
17 to comply with all test center security procedures, communicating
18 or attempting to communicate with any other examinees during the
19 test, or copying or sharing licensing examination questions or
20 portions of questions;

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

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

7 (a) In enforcing this subdivision the board shall, after a
8 hearing by the board, upon a finding of probable cause, require a
9 physical therapist or physical therapist assistant to submit to a
10 reexamination for the purpose of establishing his or her
11 competency to practice as a physical therapist or physical
12 therapist assistant conducted in accordance with rules adopted
13 for this purpose by the board, including rules to allow the
14 examination of the pattern and practice of such physical
15 therapist's or physical therapist assistant's professional
16 conduct, or to submit to a mental or physical examination or
17 combination thereof by a facility or professional approved by the
18 board;

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

23 (c) In addition to ordering a physical or mental
24 examination to determine competency, the board may,
25 notwithstanding any other law limiting access to medical or other
26 health data, obtain medical data and health records relating to a
27 physical therapist, physical therapist assistant or applicant
28 without the physical therapist's, physical therapist assistant's
29 or applicant's consent;

1 (d) Written notice of the reexamination or the physical or
2 mental examination shall be sent to the physical therapist or
3 physical therapist assistant, by registered mail, addressed to
4 the physical therapist or physical therapist assistant at the
5 physical therapist's or physical therapist assistant's last known
6 address. Failure of a physical therapist or physical therapist
7 assistant to submit to the examination when directed shall
8 constitute an admission of the allegations against the physical
9 therapist or physical therapist assistant, in which case the
10 board may enter a final order without the presentation of
11 evidence, unless the failure was due to circumstances beyond the
12 physical therapist's or physical therapist assistant's control.
13 A physical therapist or physical therapist assistant whose right
14 to practice has been affected under this subdivision shall, at
15 reasonable intervals, be afforded an opportunity to demonstrate
16 that the physical therapist or physical therapist assistant can
17 resume the competent practice as a physical therapist or physical
18 therapist assistant with reasonable skill and safety to patients;

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

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

29 3. After the filing of such complaint before the

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

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

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

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

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

16 (5) Administer a public or private reprimand;

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

19 (7) Permanently withhold issuance of a license;

20 (8) Require the physical therapist or physical therapist
21 assistant to submit to the care, counseling or treatment of
22 physicians designated by the board at the expense of the physical
23 therapist or physical therapist assistant to be examined;

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

27 4. In any order of revocation, the board may provide that
28 the physical therapist or physical therapist assistant shall not
29 apply for reinstatement of the physical therapist's or physical

1 therapist assistant's license for a period of time ranging from
2 two to seven years following the date of the order of revocation.
3 All stay orders shall toll this time period.

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

9 6. In any investigation, hearing or other proceeding to
10 determine a physical therapist's, physical therapist assistant's
11 or applicant's fitness to practice, any record relating to any
12 patient of the physical therapist, physical therapist assistant,
13 or applicant shall be discoverable by the board and admissible
14 into evidence, regardless of any statutory or common law
15 privilege which such physical therapist, physical therapist
16 assistant, applicant, record custodian, or patient might
17 otherwise invoke. In addition, no such physical therapist,
18 physical therapist assistant, applicant, or record custodian may
19 withhold records or testimony bearing upon a physical
20 therapist's, physical therapist assistant's, or applicant's
21 fitness to practice on the grounds of privilege between such
22 physical therapist, physical therapist assistant, applicant, or
23 record custodian and a patient.

24 334.616. 1. A license issued under [this chapter] sections
25 334.500 to 334.687 by the Missouri state board of registration
26 for the healing arts shall be automatically revoked at such time
27 as the final trial proceedings are concluded whereby a licensee
28 has been adjudicated and found guilty, or has entered a plea of
29 guilty or nolo contendere, in a [felony] criminal prosecution

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

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

24 334.655. 1. A candidate for licensure to practice as a
25 physical therapist assistant shall furnish evidence of the
26 person's [good moral character and of the person's] educational
27 qualifications. The educational requirements for licensure as a
28 physical therapist assistant are:

29 (1) A certificate of graduation from an accredited high

1 school or its equivalent; and

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

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

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

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

29 5. The applicant shall pass a test administered by the

1 board on the laws and rules related to the practice as a physical
2 therapist assistant in this state.

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

9 7. A candidate to practice as a physical therapist
10 assistant who does not meet the educational qualifications may
11 submit to the board an application for examination if such person
12 can furnish written evidence to the board that the person has
13 been employed in this state for at least three of the last five
14 years under the supervision of a licensed physical therapist and
15 such person possesses the knowledge and training equivalent to
16 that obtained in an accredited school. The board may license
17 such persons pursuant to this subsection until ninety days after
18 rules developed by the state board of healing arts regarding
19 physical therapist assistant licensing become effective."; and

20 Further amend said bill, Page 37, Section 334.726, Line 25,
21 by inserting after all of said line the following:

22 "334.920. 1. The board may refuse to issue or renew any
23 certificate of registration or authority, permit or license
24 required pursuant to sections 334.800 to 334.930 for one or any
25 combination of causes stated in subsection 2 of this section.
26 The board shall notify the applicant in writing of the reasons
27 for the refusal and shall advise the applicant of his or her
28 right to file a complaint with the administrative hearing
29 commission as provided by chapter 621.

1 2. The board may cause a complaint to be filed with the
2 administrative hearing commission as provided by chapter 621
3 against any holder of any certificate of registration or
4 authority, permit or license required by sections 334.800 to
5 334.930 or any person who has failed to renew or has surrendered
6 his or her certificate of registration or authority, permit or
7 license for any one or any combination of the following causes:

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

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

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

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

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

4 (6) Violation of, or assisting or enabling any person to
5 violate, any provision of sections 334.800 to 334.930 or any
6 lawful rule or regulation adopted pursuant to sections 334.800 to
7 334.930;

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

12 (8) Disciplinary action against the holder of a license or
13 other right to practice any profession regulated by sections
14 334.800 to 334.930 granted by another state, territory, federal
15 agency or country upon grounds for which revocation or suspension
16 is authorized in this state;

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

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

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

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

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

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

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

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

16 4. An individual whose license has been revoked shall wait
17 at least one year from the date of revocation to apply for
18 relicensure. Relicensure shall be at the discretion of the board
19 after compliance with all requirements of sections 334.800 to
20 334.930 relative to the licensing of the applicant for the first
21 time.

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

24 336.030. 1. A person is qualified to receive a license as
25 an optometrist:

26 (1) [Who is of good moral character;

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

29 [(3)] (2) Who has met either of the following conditions:

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

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

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

18 Further amend said bill, Page 38, Section 336.080, Line 20,
19 by inserting after all of said line the following:

20 "336.110. 1. The board may refuse to issue any certificate
21 of registration or authority, permit or license required pursuant
22 to this chapter for one or any combination of causes stated in
23 subsection 2 of this section. The board shall notify the
24 applicant in writing of the reasons for the refusal and shall
25 advise the applicant of his right to file a complaint with the
26 administrative hearing commission as provided by chapter 621.

27 2. The board may cause a complaint to be filed with the
28 administrative hearing commission as provided by chapter 621
29 against any holder of any certificate of registration or

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

5 (1) Use of any controlled substance, as defined in chapter
6 195, or alcoholic beverage to an extent that such use impairs a
7 person's ability to perform the work of any profession licensed
8 or regulated by this chapter;

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

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

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

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

1 this chapter;

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

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

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

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

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

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

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

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

26 (14) Use of any advertisement or solicitation which is
27 false, misleading or deceptive to the general public or persons
28 to whom the advertisement or solicitation is primarily directed.
29 False, misleading or deceptive advertisements or solicitations

1 shall include, but not be limited to:

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

4 (b) Any self-laudatory statement;

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

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

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

21 (16) Failure or refusal to properly guard against
22 contagious, infectious or communicable diseases or the spread
23 thereof.

24 3. After the filing of such complaint, the proceedings
25 shall be conducted in accordance with the provisions of chapter
26 621. Upon a finding by the administrative hearing commission
27 that the grounds, provided in subsection 2, for disciplinary
28 action are met, the board may, singly or in combination, censure
29 or place the person named in the complaint on probation on such

1 terms and conditions as the board deems appropriate for a period
2 not to exceed five years, or may suspend, for a period not to
3 exceed three years, or revoke the license, certificate, or
4 permit."; and

5 "Further amend said bill, Page 44, Section 337.029, Line 11,
6 by inserting after all of said line the following:

7 "337.035. 1. The committee may refuse to issue any
8 certificate of registration or authority, permit or license
9 required pursuant to this chapter for one or any combination of
10 causes stated in subsection 2 of this section. The committee
11 shall notify the applicant in writing of the reasons for the
12 refusal and shall advise the applicant of the applicant's right
13 to file a complaint with the administrative hearing commission as
14 provided by chapter 621.

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

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

26 (2) The person has been finally adjudicated and found
27 guilty, or entered a plea of guilty or nolo contendere, in a
28 criminal prosecution under the laws of any state [or] of the
29 United States, or of any country, for any offense [reasonably]

1 directly related to the [qualifications, functions or] duties [of
2 any profession licensed or regulated under this chapter, for any
3 offense an essential element of which is fraud, dishonesty or an
4 act of violence, or for any offense involving moral turpitude,]
5 and responsibilities of the occupation, as set forth in section
6 324.012, regardless of whether or not sentence is imposed;

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

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

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

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

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

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

1 this state;

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

4 (10) Assisting or enabling any person to practice or offer
5 to practice any profession licensed or regulated by this chapter
6 who is not registered and currently eligible to practice as
7 provided this chapter;

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

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

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

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

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

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

1 certificate, or permit.

2 4. An interested third party may file a complaint or appear
3 or present evidence relative to such complaint or another
4 complaint filed pursuant to this section. For purposes of this
5 section, an interested third party includes a parent or guardian
6 of a person who received treatment by a psychologist or any
7 person who is related within the second degree of consanguinity
8 or affinity and who is financially responsible for the payment of
9 such treatment."; and

10 Further amend said bill, Page 49, Section 337.050, Line 8,
11 by inserting after all of said line the following:

12 "337.330. 1. The committee may refuse to issue any license
13 required under this chapter for one or any combination of causes
14 stated in subsection 2 of this section. The committee shall
15 notify the applicant in writing of the reasons for the refusal
16 and shall advise the applicant of the applicant's right to file a
17 complaint with the administrative hearing commission as provided
18 by chapter 621.

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

24 (1) Use of any controlled substance, as defined in chapter
25 195, or alcoholic beverage to an extent that such use impairs a
26 person's ability to perform the work of any profession licensed
27 or regulated by this chapter;

28 (2) The person has been finally adjudicated and found
29 guilty, or entered a plea of guilty or nolo contendere, in a

1 criminal prosecution under the laws of any state [or], of the
2 United States, or of any country for any offense [reasonably]
3 directly related to the [qualifications, functions, or] duties
4 [of any profession licensed or regulated under this chapter, for
5 any offense an essential element of which is fraud, dishonesty or
6 an act of violence, or for any offense involving moral
7 turpitude,] and responsibilities of the occupation, as set forth
8 in section 324.012, regardless of whether or not sentence is
9 imposed;

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

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

17 (5) Incompetency, misconduct, gross negligence, fraud,
18 misrepresentation, or dishonesty in the performance of the
19 functions or duties of any profession licensed by sections
20 337.300 to 337.345;

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

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

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

1 337.300 to 337.345 granted by another state, territory, federal
2 agency, or country upon grounds for which revocation or
3 suspension is authorized in this state;

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

6 (10) Assisting or enabling any person to practice or offer
7 to practice any profession licensed or regulated by sections
8 337.300 to 337.345 who is not registered and currently eligible
9 to practice as provided in sections 337.300 to 337.345;

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

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

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

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

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

23 3. After the filing of such complaint, the proceedings
24 shall be conducted in accordance with the provisions of chapter
25 621. Upon a finding by the administrative hearing commission
26 that the grounds, provided in subsection 2 of this section, for
27 disciplinary action are met, the committee may, singly or in
28 combination, censure or place the person named in the complaint
29 on probation on such terms and conditions as the department deems

1 appropriate for a period not to exceed five years, or may
2 suspend, for a period not to exceed three years, or revoke the
3 license, certificate, or permit.

4 337.510. 1. Each applicant for licensure as a professional
5 counselor shall furnish evidence to the committee that the
6 applicant is at least eighteen years of age, [is of good moral
7 character,] is a United States citizen or is legally present in
8 the United States; and

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

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

27 (3) After August 28, 2007, each applicant shall have
28 completed a minimum of three hours of graduate level coursework
29 in diagnostic systems either in the curriculum leading to a

1 degree or as post master's graduate level course work;

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

6 2. Any person holding a current license, certificate of
7 registration, or permit from another state or territory of the
8 United States to practice as a professional counselor who does
9 not meet the requirements in section 324.009 and who is at least
10 eighteen years of age, [is of good moral character,] and is a
11 United States citizen or is legally present in the United States
12 may be granted a license without examination to engage in the
13 practice of professional counseling in this state upon the
14 application to the board, payment of the required fee as
15 established by the board, and satisfying one of the following
16 requirements:

17 (1) Approval by the American Association of State
18 Counseling Boards (AASCB) or its successor organization according
19 to the eligibility criteria established by AASCB. The successor
20 organization shall be defined by board rule; or

21 (2) In good standing and currently certified by the
22 National Board for Certified Counselors or its successor
23 organization and has completed acceptable supervised counseling
24 experience as defined by board rule. The successor organization
25 shall be defined by board rule.

26 3. The committee shall issue a license to each person who
27 files an application and fee and who furnishes evidence
28 satisfactory to the committee that the applicant has complied
29 with the provisions of this act and has taken and passed a

1 written, open-book examination on Missouri laws and regulations
2 governing the practice of professional counseling as defined in
3 section 337.500. The division shall issue a provisional
4 professional counselor license to any applicant who meets all
5 requirements of this section, but who has not completed the
6 required acceptable supervised counseling experience and such
7 applicant may reapply for licensure as a professional counselor
8 upon completion of such acceptable supervised counseling
9 experience.

10 4. All persons licensed to practice professional counseling
11 in this state shall pay on or before the license renewal date a
12 renewal license fee and shall furnish to the committee
13 satisfactory evidence of the completion of the requisite number
14 of hours of continuing education as required by rule, including
15 two hours of suicide assessment, referral, treatment, and
16 management training, which shall be no more than forty hours
17 biennially. The continuing education requirements may be waived
18 by the committee upon presentation to the committee of
19 satisfactory evidence of the illness of the licensee or for other
20 good cause.

21 337.525. 1. The committee may refuse to issue or renew any
22 license required by the provisions of sections 337.500 to 337.540
23 for one or any combination of causes stated in subsection 2 of
24 this section. The committee shall notify the applicant in
25 writing of the reasons for the refusal and shall advise the
26 applicant of his or her right to file a complaint with the
27 administrative hearing commission as provided by chapter 621.

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

1 against any holder of any license required by sections 337.500 to
2 337.540 or any person who has failed to renew or has surrendered
3 his license for any one or any combination of the following
4 causes:

5 (1) Use of any controlled substance, as defined in chapter
6 195, or alcoholic beverage to an extent that such use impairs a
7 person's ability to engage in the occupation of professional
8 counselor;

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

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

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

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

1 (6) Violation of, or assisting or enabling any person to
2 violate, any provision of sections 337.500 to 337.540, or of any
3 lawful rule or regulation adopted pursuant to sections 337.500 to
4 337.540;

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

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

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

14 (10) Assisting or enabling any person to practice or offer
15 to practice professional counseling who is not licensed and
16 currently eligible to practice under the provisions of sections
17 337.500 to 337.540;

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

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

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

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

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

29 3. Any person, organization, association or corporation who

1 reports or provides information to the committee pursuant to the
2 provisions of this chapter and who does so in good faith shall
3 not be subject to an action for civil damages as a result
4 thereof.

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

14 337.615. 1. Each applicant for licensure as a clinical
15 social worker shall furnish evidence to the committee that:

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

20 (2) The applicant has completed at least three thousand
21 hours of supervised clinical experience with a qualified clinical
22 supervisor, as defined in section 337.600, in no less than
23 twenty-four months and no more than forty-eight consecutive
24 calendar months. For any applicant who has successfully
25 completed at least four thousand hours of supervised clinical
26 experience with a qualified clinical supervisor, as defined in
27 section 337.600, within the same time frame prescribed in this
28 subsection, the applicant shall be eligible for application of
29 licensure at three thousand hours and shall be furnished a

1 certificate by the state committee for social workers
2 acknowledging the completion of said additional hours;

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

7 (4) The applicant is at least eighteen years of age, [is of
8 good moral character,] is a United States citizen or has status
9 as a legal resident alien, and has not been [convicted of a
10 felony during the ten years immediately prior to application for
11 licensure] finally adjudicated and found guilty, or entered a
12 plea of guilty or nolo contendere, in a criminal prosecution
13 under the laws of any state, of the United States, or of any
14 country, for any offense directly related to the duties and
15 responsibilities of the occupation, as set forth in section
16 324.012, regardless of whether or not sentence has been imposed.

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

29 3. The committee shall issue a license to each person who

1 files an application and fee as required by the provisions of
2 sections 337.600 to 337.689 and who furnishes evidence
3 satisfactory to the committee that the applicant has complied
4 with the provisions of subdivisions (1) to (4) of subsection 1 of
5 this section or with the provisions of subsection 2 of this
6 section.

7 337.630. 1. The committee may refuse to issue or renew any
8 license required by the provisions of sections 337.600 to 337.689
9 for one or any combination of causes stated in subsection 2 of
10 this section. The committee shall notify the applicant in
11 writing of the reasons for the refusal and shall advise the
12 applicant of the applicant's right to file a complaint with the
13 administrative hearing commission as provided by chapter 621.

14 2. The committee may cause a complaint to be filed with the
15 administrative hearing commission as provided by chapter 621
16 against any holder of any license required by sections 337.600 to
17 337.689 or any person who has failed to renew or has surrendered
18 the person's license for any one or any combination of the
19 following causes:

20 (1) Use of any controlled substance, as defined in chapter
21 195, or alcoholic beverage to an extent that such use impairs a
22 person's ability to engage in the occupation of social work
23 licensed under this chapter; except that the fact that a person
24 has undergone treatment for past substance or alcohol abuse
25 and/or has participated in a recovery program, shall not by
26 itself be cause for refusal to issue or renew a license;

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

1 the United States, or of any country, for any offense
2 [reasonably] directly related to the [qualifications, functions
3 or] duties [of a social worker licensed under this chapter; for
4 any offense an essential element of which is fraud, dishonesty or
5 an act of violence; or for any offense involving moral
6 turpitude,] and responsibilities of the occupation, as set forth
7 in section 324.012, regardless of whether or not sentence is
8 imposed;

9 (3) Use of fraud, deception, misrepresentation or bribery
10 in securing any license issued pursuant to the provisions of
11 sections 337.600 to 337.689 or in obtaining permission to take
12 any examination given or required pursuant to the provisions of
13 sections 337.600 to 337.689;

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

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

20 (6) Violation of, or assisting or enabling any person to
21 violate, any provision of sections 337.600 to 337.689, or of any
22 lawful rule or regulation adopted pursuant to sections 337.600 to
23 337.689;

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

27 (8) Revocation or suspension of a license or other right to
28 practice social work licensed pursuant to this chapter granted by
29 another state, territory, federal agency or country upon grounds

1 for which revocation or suspension is authorized in this state;

2 (9) Final adjudication as incapacitated by a court of
3 competent jurisdiction;

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

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

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

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

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

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

19 3. Any person, organization, association or corporation who
20 reports or provides information to the committee pursuant to the
21 provisions of sections 337.600 to 337.689 and who does so in good
22 faith shall not be subject to an action for civil damages as a
23 result thereof.

24 4. After the filing of such complaint, the proceedings
25 shall be conducted in accordance with the provisions of chapter
26 621. Upon a finding by the administrative hearing commission
27 that the grounds, provided in subsection 2 of this section, for
28 disciplinary action are met, the committee may censure or place
29 the person named in the complaint on probation on such terms and

1 conditions as the committee deems appropriate for a period not to
2 exceed five years, or may suspend, for a period not to exceed
3 three years, or revoke the license.

4 337.644. 1. Each applicant for licensure as a master
5 social worker shall furnish evidence to the committee that:

6 (1) The applicant has a master's or doctorate degree in
7 social work from an accredited social work degree program
8 approved by the council of social work education;

9 (2) The applicant has achieved a passing score, as defined
10 by the committee, on an examination approved by the committee.
11 The eligibility requirements for such examination shall be
12 determined by the state committee for social workers;

13 (3) The applicant is at least eighteen years of age, [is of
14 good moral character,] is a United States citizen or has status
15 as a legal resident alien, and has not been [convicted of a
16 felony during the ten years immediately prior to application for
17 licensure] finally adjudicated and found guilty, or entered a
18 plea of guilty or nolo contendere, in a criminal prosecution
19 under the laws of any state, of the United States, or of any
20 country, for any offense directly related to the duties and
21 responsibilities of the occupation, as set forth in section
22 324.012, regardless or whether or not sentence is imposed;

23 (4) The applicant has submitted a written application on
24 forms prescribed by the state board;

25 (5) The applicant has submitted the required licensing fee,
26 as determined by the committee.

27 2. Any applicant who answers in the affirmative to any
28 question on the application that relates to possible grounds for
29 denial of licensure under section 337.630 shall submit a sworn

1 affidavit setting forth in detail the facts which explain such
2 answer and copies of appropriate documents related to such
3 answer.

4 3. The committee shall issue a license to each person who
5 files an application and fee as required by the provisions of
6 sections 337.600 to 337.689 and who furnishes evidence
7 satisfactory to the committee that the applicant has complied
8 with the provisions of subsection 1 of this section. The license
9 shall refer to the individual as a licensed master social worker
10 and shall recognize that individual's right to practice licensed
11 master social work as defined in section 337.600.

12 337.645. 1. Each applicant for licensure as an advanced
13 macro social worker shall furnish evidence to the committee that:

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

18 (2) The applicant has completed at least three thousand
19 hours of supervised advanced macro experience with a qualified
20 advanced macro supervisor as defined in section 337.600 in no
21 less than twenty-four months and no more than forty-eight
22 consecutive calendar months. For any applicant who has
23 successfully completed at least four thousand hours of supervised
24 advanced macro experience with a qualified advanced macro
25 supervisor, as defined in section 337.600, within the same time
26 frame prescribed in this subsection, the applicant shall be
27 eligible for application of licensure at three thousand hours and
28 shall be furnished a certificate by the state committee for
29 social workers acknowledging the completion of said additional

1 hours;

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

6 (4) The applicant is at least eighteen years of age, [is of
7 good moral character,] is a United States citizen or has status
8 as a legal resident alien, and has not been [convicted of a
9 felony during the ten years immediately prior to application for
10 licensure] finally adjudicated and found guilty, or entered a
11 plea of guilty or nolo contendere, in a criminal prosecution
12 under the laws of any state, of the United States, or of any
13 country, for any offense directly related to the duties and
14 responsibilities of the occupation, as set forth in section
15 324.012, regardless of whether or not sentence is imposed.

16 2. Any person holding a current license, certificate of
17 registration, or permit from another state or territory of the
18 United States or the District of Columbia to practice advanced
19 macro social work who has had no disciplinary action taken
20 against the license, certificate of registration, or permit for
21 the preceding five years may be granted a license to practice
22 advanced macro social work in this state if the person meets one
23 of the following criteria:

24 (1) Has received a master's or doctoral degree from a
25 college or university program of social work accredited by the
26 council of social work education and has been licensed to
27 practice advanced macro social work for the preceding five years;
28 or

29 (2) Is currently licensed or certified as an advanced macro

1 social worker in another state, territory of the United States,
2 or the District of Columbia having substantially the same
3 requirements as this state for advanced macro social workers.

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

11 337.665. 1. Each applicant for licensure as a
12 baccalaureate social worker shall furnish evidence to the
13 committee that:

14 (1) The applicant has a baccalaureate degree in social work
15 from an accredited social work degree program approved by the
16 council of social work education;

17 (2) The applicant has achieved a passing score, as defined
18 by the committee, on an examination approved by the committee.
19 The eligibility requirements for such examination shall be
20 determined by the state committee for social work;

21 (3) The applicant is at least eighteen years of age, [is of
22 good moral character,] is a United States citizen or has status
23 as a legal resident alien, and has not been [convicted of a
24 felony during the ten years immediately prior to application for
25 licensure] finally adjudicated and found guilty, or entered a
26 plea of guilty or nolo contendere, in a criminal prosecution
27 under the laws of any state, of the United States, or of any
28 country, for any offense directly related to the duties and
29 responsibilities of the occupation, as set forth in section

1 324.012, regardless of whether or not sentence is imposed;

2 (4) The applicant has submitted a written application on
3 forms prescribed by the state board;

4 (5) The applicant has submitted the required licensing fee,
5 as determined by the committee.

6 2. Any applicant who answers in the affirmative to any
7 question on the application that relates to possible grounds for
8 denial of licensure pursuant to section 337.630 shall submit a
9 sworn affidavit setting forth in detail the facts which explain
10 such answer and copies of appropriate documents related to such
11 answer.

12 3. The committee shall issue a license to each person who
13 files an application and fee as required by the provisions of
14 sections 337.600 to 337.689 and who furnishes evidence
15 satisfactory to the committee that the applicant has complied
16 with the provisions of subsection 1 of this section.

17 4. The committee shall issue a certificate to practice
18 independently under subsection 3 of section 337.653 to any
19 licensed baccalaureate social worker who has satisfactorily
20 completed three thousand hours of supervised experience with a
21 qualified baccalaureate supervisor in no less than twenty-four
22 months and no more than forty-eight consecutive calendar months.

23 337.715. 1. Each applicant for licensure or provisional
24 licensure as a marital and family therapist shall furnish
25 evidence to the committee that:

26 (1) The applicant has a master's degree or a doctoral
27 degree in marital and family therapy from a program accredited by
28 the Commission on Accreditation for Marriage and Family Therapy
29 Education, or its equivalent as defined by committee regulation,

1 from an educational institution accredited by a regional
2 accrediting body that is recognized by the United States
3 Department of Education;

4 (2) The applicant for licensure as a marital and family
5 therapist has twenty-four months of postgraduate supervised
6 clinical experience acceptable to the committee, as the state
7 committee determines by rule;

8 (3) After August 28, 2008, the applicant shall have
9 completed a minimum of three semester hours of graduate-level
10 course work in diagnostic systems either within the curriculum
11 leading to a degree as defined in subdivision (1) of this
12 subsection or as post-master's graduate-level course work. Each
13 applicant shall demonstrate supervision of diagnosis as a core
14 component of the postgraduate supervised clinical experience as
15 defined in subdivision (2) of this subsection;

16 (4) Upon examination, the applicant is possessed of
17 requisite knowledge of the profession, including techniques and
18 applications research and its interpretation and professional
19 affairs and ethics;

20 (5) The applicant is at least eighteen years of age, [is of
21 good moral character,] is a United States citizen or has status
22 as a legal resident alien, and has not been [convicted of a
23 felony during the ten years immediately prior to application for
24 licensure] finally adjudicated and found guilty, or entered a
25 plea of guilty or nolo contendere, in a criminal prosecution
26 under the laws of any state, of the United States, or of any
27 country, for any offense directly related to the duties and
28 responsibilities of the occupation, as set forth in section
29 324.012, regardless of whether or not sentence is imposed.

1 2. Any person otherwise qualified for licensure holding a
2 current license, certificate of registration, or permit from
3 another state or territory of the United States or the District
4 of Columbia to practice marriage and family therapy may be
5 granted a license without examination to engage in the practice
6 of marital and family therapy in this state upon application to
7 the state committee, payment of the required fee as established
8 by the state committee, and satisfaction of the following:

9 (1) Determination by the state committee that the
10 requirements of the other state or territory are substantially
11 the same as Missouri;

12 (2) Verification by the applicant's licensing entity that
13 the applicant has a current license; and

14 (3) Consent by the applicant to examination of any
15 disciplinary history in any state.

16 3. The state committee shall issue a license to each person
17 who files an application and fee as required by the provisions of
18 sections 337.700 to 337.739.

19 337.730. 1. The committee may refuse to issue or renew any
20 license required by the provisions of sections 337.700 to 337.739
21 for one or any combination of causes stated in subsection 2 of
22 this section. The committee shall notify the applicant in
23 writing of the reasons for the refusal and shall advise the
24 applicant of the applicant's right to file a complaint with the
25 administrative hearing commission as provided by chapter 621.

26 2. The committee may cause a complaint to be filed with the
27 administrative hearing commission as provided by chapter 621
28 against any holder of any license required by sections 337.700 to
29 337.739 or any person who has failed to renew or has surrendered

1 the person's license for any one or any combination of the
2 following causes:

3 (1) Use of any controlled substance, as defined in chapter
4 195, or alcoholic beverage to an extent that such use impairs a
5 person's ability to engage in the occupation of marital and
6 family therapist; except the fact that a person has undergone
7 treatment for past substance or alcohol abuse or has participated
8 in a recovery program, shall not by itself be cause for refusal
9 to issue or renew a license;

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

20 (3) Use of fraud, deception, misrepresentation or bribery
21 in securing any license issued pursuant to the provisions of
22 sections 337.700 to 337.739 or in obtaining permission to take
23 any examination given or required pursuant to the provisions of
24 sections 337.700 to 337.739;

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

28 (5) Incompetency, misconduct, fraud, misrepresentation or
29 dishonesty in the performance of the functions or duties of a

1 marital and family therapist;

2 (6) Violation of, or assisting or enabling any person to
3 violate, any provision of sections 337.700 to 337.739 or of any
4 lawful rule or regulation adopted pursuant to sections 337.700 to
5 337.739;

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

9 (8) Revocation or suspension of a license or other right to
10 practice marital and family therapy granted by another state,
11 territory, federal agency or country upon grounds for which
12 revocation or suspension is authorized in this state;

13 (9) Final adjudication as incapacitated by a court of
14 competent jurisdiction;

15 (10) Assisting or enabling any person to practice or offer
16 to practice marital and family therapy who is not licensed and is
17 not currently eligible to practice under the provisions of
18 sections 337.700 to 337.739;

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

21 (12) Failure to display a valid license if so required by
22 sections 337.700 to 337.739 or any rule promulgated hereunder;

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

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

27 (15) Being guilty of unethical conduct as defined in the
28 ethical standards for marital and family therapists adopted by
29 the committee by rule and filed with the secretary of state.

1 3. Any person, organization, association or corporation who
2 reports or provides information to the committee under sections
3 337.700 to 337.739 and who does so in good faith shall not be
4 subject to an action for civil damages as a result thereof.

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

14 339.040. 1. Licenses shall be granted only to persons who
15 present, and corporations, associations, partnerships, limited
16 partnerships, limited liability companies, and professional
17 corporations whose officers, managers, associates, general
18 partners, or members who actively participate in such entity's
19 brokerage, broker-salesperson, or salesperson business present,
20 satisfactory proof to the commission that they[:

- 21 (1) Are persons of good moral character; and
- 22 (2) Bear a good reputation for honesty, integrity, and fair
23 dealing; and
- 24 (3)] are competent to transact the business of a broker or
25 salesperson in such a manner as to safeguard the interest of the
26 public.

27 2. In order to determine an applicant's qualifications to
28 receive a license under sections 339.010 to 339.180 and sections
29 339.710 to 339.860, the commission shall hold oral or written

1 examinations at such times and places as the commission may
2 determine.

3 3. Each applicant for a broker or salesperson license shall
4 be at least eighteen years of age and shall pay the broker
5 examination fee or the salesperson examination fee.

6 4. Each applicant for a broker license shall be required to
7 have satisfactorily completed the salesperson license examination
8 prescribed by the commission. For the purposes of this section
9 only, the commission may permit a person who is not associated
10 with a licensed broker to take the salesperson examination.

11 5. Each application for a broker license shall include a
12 certificate from the applicant's broker or brokers that the
13 applicant has been actively engaged in the real estate business
14 as a licensed salesperson for at least two years immediately
15 preceding the date of application, and shall include a
16 certificate from a school accredited by the commission under the
17 provisions of section 339.045 that the applicant has, within six
18 months prior to the date of application, successfully completed
19 the prescribed broker curriculum or broker correspondence course
20 offered by such school, except that the commission may waive all
21 or part of the requirements set forth in this subsection when an
22 applicant presents proof of other educational background or
23 experience acceptable to the commission. Each application for a
24 broker-salesperson license shall include evidence of the current
25 broker license held by the applicant.

26 6. Each application for a salesperson license shall include
27 a certificate from a school accredited by the commission under
28 the provisions of section 339.045 that the applicant has, within
29 six months prior to the date of application, successfully

1 completed the prescribed salesperson curriculum or salesperson
2 correspondence course offered by such school, except that the
3 commission may waive all or part of the educational requirements
4 set forth in this subsection when an applicant presents proof of
5 other educational background or experience acceptable to the
6 commission.

7 7. The commission may issue a temporary work permit pending
8 final review and printing of the license to an applicant who
9 appears to have satisfied the requirements for licenses. The
10 commission may, at its discretion, withdraw the work permit at
11 any time.

12 8. Every active broker, broker-salesperson, salesperson,
13 officer, manager, general partner, member or associate shall
14 provide upon request to the commission evidence that during the
15 two years preceding he or she has completed twelve hours of real
16 estate instruction in courses approved by the commission. The
17 commission may, by rule and regulation, provide for individual
18 waiver of this requirement.

19 9. Each entity that provides continuing education required
20 under the provisions of subsection 8 of this section may make
21 available instruction courses that the entity conducts through
22 means of distance delivery. The commission shall by rule set
23 standards for such courses. The commission may by regulation
24 require the individual completing such distance-delivered course
25 to complete an examination on the contents of the course. Such
26 examination shall be designed to ensure that the licensee
27 displays adequate knowledge of the subject matter of the course,
28 and shall be designed by the entity producing the course and
29 approved by the commission.

1 10. In the event of the death or incapacity of a licensed
2 broker, or of one or more of the licensed general partners,
3 officers, managers, members or associates of a real estate
4 partnership, limited partnership, limited liability company,
5 professional corporation, corporation, or association whereby the
6 affairs of the broker, partnership, limited partnership, limited
7 liability company, professional corporation, corporation, or
8 association cannot be carried on, the commission may issue,
9 without examination or fee, to the legal representative or
10 representatives of the deceased or incapacitated individual, or
11 to another individual approved by the commission, a temporary
12 broker license which shall authorize such individual to continue
13 for a period to be designated by the commission to transact
14 business for the sole purpose of winding up the affairs of the
15 broker, partnership, limited partnership, limited liability
16 company, professional corporation, corporation, or association
17 under the supervision of the commission.

18 339.100. 1. The commission may, upon its own motion, and
19 shall upon receipt of a written complaint filed by any person,
20 investigate any real estate-related activity of a licensee
21 licensed under sections 339.010 to 339.180 and sections 339.710
22 to 339.860 or an individual or entity acting as or representing
23 themselves as a real estate licensee. In conducting such
24 investigation, if the questioned activity or written complaint
25 involves an affiliated licensee, the commission may forward a
26 copy of the information received to the affiliated licensee's
27 designated broker. The commission shall have the power to hold
28 an investigatory hearing to determine whether there is a
29 probability of a violation of sections 339.010 to 339.180 and

1 sections 339.710 to 339.860. The commission shall have the power
2 to issue a subpoena to compel the production of records and
3 papers bearing on the complaint. The commission shall have the
4 power to issue a subpoena and to compel any person in this state
5 to come before the commission to offer testimony or any material
6 specified in the subpoena. Subpoenas and subpoenas duces tecum
7 issued pursuant to this section shall be served in the same
8 manner as subpoenas in a criminal case. The fees and mileage of
9 witnesses shall be the same as that allowed in the circuit court
10 in civil cases.

11 2. The commission may cause a complaint to be filed with
12 the administrative hearing commission as provided by the
13 provisions of chapter 621 against any person or entity licensed
14 under this chapter or any licensee who has failed to renew or has
15 surrendered his or her individual or entity license for any one
16 or any combination of the following acts:

17 (1) Failure to maintain and deposit in a special account,
18 separate and apart from his or her personal or other business
19 accounts, all moneys belonging to others entrusted to him or her
20 while acting as a real estate broker or as the temporary
21 custodian of the funds of others, until the transaction involved
22 is consummated or terminated, unless all parties having an
23 interest in the funds have agreed otherwise in writing;

24 (2) Making substantial misrepresentations or false promises
25 or suppression, concealment or omission of material facts in the
26 conduct of his or her business or pursuing a flagrant and
27 continued course of misrepresentation through agents,
28 salespersons, advertising or otherwise in any transaction;

29 (3) Failing within a reasonable time to account for or to

1 remit any moneys, valuable documents or other property, coming
2 into his or her possession, which belongs to others;

3 (4) Representing to any lender, guaranteeing agency, or any
4 other interested party, either verbally or through the
5 preparation of false documents, an amount in excess of the true
6 and actual sale price of the real estate or terms differing from
7 those actually agreed upon;

8 (5) Failure to timely deliver a duplicate original of any
9 and all instruments to any party or parties executing the same
10 where the instruments have been prepared by the licensee or under
11 his or her supervision or are within his or her control,
12 including, but not limited to, the instruments relating to the
13 employment of the licensee or to any matter pertaining to the
14 consummation of a lease, listing agreement or the purchase, sale,
15 exchange or lease of property, or any type of real estate
16 transaction in which he or she may participate as a licensee;

17 (6) Acting for more than one party in a transaction without
18 the knowledge of all parties for whom he or she acts, or
19 accepting a commission or valuable consideration for services
20 from more than one party in a real estate transaction without the
21 knowledge of all parties to the transaction;

22 (7) Paying a commission or valuable consideration to any
23 person for acts or services performed in violation of sections
24 339.010 to 339.180 and sections 339.710 to 339.860;

25 (8) Guaranteeing or having authorized or permitted any
26 licensee to guarantee future profits which may result from the
27 resale of real property;

28 (9) Having been finally adjudicated and been found guilty
29 of the violation of any state or federal statute which governs

1 the sale or rental of real property or the conduct of the real
2 estate business as defined in subsection 1 of section 339.010;

3 (10) Obtaining a certificate or registration of authority,
4 permit or license for himself or herself or anyone else by false
5 or fraudulent representation, fraud or deceit;

6 (11) Representing a real estate broker other than the
7 broker with whom associated without the express written consent
8 of the broker with whom associated;

9 (12) Accepting a commission or valuable consideration for
10 the performance of any of the acts referred to in section 339.010
11 from any person except the broker with whom associated at the
12 time the commission or valuable consideration was earned;

13 (13) Using prizes, money, gifts or other valuable
14 consideration as inducement to secure customers or clients to
15 purchase, lease, sell or list property when the awarding of such
16 prizes, money, gifts or other valuable consideration is
17 conditioned upon the purchase, lease, sale or listing; or
18 soliciting, selling or offering for sale real property by
19 offering free lots, or conducting lotteries or contests, or
20 offering prizes for the purpose of influencing a purchaser or
21 prospective purchaser of real property;

22 (14) Placing a sign on or advertising any property offering
23 it for sale or rent without the written consent of the owner or
24 his or her duly authorized agent;

25 (15) Violation of, or attempting to violate, directly or
26 indirectly, or assisting or enabling any person to violate, any
27 provision of sections 339.010 to 339.180 and sections 339.710 to
28 339.860, or of any lawful rule adopted pursuant to sections
29 339.010 to 339.180 and sections 339.710 to 339.860;

1 (16) Committing any act which would otherwise be grounds
2 for the commission to refuse to issue a license under section
3 339.040;

4 (17) Failure to timely inform seller of all written offers
5 unless otherwise instructed in writing by the seller;

6 (18) Been finally adjudicated and found guilty, or entered
7 a plea of guilty or nolo contendere, in a criminal prosecution
8 under the laws of this state or any other state or of the United
9 States, for any offense reasonably related to the qualifications,
10 functions or duties of any profession licensed or regulated under
11 this chapter, or for any offense an essential element of which is
12 fraud, dishonesty or an act of violence, [or for any offense
13 involving moral turpitude,] whether or not sentence is imposed;

14 (19) Any other conduct which constitutes untrustworthy,
15 improper or fraudulent business dealings, demonstrates bad faith
16 or incompetence, misconduct, or gross negligence;

17 (20) Disciplinary action against the holder of a license or
18 other right to practice any profession regulated under sections
19 339.010 to 339.180 and sections 339.710 to 339.860 granted by
20 another state, territory, federal agency, or country upon grounds
21 for which revocation, suspension, or probation is authorized in
22 this state;

23 (21) Been found by a court of competent jurisdiction of
24 having used any controlled substance, as defined in chapter 195,
25 to the extent that such use impairs a person's ability to perform
26 the work of any profession licensed or regulated by sections
27 339.010 to 339.180 and sections 339.710 to 339.860;

28 (22) Been finally adjudged insane or incompetent by a court
29 of competent jurisdiction;

1 (23) Assisting or enabling any person to practice or offer
2 to practice any profession licensed or regulated under sections
3 339.010 to 339.180 and sections 339.710 to 339.860 who is not
4 registered and currently eligible to practice under sections
5 339.010 to 339.180 and sections 339.710 to 339.860;

6 (24) Use of any advertisement or solicitation which is
7 knowingly false, misleading or deceptive to the general public or
8 persons to whom the advertisement or solicitation is primarily
9 directed;

10 (25) Making any material misstatement, misrepresentation,
11 or omission with regard to any application for licensure or
12 license renewal. As used in this section, "material" means
13 important information about which the commission should be
14 informed and which may influence a licensing decision;

15 (26) Engaging in, committing, or assisting any person in
16 engaging in or committing mortgage fraud, as defined in section
17 443.930.

18 3. After the filing of such complaint, the proceedings will
19 be conducted in accordance with the provisions of law relating to
20 the administrative hearing commission. A finding of the
21 administrative hearing commissioner that the licensee has
22 performed or attempted to perform one or more of the foregoing
23 acts shall be grounds for the suspension or revocation of his
24 license by the commission, or the placing of the licensee on
25 probation on such terms and conditions as the real estate
26 commission shall deem appropriate, or the imposition of a civil
27 penalty by the commission not to exceed two thousand five hundred
28 dollars for each offense. Each day of a continued violation
29 shall constitute a separate offense.

1 4. The commission may prepare a digest of the decisions of
2 the administrative hearing commission which concern complaints
3 against licensed brokers or salespersons and cause such digests
4 to be mailed to all licensees periodically. Such digests may
5 also contain reports as to new or changed rules adopted by the
6 commission and other information of significance to licensees.

7 5. Notwithstanding other provisions of this section, a
8 broker or salesperson's license shall be revoked, or in the case
9 of an applicant, shall not be issued, if the licensee or
10 applicant has pleaded guilty to, entered a plea of nolo
11 contendere to, or been found guilty of any of the following
12 offenses or offenses of a similar nature established under the
13 laws of this, any other state, the United States, or any other
14 country, notwithstanding whether sentence is imposed:

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

17 (2) Any of the following sexual offenses: rape in the
18 first degree, forcible rape, rape, statutory rape in the first
19 degree, statutory rape in the second degree, rape in the second
20 degree, sexual assault, sodomy in the first degree, forcible
21 sodomy, statutory sodomy in the first degree, statutory sodomy in
22 the second degree, child molestation in the first degree, child
23 molestation in the second degree, sodomy in the second degree,
24 deviate sexual assault, sexual misconduct involving a child,
25 sexual misconduct in the first degree under section 566.090 as it
26 existed prior to August 28, 2013, sexual abuse under section
27 566.100 as it existed prior to August 28, 2013, sexual abuse in
28 the first or second degree, enticement of a child, or attempting
29 to entice a child;

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

7 (4) Any of the following offenses involving child
8 pornography and related offenses: promoting obscenity in the
9 first degree, promoting obscenity in the second degree when the
10 penalty is enhanced to a class E felony, promoting child
11 pornography in the first degree, promoting child pornography in
12 the second degree, possession of child pornography in the first
13 degree, possession of child pornography in the second degree,
14 furnishing child pornography to a minor, furnishing pornographic
15 materials to minors, or coercing acceptance of obscene material;
16 and

17 (5) Mortgage fraud as defined in section 570.310.

18 6. A person whose license was revoked under subsection 5 of
19 this section may appeal such revocation to the administrative
20 hearing commission. Notice of such appeal must be received by
21 the administrative hearing commission within ninety days of
22 mailing, by certified mail, the notice of revocation. Failure of
23 a person whose license was revoked to notify the administrative
24 hearing commission of his or her intent to appeal waives all
25 rights to appeal the revocation. Upon notice of such person's
26 intent to appeal, a hearing shall be held before the
27 administrative hearing commission.

28 339.511. 1. There shall be six classes of licensure for
29 individuals including:

- 1 (1) State-licensed appraiser trainee;
- 2 (2) State-licensed real estate appraiser;
- 3 (3) State-certified residential appraiser trainee;
- 4 (4) State-certified residential real estate appraiser;
- 5 (5) State-certified general appraiser trainee; and
- 6 (6) State-certified general real estate appraiser.

7 2. There shall be one class of license for appraisal
8 management companies.

9 3. Persons desiring to obtain licensure as a state-licensed
10 appraiser trainee, state-licensed real estate appraiser,
11 state-certified residential appraiser trainee, certification as a
12 state-certified residential real estate appraiser,
13 state-certified general appraiser trainee, or state-certified
14 general real estate appraiser shall make written application to
15 the commission on such forms as are prescribed by the commission
16 setting forth the applicant's qualifications for licensure or
17 certification [and present to the commission satisfactory proof
18 that the person is of good moral character and bears a good
19 reputation for honesty, integrity and fair dealing].

20 4. Each applicant for licensure as a state-licensed
21 appraiser trainee, state-licensed real estate appraiser, a
22 state-certified residential appraiser trainee, a state-certified
23 residential real estate appraiser, a state-certified general
24 appraiser trainee, or a state-certified general real estate
25 appraiser shall have demonstrated the knowledge and competence
26 necessary to perform appraisals of residential and other real
27 estate as the commission may prescribe by rule not inconsistent
28 with any requirements imposed by the appraiser qualifications
29 board. The commission shall prescribe by rule procedures for

1 obtaining and maintaining approved courses of instruction. The
2 commission shall, also, prescribe the hours of training in real
3 estate appraisal practices and the minimum level of experience
4 acceptable for licensure or certification.

5 5. Persons who receive certification after March 30, 1991,
6 or who have a state license or certificate to engage in business
7 as a real estate appraiser issued by the commission, shall
8 receive the same license or certificate from the commission as
9 such persons are currently holding without further education,
10 experience, examination or application fee, but shall be required
11 to meet all continuing education requirements prescribed by the
12 commission.

13 6. Appraisal management companies desiring to obtain
14 licensure shall:

15 (1) Make application to the commission on such forms as are
16 prescribed by the commission setting forth the applicant's
17 qualifications for licensure;

18 (2) Remit the fee or fees as established by rule; and

19 (3) Post with the commission and maintain on renewal a
20 surety bond in the amount of twenty thousand dollars as further
21 promulgated by rule[; and

22 (4) Submit to the commission satisfactory proof that any
23 controlling person, defined in section 339.503, is of good moral
24 character and bears a good reputation for honesty, integrity, and
25 fair dealing].

26 339.532. 1. The commission may refuse to issue or renew
27 any certificate or license issued pursuant to sections 339.500 to
28 339.549 for one or any combination of causes stated in subsection
29 2 of this section. The commission shall notify the applicant in

1 writing of the reasons for the refusal and shall advise the
2 applicant of the right to file a complaint with the
3 administrative hearing commission as provided by chapter 621.

4 2. The commission may cause a complaint to be filed with
5 the administrative hearing commission as provided by chapter 621
6 against any state-certified real estate appraiser, state-licensed
7 real estate appraiser, state-licensed appraiser trainee,
8 state-certified residential appraiser trainee, state-certified
9 general appraiser trainee, state-licensed appraisal management
10 company that is a legal entity other than a natural person, any
11 person who is a controlling person as defined in this chapter, or
12 any person who has failed to renew or has surrendered his or her
13 certificate or license for any one or any combination of the
14 following causes:

15 (1) Procuring or attempting to procure a certificate or
16 license pursuant to section 339.513 by knowingly making a false
17 statement, submitting false information, refusing to provide
18 complete information in response to a question in an application
19 for certification or licensure, or through any form of fraud or
20 misrepresentation;

21 (2) Failing to meet the minimum qualifications for
22 certification or licensure or renewal established by sections
23 339.500 to 339.549;

24 (3) Paying money or other valuable consideration, other
25 than as provided for by section 339.513, to any member or
26 employee of the commission to procure a certificate or license
27 pursuant to sections 339.500 to 339.549;

28 (4) The person has been finally adjudicated and found
29 guilty, or entered a plea of guilty or nolo contendere, in a

1 criminal prosecution under the laws of any state [or], of the
2 United States, or of any country, for any offense [reasonably]
3 directly related to the [qualifications, functions or] duties [of
4 any profession licensed or regulated pursuant to sections 339.500
5 to 339.549 for any offense of which an essential element is
6 fraud, dishonesty or an act of violence, or for any offense
7 involving moral turpitude,] and responsibilities of the
8 occupation, as set forth in section 324.012, regardless of
9 whether or not sentence is imposed;

10 (5) Incompetency, misconduct, gross negligence, dishonesty,
11 fraud, or misrepresentation in the performance of the functions
12 or duties of any profession licensed or regulated by sections
13 339.500 to 339.549;

14 (6) Violation of any of the standards for the development
15 or communication of real estate appraisals as provided in or
16 pursuant to sections 339.500 to 339.549;

17 (7) Failure to comply with the Uniform Standards of
18 Professional Appraisal Practice promulgated by the appraisal
19 standards board of the appraisal foundation;

20 (8) Failure or refusal without good cause to exercise
21 reasonable diligence in developing an appraisal, preparing an
22 appraisal report, or communicating an appraisal;

23 (9) Negligence or incompetence in developing an appraisal,
24 in preparing an appraisal report, or in communicating an
25 appraisal;

26 (10) Violating, assisting or enabling any person to
27 willfully disregard any of the provisions of sections 339.500 to
28 339.549 or the regulations of the commission for the
29 administration and enforcement of the provisions of sections

1 339.500 to 339.549;

2 (11) Accepting an appraisal assignment when the employment
3 itself is contingent upon the appraiser's reporting a
4 predetermined analysis or opinion or where the fee to be paid for
5 the performance of the appraisal assignment is contingent upon
6 the opinion, conclusion, or valuation reached or upon the
7 consequences resulting from the appraisal assignment;

8 (12) Violating the confidential nature of governmental
9 records to which the person gained access through employment or
10 engagement to perform an appraisal assignment or specialized
11 appraisal services for a governmental agency;

12 (13) Violating any term or condition of a certificate or
13 license issued by the commission pursuant to the authority of
14 sections 339.500 to 339.549;

15 (14) Violation of any professional trust or confidence;

16 (15) Obtaining or attempting to obtain any fee, charge,
17 tuition or other compensation by fraud, deception or
18 misrepresentation;

19 (16) Assisting or enabling any person to practice or offer
20 to practice any profession licensed or regulated by sections
21 339.500 to 339.549 who is not licensed or certified and currently
22 eligible to practice pursuant to sections 339.500 to 339.549;

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

26 (18) Disciplinary action against the holder of a license,
27 certificate or other right to practice any profession regulated
28 pursuant to sections 339.500 to 339.549, imposed by another
29 state, territory, federal agency or country upon grounds for

1 which revocation or suspension is authorized in this state;

2 (19) Making any material misstatement, misrepresentation,
3 or omission with regard to any application for licensure or
4 certification, or for license or certification renewal. As used
5 in this section, "material" means important information about
6 which the commission should be informed and which may influence a
7 licensing decision;

8 (20) Engaging in or committing, or assisting any person in
9 engaging in or committing, any practice or act of mortgage fraud,
10 as defined in section 443.930;

11 (21) Influencing or attempting to influence the
12 development, reporting, or review of an appraisal through
13 coercion, extortion, collusion, compensation, instruction,
14 inducement, intimidation, or bribery.

15 3. After the filing of such complaint, the proceedings
16 shall be conducted in accordance with the provisions of chapter
17 621. Upon a finding by the administrative hearing commission
18 that the grounds, provided in subsection 2 of this section, for
19 disciplinary action are met, the commission may, singly or in
20 combination, publicly censure or place the person named in the
21 complaint on probation on such terms and conditions as the
22 commission deems appropriate for a period not to exceed five
23 years, or may suspend, for a period not to exceed three years, or
24 revoke, the certificate or license. The holder of a certificate
25 or license, or the legal entity and any controlling person in the
26 case of an appraisal management company, revoked pursuant to this
27 section may not obtain certification as a state-certified real
28 estate appraiser, licensure as a state-licensed real estate
29 appraiser, or licensure as an appraisal management company for at

1 least five years after the date of revocation.

2 4. Notwithstanding other provisions of this section, a real
3 estate appraiser license or certification or an appraisal
4 management company license shall be revoked, or in the case of an
5 applicant, shall not be issued, if the licensee or applicant, or
6 any controlling person in the case of an appraisal management
7 company, has [pleaded guilty to,] been finally adjudicated and
8 found guilty, or has entered a plea of nolo contendere [to, or
9 been found guilty of mortgage fraud as defined in section
10 570.310], in a criminal prosecution under the laws of any state,
11 of the United States, or of any country, for any offense directly
12 related to the duties and responsibilities of the occupation, as
13 set forth in section 324.012, regardless of whether or not
14 sentence is imposed. The commission shall notify the individual
15 or legal entity of the reasons for the revocation in writing, by
16 certified mail.

17 5. A person, or the legal entity or controlling person in
18 the case of an appraisal management company, whose license is
19 revoked under subsection 4 of this section may appeal such
20 revocation to the administrative hearing commission, as provided
21 by chapter 621, within ninety days from the time the commission
22 mails the notice of revocation. A person who fails to do so
23 waives all rights to appeal the revocation.

24 6. A certification of a state-certified real estate
25 appraiser, a license of a state-licensed real estate appraiser,
26 or a license of an appraisal management company that has been
27 suspended as a result of disciplinary action by the commission
28 shall not be reinstated, and a person, controlling person, or
29 legal entity may not obtain certification as a state-certified

1 real estate appraiser, licensure as a state-licensed real estate
2 appraiser, or licensure as an appraisal management company
3 subsequent to revocation, unless the applicant presents evidence
4 of completion of the continuing education required by section
5 339.530 during the period of suspension or revocation as well as
6 fulfillment of any other conditions imposed by the commission.
7 Applicants for recertification, relicensure or reinstatement also
8 shall be required to successfully complete the examination for
9 original certification or licensure required by section 339.515
10 as a condition to reinstatement of certification or licensure, or
11 recertification or relicensure subsequent to revocation.

12 340.228. 1. Any person desiring a license to practice
13 veterinary medicine in the state of Missouri shall make a written
14 application to the board on forms to be provided by the board.
15 The board shall provide such forms without charge upon the
16 applicant's request.

17 2. Each application shall contain a statement that is made
18 under oath or affirmation that representations made therein are
19 true, correct and contain no material omissions of fact to the
20 best knowledge and belief of the person making the application
21 and whose signature shall be subscribed thereto. Any person who
22 knowingly submits false information, information intended to
23 mislead the board, or omits a material fact on the application
24 shall be subject to penalties provided for by the laws of this
25 state for giving a false statement under oath or affirmation, in
26 addition to any actions which the board may take pursuant to the
27 provisions of sections 340.200 to 340.330.

28 3. To qualify for licensure under sections 340.200 to
29 340.330, the application must show that the applicant:

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

2 (2)] Is a graduate of an accredited school of veterinary
3 medicine;

4 [(3)] (2) Has completed a veterinary candidacy program
5 after graduation under the supervision of a veterinarian licensed
6 and in good standing in any state, territory or district of the
7 United States. The supervising veterinarian shall submit an
8 affidavit to the board stating that the applicant has
9 satisfactorily completed the veterinary candidacy program. If
10 the applicant submits satisfactory proof that he or she has
11 completed a student preceptor program recognized and approved by
12 the board before graduation, the board may waive the veterinary
13 candidacy requirement; and

14 [(4)] (3) Has passed an examination or examinations as
15 prescribed by board rule. The examination or examinations shall
16 be designed to test the examinee's knowledge of, and proficiency
17 in, subjects and techniques commonly taught in schools of
18 veterinary medicine, the requirements of sections 340.200 to
19 340.330, other related statutes and administrative rules and
20 other material as determined by the board. An examinee must
21 demonstrate scientific, practical and legal knowledge sufficient
22 to establish for the board that the examinee is competent to
23 practice veterinary medicine. The examination or examinations
24 will only be given in the English language. Applications for
25 examination shall be in writing, on a form furnished by the board
26 and shall include evidence satisfactory to the board that the
27 applicant possesses the qualifications set forth in this section.

28 4. The board may require such other information and proof
29 of a person's fitness as it deems necessary.

1 340.264. 1. The board may refuse to issue or renew any
2 certificate of registration or authority, permit or license
3 required pursuant to sections 340.200 to 340.330 for one or any
4 combination of causes stated in subsection 2 of this section.
5 The board shall notify the applicant in writing of the reasons
6 for the refusal and shall advise the applicant of his or her
7 right to file a complaint with the administrative hearing
8 commission as provided by chapter 621.

9 2. The board may file a complaint with the administrative
10 hearing commission as provided by chapter 621 against any holder
11 of any certificate of registration or authority, permit or
12 license required by sections 340.200 to 340.330 or any person who
13 has failed to renew or has surrendered his or her certificate of
14 registration or authority, permit or license for any one or
15 combination of the following causes:

16 (1) Use of any controlled substance, as defined in chapter
17 195, or alcoholic beverage to an extent that such use impairs a
18 person's ability to perform the work of any profession licensed
19 or regulated by sections 340.200 to 340.330;

20 (2) The person has been finally adjudicated and found
21 guilty, or entered a plea of guilty or nolo contendere, in a
22 criminal prosecution under the laws of any state, [territory,
23 district of the United States, or] of the United States, or of
24 any country, for any offense [reasonably] directly related to the
25 [qualifications, functions or] duties [of any profession licensed
26 or regulated under sections 340.200 to 340.330 or for any offense
27 for which an essential element is fraud, dishonesty or an act of
28 violence, or for any offense involving moral turpitude,] and
29 responsibilities of the occupation, as set forth in section

1 324.012, regardless of whether or not sentence is imposed;

2 (3) Use of fraud, deception, misrepresentation or bribery
3 in securing any certificate of registration or authority, permit
4 or license issued pursuant to sections 340.200 to 340.330 or in
5 obtaining permission to take any examination given or required
6 pursuant to sections 340.200 to 340.330;

7 (4) Misconduct, fraud, misrepresentation, dishonesty,
8 unethical conduct or unprofessional conduct in the performance of
9 the functions or duties of any profession licensed or regulated
10 by sections 340.200 to 340.330, including, but not limited to:

11 (a) Obtaining or attempting to obtain any fee, charge,
12 tuition or other compensation by fraud, deception or
13 misrepresentation;

14 (b) Willfully and continually overcharging for services or
15 overtreating patients or charging for services which did not
16 occur unless the services were contracted for in advance, or for
17 services which were not rendered or documented in the patient's
18 records, or charging for services which were not consented to by
19 the owner of the patient or the owner's agent;

20 (c) Willfully or continually performing inappropriate or
21 unnecessary treatment, diagnostic tests or medical or surgical
22 services;

23 (d) Attempting, directly or indirectly, by intimidation,
24 coercion or deception to obtain or retain a patient or discourage
25 the owner from seeking a second opinion or consultation;

26 (e) Delegating professional responsibilities to a person
27 who is not qualified by training, skill, competency, age,
28 experience, registration or licensure to perform such
29 responsibilities;

1 (f) Misrepresenting that any disease or ailment can be
2 cured by a method, procedure, treatment, medicine or device;

3 (g) Performing or prescribing medical services which have
4 been declared by board rule to be of no medical value;

5 (h) Final disciplinary action by any professional
6 veterinary medical association or society or licensed hospital or
7 clinic or medical staff of such hospital or clinic in this state
8 or any other state or territory, whether agreed to voluntarily or
9 not, and including, but not limited to, any removal, suspension,
10 limitation, surrender, or restriction of a license or staff or
11 hospital or clinic privileges, failure to renew such privileges
12 or license for cause, or other final disciplinary action, if the
13 action was related to unprofessional conduct, professional
14 incompetence, malpractice or any other violation of sections
15 340.200 to 340.330;

16 (i) Dispensing, prescribing, administering or otherwise
17 distributing any drug, controlled substance or other treatment
18 without sufficient examination or establishment of a
19 veterinarian-client-patient relationship, or for other medically
20 accepted therapeutic or experimental or investigative purposes,
21 or not in the course of professional practice, or not in good
22 faith to relieve pain and suffering, or not to cure an ailment,
23 physical infirmity or disease; or the dispensing, prescribing,
24 administering or distribution of any drug, controlled substance
25 or other treatment by anyone other than a properly licensed
26 veterinarian, unless such person is a properly registered
27 veterinary technician, unregistered assistant, or the patient's
28 owner and then to be limited to administration of drugs or other
29 treatment under the supervision, control or explicit instructions

1 of a licensed veterinarian;

2 (j) Terminating the medical care of a patient without
3 adequate notice to the owner or without making other arrangements
4 for the continued care of the patient;

5 (k) Failing to furnish details of a patient's medical
6 records to another treating veterinarian, hospital, clinic,
7 owner, or owner's agent upon proper request or waiver by the
8 owner or owner's agent, or failing to comply with any other law
9 relating to medical records; except, radiographs prepared by the
10 licensed veterinarian shall remain the property of the
11 veterinarian and shall be returned upon request or as otherwise
12 agreed between the veterinarian and client;

13 (l) Failure of any applicant or licensee to cooperate with
14 the board during any investigation, if such investigation does
15 not concern the applicant or licensee;

16 (m) Failure to comply with any subpoena or subpoena duces
17 tecum from the board or an order of the board;

18 (n) Failure to timely pay license or registration renewal
19 fees as specified in sections 340.200 to 340.330;

20 (o) Violating a probation agreement with the board or any
21 other licensing authority of this state, another state or
22 territory of the United States, or a federal agency;

23 (p) Violating any informal consent agreement for discipline
24 entered into by an applicant or licensee with the board or any
25 other licensing authority of this state, another state or
26 territory of the United States, or a federal agency;

27 (q) Failing to inform the board of any change in business
28 or residential address as required by sections 340.200 to 340.330
29 or administrative rule;

1 (r) Advertising by an applicant or licensee which is false
2 or misleading, or which violates any rules of the board, or which
3 claims without substantiation the positive cure of any disease,
4 or professional superiority to or greater skill than that
5 possessed by any other veterinarian;

6 (5) Any conduct or practice which is or might be harmful or
7 dangerous to the health of a patient;

8 (6) Incompetency, gross negligence or repeated negligence
9 in the performance of the functions or duties of any profession
10 licensed or regulated by sections 340.200 to 340.330. For
11 purposes of this subdivision, "repeated negligence" means the
12 failure, on more than one occasion, to use that degree of skill
13 and learning ordinarily used under the same or similar
14 circumstances by members of the profession;

15 (7) Violation of, or attempting to violate, directly or
16 indirectly, or assisting, or enabling any person to violate, any
17 provisions of sections 340.200 to 340.330, or any lawful rule or
18 regulation adopted pursuant to sections 340.200 to 340.330;

19 (8) Impersonation of any person holding a certificate of
20 registration or authority, permit or license or allowing any
21 person to use his certificate of registration or authority,
22 permit, license or diploma from any school;

23 (9) Revocation, suspension, restriction, modification,
24 limitation, reprimand, warning, censure, probation or other final
25 disciplinary action against the holder of, or applicant for, a
26 license or registration or other right to practice any profession
27 regulated by sections 340.200 to 340.330 or by another state,
28 territory, federal agency or country, whether or not voluntarily
29 agreed to by the licensee or applicant, including, but not

1 limited to:

2 (a) Denial of licensure or registration;

3 (b) Surrender of the license or registration;

4 (c) Allowing the license or registration to expire or
5 lapse; or

6 (d) Discontinuing or limiting the practice of veterinary
7 medicine while subject to an investigation or while actually
8 under investigation by any licensing authority, medical facility,
9 insurance company, court, agency of the state or federal
10 government, or employer;

11 (10) Being adjudged incapacitated or disabled by a court of
12 competent jurisdiction;

13 (11) Assisting or enabling any person to practice or offer
14 to practice any profession licensed or regulated by sections
15 340.200 to 340.330 who is not licensed or registered and
16 currently eligible to practice under sections 340.200 to 340.330,
17 or knowingly performing any act which aids, assists, procures,
18 advises, or encourages any person to practice veterinary medicine
19 who is not licensed or registered and currently eligible to
20 practice under sections 340.200 to 340.330;

21 (12) Issuance of a certificate of registration or
22 authority, permit or license based upon a material mistake of
23 fact;

24 (13) Failure to obtain, renew or display a valid
25 certificate, license, permit or notice if required;

26 (14) Violation of the drug laws or rules and regulations of
27 this state, any other state, territory, or the federal
28 government;

29 (15) Knowingly or recklessly making or causing to be made,

1 or aiding or abetting in the making of a false statement or
2 documentation in connection with the birth, death, or health of
3 any animal, executed in connection with the practice of his or
4 her profession or failure to file such statements or documents
5 with the proper officials of the federal or state government as
6 provided by law or any rule promulgated under sections 340.200 to
7 340.330;

8 (16) Soliciting patronage in person or by agents, under his
9 or her own name or under the name of another, actual or
10 pretended, in such a manner as to confuse, deceive or mislead the
11 public as to the need or appropriateness of animal health care or
12 services or the qualifications of an individual person or persons
13 to diagnose, render, or perform such animal health care services;

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

17 (18) Maintaining an unsanitary office or facility, or
18 performing professional services under unsanitary conditions with
19 due consideration given to the place where the services are
20 rendered;

21 (19) Practicing or offering to practice any profession or
22 service regulated by sections 340.200 to 340.330 independent of
23 the supervision and direction of a person licensed under sections
24 340.200 to 340.330 as a veterinarian in good standing by any
25 candidate for registration or person registered to practice as a
26 veterinary technician or engaged as an unregistered assistant to
27 a veterinarian;

28 (20) Treating or attempting to treat ailments or health
29 conditions of animals other than as authorized under sections

1 340.200 to 340.330 or board rule by any candidate for
2 registration or person registered to practice as a veterinary
3 technician or engaged as an unregistered assistant to a licensed
4 veterinarian;

5 (21) A pattern of personal use or consumption of any
6 controlled substance unless it is prescribed, dispensed or
7 administered by a licensed physician;

8 (22) Any revocation, suspension, surrender, limitation or
9 restriction of any controlled substance authority, whether agreed
10 to voluntarily or not;

11 (23) Being unable to practice as a veterinarian or
12 veterinary technician with reasonable skill and safety to
13 patients because of illness, drunkenness, excessive use of drugs,
14 narcotics, chemicals, or as a result of any mental or physical
15 condition;

16 (24) Violation of any professional trust or confidence;

17 (25) Failing to obtain or renew any facility permit or to
18 maintain mandatory requirements or minimum standards for any such
19 facility as required by sections 340.200 to 340.330 or board
20 rule.

21 3. If the board files a complaint pursuant to subsection 2
22 of this section, the proceedings shall be conducted in accordance
23 with the provisions of chapter 621. If the administrative
24 hearing commission finds that grounds provided in this section
25 are met, the board may either singly or in combination:

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

29 (2) Suspend such license, certificate or permit for a

1 period not to exceed three years;

2 (3) Restrict or limit the license, certificate or permit
3 for an indefinite period of time;

4 (4) Revoke such license, certificate or permit;

5 (5) Administer a public or private reprimand;

6 (6) Deny the application for a license;

7 (7) Permanently withhold issuance of a license or
8 certificate;

9 (8) Require the applicant or licensee to submit to the
10 care, counseling or treatment of physicians designated by the
11 board at the expense of the person to be examined;

12 (9) Require the person to attend such continuing
13 educational courses and pass such examinations as the board may
14 direct.

15 340.274. 1. A license issued under sections 340.200 to
16 340.330 shall be automatically revoked following a review of the
17 record of the proceedings by the board and upon a formal motion
18 of the board:

19 (1) [When the final trial proceedings are concluded where
20 a] The person has been finally adjudicated and found guilty, or
21 has entered a plea of guilty or nolo contendere [whether or not a
22 sentence is imposed:

23 (a)] in a [felony] criminal prosecution under the laws of
24 [this state, the laws of any other state, territory or district
25 of the United States, or] any state, of the United States, or of
26 any country, for any offense [reasonably] directly related to the
27 [qualifications, functions or duties of the person licensed under
28 sections 340.200 to 340.330;

29 (b) For any felony offense, for which an essential element

1 is fraud, dishonesty or an act of violence; or

2 (c) For any felony offense involving moral turpitude]
3 duties and responsibilities of the occupation, as set forth in
4 section 324.012, regardless of whether or not sentence is
5 imposed;

6 (2) Upon the final and unconditional revocation or
7 surrender of the person's license to practice the same profession
8 in another state, territory or district of the United States upon
9 grounds for which revocation is authorized in this state.

10 2. The license of such person shall be automatically
11 reinstated if the conviction, judgment or revocation is set aside
12 upon final appeal in any court of competent jurisdiction.

13 3. Any person who has been denied a license, certificate,
14 permit or other authority to practice a profession in another
15 state, if such profession in this state is regulated pursuant to
16 sections 340.200 to 340.330, shall automatically be denied a
17 license to practice such profession in this state; however, the
18 board may establish qualifications whereby such person may be
19 qualified and licensed to practice such profession in this state.

20 340.300. 1. Any person desiring to be registered as a
21 veterinary technician in the state of Missouri shall submit a
22 written application to the board. Such application shall be on
23 forms furnished by the board without charge.

24 2. Each application shall contain a statement that is made
25 under oath or affirmation that representations made therein are
26 true, correct and contain no material omissions of fact to the
27 best knowledge and belief of the person making the application
28 and whose signature shall be subscribed thereto. Any person who
29 knowingly submits false information, information intended to

1 mislead the board, or omits a material fact on the application
2 shall be subject to penalties provided for by the laws of this
3 state for giving a false statement under oath or affirmation;
4 such penalty is in addition to and not in lieu of any action
5 which the board takes pursuant to the provisions of sections
6 340.200 to 340.330.

7 3. To qualify to be registered as a veterinary technician
8 pursuant to this section, the application must show that the
9 applicant:

10 (1) Is at least eighteen years of age;

11 (2) [Is of good moral character;

12 (3)] Has successfully completed a college level course of
13 study in veterinary technology in a school having a curriculum
14 approved by the board or a college level course in the care and
15 treatment of animals which is accredited by the AVMA; and

16 [(4)] (3) Has passed an examination or examinations as
17 prescribed by board rule. The examination or examinations shall
18 be designed to test the examinee's knowledge of, proficiency in,
19 subjects and techniques commonly taught in schools providing a
20 curriculum in veterinary technology, familiarity with the
21 requirements of sections 340.200 to 340.330, related statutes and
22 board rules, and other material as determined by the board. An
23 examinee must demonstrate scientific, practical and legal
24 knowledge sufficient to establish to the board that the applicant
25 is competent to practice as a veterinary technician.

26 Applications for examination shall be in writing, on a form
27 furnished by the board and shall include evidence satisfactory to
28 the board that the applicant possesses the qualifications set
29 forth in subdivisions (1), and (2) [and (3)] of this subsection.

1 4. The board may require additional information and proof
2 of a person's fitness and qualifications by board rule.

3 344.030. 1. An applicant for an initial license shall file
4 a completed application with the board on a form provided by the
5 board, accompanied by an application fee as provided by rule
6 payable to the department of health and senior services.
7 Information provided in the application shall be attested by
8 signature to be true and correct to the best of the applicant's
9 knowledge and belief.

10 2. No initial license shall be issued to a person as a
11 nursing home administrator unless:

12 (1) The applicant provides the board satisfactory proof
13 that the applicant is [of good moral character and] a high school
14 graduate or equivalent;

15 (2) The applicant provides the board satisfactory proof
16 that the applicant has had a minimum of three years' experience
17 in health care administration or two years of postsecondary
18 education in health care administration or has satisfactorily
19 completed a course of instruction and training prescribed by the
20 board, which includes instruction in the needs properly to be
21 served by nursing homes, the protection of the interests of
22 residents therein, and the elements of good nursing home
23 administration, or has presented evidence satisfactory to the
24 board of sufficient education, training, or experience in the
25 foregoing fields to administer, supervise and manage a nursing
26 home; and

27 (3) The applicant passes the examinations administered by
28 the board. If an applicant fails to make a passing grade on
29 either of the examinations such applicant may make application

1 for reexamination on a form furnished by the board and may be
2 retested. If an applicant fails either of the examinations a
3 third time, the applicant shall be required to complete a course
4 of instruction prescribed and approved by the board. After
5 completion of the board-prescribed course of instruction, the
6 applicant may reapply for examination. With regard to the
7 national examination required for licensure, no examination
8 scores from other states shall be recognized by the board after
9 the applicant has failed his or her third attempt at the national
10 examination. There shall be a separate, nonrefundable fee for
11 each examination. The board shall set the amount of the fee for
12 examination by rules and regulations promulgated pursuant to
13 section 536.021. The fee shall be set at a level to produce
14 revenue which shall not substantially exceed the cost and expense
15 of administering the examination.

16 3. Nothing in sections 344.010 to 344.108, or the rules or
17 regulations thereunder shall be construed to require an applicant
18 for a license as a nursing home administrator, who is employed by
19 an institution listed and certified by the Commission for
20 Accreditation of Christian Science Nursing
21 Organizations/Facilities, Inc., to administer institutions
22 certified by such commission for the care and treatment of the
23 sick in accordance with the creed or tenets of a recognized
24 church or religious denomination, to demonstrate proficiency in
25 any techniques or to meet any educational qualifications or
26 standards not in accord with the remedial care and treatment
27 provided in such institutions. The applicant's license shall be
28 endorsed to confine the applicant's practice to such
29 institutions.

1 4. The board may issue a temporary emergency license for a
2 period not to exceed ninety days to a person twenty-one years of
3 age or over[, of good moral character] and a high school graduate
4 or equivalent to serve as an acting nursing home administrator,
5 provided such person is replacing a licensed nursing home
6 administrator who has died, has been removed or has vacated the
7 nursing home administrator's position. No temporary emergency
8 license may be issued to a person who has had a nursing home
9 administrator's license denied, suspended or revoked. A
10 temporary emergency license may be renewed for one additional
11 ninety-day period upon a showing that the person seeking the
12 renewal of a temporary emergency license meets the qualifications
13 for licensure and has filed an application for a regular license,
14 accompanied by the application fee, and the applicant has taken
15 the examination or examinations but the results have not been
16 received by the board. No temporary emergency license may be
17 renewed more than one time.

18 344.050. 1. The board may refuse to issue or renew any
19 certificate of registration or authority, permit or license
20 required pursuant to this chapter for one or any combination of
21 causes stated in subsection 2 of this section. The board shall
22 notify the applicant in writing of the reasons for the refusal
23 and shall advise the applicant of his or her right to file a
24 complaint with the administrative hearing commission as provided
25 by chapter 621. As an alternative to refusal to issue or renew
26 any certificate, registration or authority, permit or license,
27 the board may, at its discretion, issue a license which is
28 subject to probation for any one or any combination of causes
29 stated in subsection 2 of this section. The board's order of

1 probation shall contain a statement of the discipline imposed,
2 the basis therefor, the date such action shall become effective,
3 and a statement that the applicant has thirty days to request in
4 writing a hearing before the administrative hearing commission.
5 If the board issues a probationary license to an applicant for
6 licensure, the applicant may file a written petition with the
7 administrative hearing commission within thirty days of the
8 effective date of the probationary license seeking review of
9 whether cause exists to discipline the licensee under subsection
10 2 of this section. If no written request for a hearing is
11 received by the administrative hearing commission within the
12 thirty-day period, the right to seek review of the board's
13 decision shall be waived.

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

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

25 (2) The person has been finally adjudicated and found
26 guilty, or entered a plea of guilty or nolo contendere, [pursuant
27 to] in a criminal prosecution under the laws of any state [or],
28 of the United States, or of any country, for any offense
29 [reasonably] directly related to the [qualifications, functions

1 or] duties [of any profession licensed or regulated under this
2 chapter, for any offense an essential element of which is fraud,
3 dishonesty or an act of violence, or for any offense involving
4 moral turpitude,] and responsibilities of the occupation, as set
5 forth in section 324.012, regardless of whether or not sentence
6 is imposed;

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

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

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

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

22 (7) Violation of, or assisting or enabling any person to
23 violate, any provision of chapter 198 or any lawful rule or
24 regulation promulgated thereunder;

25 (8) Impersonation of any person holding a certificate of
26 registration or authority, permit or license, or allowing any
27 person to use such person's certificate of registration or
28 authority, permit, license or diploma from any school;

29 (9) Disciplinary action against the holder of a license or

1 other right to practice any profession regulated by this chapter
2 granted by another state, territory, federal agency or country
3 upon grounds for which revocation or suspension is authorized in
4 this state;

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

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

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

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

16 (14) Knowingly failing to report abuse or neglect of a
17 resident in a long-term care facility, as required by section
18 198.070, of which he or she has actual knowledge that it is abuse
19 or neglect;

20 (15) Violation of any professional trust or confidence;

21 (16) Having served as the administrator, operator, or any
22 principal involved in the operation of a facility licensed under
23 chapter 198 and during such time the facility has had its license
24 revoked under section 198.036, has entered into a consent
25 agreement to obtain a probationary license under subsection 5 of
26 section 198.026, has had a license denied under subsection 2 of
27 section 198.022, or has surrendered its license while under
28 investigation.

29 3. The administrative hearing commission shall have no

1 authority to require issuance of a license, pending a final
2 determination by the commission, in any case in which an
3 applicant is seeking initial licensure.

4 4. No license may be suspended or revoked and no
5 application for renewal of a license may be denied under this
6 section until the licensee has been afforded an opportunity for
7 hearing after due notice as provided in sections 621.015 to
8 621.205.

9 5. Upon a finding by the administrative hearing commission
10 that the grounds, provided in subsection 2 of this section, for
11 disciplinary action are met, the board may, singly or in
12 combination, censure or place the person named in the complaint
13 on probation on such terms as the board deems appropriate, or may
14 suspend or revoke the certificate, permit or license. The board
15 may exclude any application for up to five years for any person
16 who has had his or her license revoked by the board or has
17 surrendered his or her license to the board.

18 345.015. As used in sections 345.010 to 345.080, the
19 following terms mean:

20 (1) "Audiologist", a person who is licensed as an
21 audiologist pursuant to sections 345.010 to 345.080 to practice
22 audiology;

23 (2) "Audiology aide", a person who is registered as an
24 audiology aide by the board, who does not act independently but
25 works under the direction and supervision of a licensed
26 audiologist. Such person assists the audiologist with activities
27 which require an understanding of audiology but do not require
28 formal training in the relevant academics. To be eligible for
29 registration by the board, each applicant shall submit a

1 registration fee[, be of good moral and ethical character;] and:

2 (a) Be at least eighteen years of age;

3 (b) Furnish evidence of the person's educational
4 qualifications which shall be at a minimum:

5 a. Certification of graduation from an accredited high
6 school or its equivalent; and

7 b. On-the-job training;

8 (c) Be employed in a setting in which direct and indirect
9 supervision are provided on a regular and systematic basis by a
10 licensed audiologist.

11
12 However, the aide shall not administer or interpret hearing
13 screening or diagnostic tests, fit or dispense hearing
14 instruments, make ear impressions, make diagnostic statements,
15 determine case selection, present written reports to anyone other
16 than the supervisor without the signature of the supervisor, make
17 referrals to other professionals or agencies, use a title other
18 than audiology aide, develop or modify treatment plans, discharge
19 clients from treatment or terminate treatment, disclose clinical
20 information, either orally or in writing, to anyone other than
21 the supervising audiologist, or perform any procedure for which
22 he or she is not qualified, has not been adequately trained or
23 both;

24 (3) "Board", the state board of registration for the
25 healing arts;

26 (4) "Commission", the advisory commission for
27 speech-language pathologists and audiologists;

28 (5) "Hearing instrument" or "hearing aid", any wearable
29 device or instrument designed for or offered for the purpose of

1 aiding or compensating for impaired human hearing and any parts,
2 attachments or accessories, including ear molds, but excluding
3 batteries, cords, receivers and repairs;

4 (6) "Person", any individual, organization, or corporate
5 body, except that only individuals may be licensed pursuant to
6 sections 345.010 to 345.080;

7 (7) "Practice of audiology":

8 (a) The application of accepted audiologic principles,
9 methods and procedures for the measurement, testing,
10 interpretation, appraisal and prediction related to disorders of
11 the auditory system, balance system or related structures and
12 systems;

13 (b) Provides consultation or counseling to the patient,
14 client, student, their family or interested parties;

15 (c) Provides academic, social and medical referrals when
16 appropriate;

17 (d) Provides for establishing goals, implementing
18 strategies, methods and techniques, for habilitation,
19 rehabilitation or aural rehabilitation, related to disorders of
20 the auditory system, balance system or related structures and
21 systems;

22 (e) Provides for involvement in related research, teaching
23 or public education;

24 (f) Provides for rendering of services or participates in
25 the planning, directing or conducting of programs which are
26 designed to modify audition, communicative, balance or cognitive
27 disorder, which may involve speech and language or education
28 issues;

29 (g) Provides and interprets behavioral and neurophysiologic

1 measurements of auditory balance, cognitive processing and
2 related functions, including intraoperative monitoring;

3 (h) Provides involvement in any tasks, procedures, acts or
4 practices that are necessary for evaluation of audition, hearing,
5 training in the use of amplification or assistive listening
6 devices;

7 (i) Provides selection, assessment, fitting, programming,
8 and dispensing of hearing instruments, assistive listening
9 devices, and other amplification systems;

10 (j) Provides for taking impressions of the ear, making
11 custom ear molds, ear plugs, swim molds and industrial noise
12 protectors;

13 (k) Provides assessment of external ear and cerumen
14 management;

15 (l) Provides advising, fitting, mapping assessment of
16 implantable devices such as cochlear or auditory brain stem
17 devices;

18 (m) Provides information in noise control and hearing
19 conservation including education, equipment selection, equipment
20 calibration, site evaluation and employee evaluation;

21 (n) Provides performing basic speech-language screening
22 test;

23 (o) Provides involvement in social aspects of
24 communication, including challenging behavior and ineffective
25 social skills, lack of communication opportunities;

26 (p) Provides support and training of family members and
27 other communication partners for the individual with auditory
28 balance, cognitive and communication disorders;

29 (q) Provides aural rehabilitation and related services to

1 individuals with hearing loss and their families;

2 (r) Evaluates, collaborates and manages audition problems
3 in the assessment of the central auditory processing disorders
4 and providing intervention for individuals with central auditory
5 processing disorders;

6 (s) Develops and manages academic and clinical problems in
7 communication sciences and disorders;

8 (t) Conducts, disseminates and applies research in
9 communication sciences and disorders;

10 (8) "Practice of speech-language pathology":

11 (a) Provides screening, identification, assessment,
12 diagnosis, treatment, intervention, including but not limited to
13 prevention, restoration, amelioration and compensation, and
14 follow-up services for disorders of:

15 a. Speech: articulation, fluency, voice, including
16 respiration, phonation and resonance;

17 b. Language, involving the parameters of phonology,
18 morphology, syntax, semantics and pragmatic; and including
19 disorders of receptive and expressive communication in oral,
20 written, graphic and manual modalities;

21 c. Oral, pharyngeal, cervical esophageal and related
22 functions, such as dysphagia, including disorders of swallowing
23 and oral functions for feeding; orofacial myofunctional
24 disorders;

25 d. Cognitive aspects of communication, including
26 communication disability and other functional disabilities
27 associated with cognitive impairment;

28 e. Social aspects of communication, including challenging
29 behavior, ineffective social skills, lack of communication

1 opportunities;

2 (b) Provides consultation and counseling and makes
3 referrals when appropriate;

4 (c) Trains and supports family members and other
5 communication partners of individuals with speech, voice,
6 language, communication and swallowing disabilities;

7 (d) Develops and establishes effective augmentative and
8 alternative communication techniques and strategies, including
9 selecting, prescribing and dispensing of augmentative aids and
10 devices; and the training of individuals, their families and
11 other communication partners in their use;

12 (e) Selects, fits and establishes effective use of
13 appropriate prosthetic/adaptive devices for speaking and
14 swallowing, such as tracheoesophageal valves, electrolarynges, or
15 speaking valves;

16 (f) Uses instrumental technology to diagnose and treat
17 disorders of communication and swallowing, such as
18 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

19 (g) Provides aural rehabilitative and related counseling
20 services to individuals with hearing loss and to their families;

21 (h) Collaborates in the assessment of central auditory
22 processing disorders in cases in which there is evidence of
23 speech, language or other cognitive communication disorders;
24 provides intervention for individuals with central auditory
25 processing disorders;

26 (i) Conducts pure-tone air conduction hearing screening and
27 screening tympanometry for the purpose of the initial
28 identification or referral;

29 (j) Enhances speech and language proficiency and

1 communication effectiveness, including but not limited to accent
2 reduction, collaboration with teachers of English as a second
3 language and improvement of voice, performance and singing;

4 (k) Trains and supervises support personnel;

5 (l) Develops and manages academic and clinical programs in
6 communication sciences and disorders;

7 (m) Conducts, disseminates and applies research in
8 communication sciences and disorders;

9 (n) Measures outcomes of treatment and conducts continuous
10 evaluation of the effectiveness of practices and programs to
11 improve and maintain quality of services;

12 (9) "Speech-language pathologist", a person who is licensed
13 as a speech-language pathologist pursuant to sections 345.010 to
14 345.080; who engages in the practice of speech-language pathology
15 as defined in sections 345.010 to 345.080;

16 (10) "Speech-language pathology aide", a person who is
17 registered as a speech-language aide by the board, who does not
18 act independently but works under the direction and supervision
19 of a licensed speech-language pathologist. Such person assists
20 the speech-language pathologist with activities which require an
21 understanding of speech-language pathology but do not require
22 formal training in the relevant academics. To be eligible for
23 registration by the board, each applicant shall submit a
24 registration fee[, be of good moral and ethical character;] and:

25 (a) Be at least eighteen years of age;

26 (b) Furnish evidence of the person's educational
27 qualifications which shall be at a minimum:

28 a. Certification of graduation from an accredited high
29 school or its equivalent; and

1 b. On-the-job training;

2 (c) Be employed in a setting in which direct and indirect
3 supervision is provided on a regular and systematic basis by a
4 licensed speech-language pathologist.

5
6 However, the aide shall not administer or interpret hearing
7 screening or diagnostic tests, fit or dispense hearing
8 instruments, make ear impressions, make diagnostic statements,
9 determine case selection, present written reports to anyone other
10 than the supervisor without the signature of the supervisor, make
11 referrals to other professionals or agencies, use a title other
12 than speech-language pathology aide, develop or modify treatment
13 plans, discharge clients from treatment or terminate treatment,
14 disclose clinical information, either orally or in writing, to
15 anyone other than the supervising speech-language pathologist, or
16 perform any procedure for which he or she is not qualified, has
17 not been adequately trained or both;

18 (11) "Speech-language pathology assistant", a person who is
19 registered as a speech-language pathology assistant by the board,
20 who does not act independently but works under the direction and
21 supervision of a licensed speech-language pathologist practicing
22 for at least one year or speech-language pathologist practicing
23 under subdivision (1) or (6) of subsection 1 of section 345.025
24 for at least one year and whose activities require both academic
25 and practical training in the field of speech-language pathology
26 although less training than those established by sections 345.010
27 to 345.080 as necessary for licensing as a speech-language
28 pathologist. To be eligible for registration by the board, each
29 applicant shall submit the registration fee, supervising

1 speech-language pathologist information if employment is
2 confirmed, if not such information shall be provided after
3 registration, [be of good moral character] and furnish evidence
4 of the person's educational qualifications which meet the
5 following:

6 (a) Hold a bachelor's level degree from an institution
7 accredited or approved by a regional accrediting body recognized
8 by the United States Department of Education or its equivalent;
9 and

10 (b) Submit official transcripts from one or more accredited
11 colleges or universities presenting evidence of the completion of
12 bachelor's level course work and requirements in the field of
13 speech-language pathology as established by the board through
14 rules and regulations;

15 (c) Submit proof of completion of the number and type of
16 clinical hours as established by the board through rules and
17 regulations.

18 345.050. 1. To be eligible for licensure by the board by
19 examination, each applicant shall submit the application fee and
20 shall furnish evidence of such person's [good moral and ethical
21 character,] current competence and shall:

22 (1) Hold a master's or a doctoral degree from a program
23 accredited by the Council on Academic Accreditation of the
24 American Speech-Language-Hearing Association or other accrediting
25 agency approved by the board in the area in which licensure is
26 sought;

27 (2) Submit official transcripts from one or more accredited
28 colleges or universities presenting evidence of the completion of
29 course work and clinical practicum requirements equivalent to

1 that required by the Council on Academic Accreditation of the
2 American Speech-Language-Hearing Association or other accrediting
3 agency approved by the board; and

4 (3) Pass an examination promulgated or approved by the
5 board. The board shall determine the subject and scope of the
6 examinations.

7 2. To be eligible for licensure by the board without
8 examination, each applicant shall make application on forms
9 prescribed by the board, submit the application fee [and shall be
10 of good moral and ethical character], submit an activity
11 statement and meet one of the following requirements:

12 (1) The board shall issue a license to any speech-language
13 pathologist or audiologist who is licensed in another country and
14 who has had no violations, suspension or revocations of a license
15 to practice speech-language pathology or audiology in any
16 jurisdiction; provided that, such person is licensed in a country
17 whose requirements are substantially equal to, or greater than,
18 Missouri at the time the applicant applies for licensure; or

19 (2) Hold the certificate of clinical competence issued by
20 the American Speech-Language-Hearing Association in the area in
21 which licensure is sought.

22 345.065. 1. The board may refuse to issue any certificate
23 of registration or authority, permit or license required pursuant
24 to sections 345.010 to 345.080 for one or any combination of
25 causes stated in subsection 2 of this section. The board shall
26 notify the applicant in writing of the reasons for the refusal
27 and shall advise the applicant of the applicant's right to file a
28 complaint with the administrative hearing commission as provided
29 by chapter 621. As an alternative to a refusal to issue or renew

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

20 2. The board may cause a complaint to be filed with the
21 administrative hearing commission as provided by chapter 621
22 against any holder of any certificate of registration or
23 authority, permit or license required by sections 345.010 to
24 345.080 or any person who has failed to renew or has surrendered
25 the person's certificate of registration or authority, permit or
26 license for any one or any combination of the following causes:

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

1 or regulated by sections 345.010 to 345.080;

2 (2) The person has been finally adjudicated and found
3 guilty, or entered a plea of guilty or nolo contendere, in a
4 criminal prosecution under the laws of any state [or], of the
5 United States, or of any country, for any offense [reasonably]
6 directly related to the [qualifications, functions or] duties [of
7 any profession licensed or regulated pursuant to sections 345.010
8 to 345.080, for any offense an essential element of which is
9 fraud, dishonesty or an act of violence, or for any offense
10 involving moral turpitude,] and responsibilities of the
11 occupation, as set forth in section 324.012, regardless of
12 whether or not sentence is imposed;

13 (3) Use of fraud, deception, misrepresentation or bribery
14 in securing any certificate of registration or authority, permit
15 or license issued pursuant to sections 345.010 to 345.080 or in
16 obtaining permission to take any examination given or required
17 pursuant to sections 345.010 to 345.080;

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

21 (5) Incompetency, misconduct, gross negligence, fraud,
22 misrepresentation or dishonesty in the performance of the
23 functions or duties of any profession licensed or regulated by
24 sections 345.010 to 345.080;

25 (6) Violation of, or assisting or enabling any person to
26 violate, any provision of sections 345.010 to 345.080, or of any
27 lawful rule or regulation adopted pursuant to sections 345.010 to
28 345.080;

29 (7) Impersonation of any person holding a certificate of

1 registration or authority, permit or license or allowing any
2 person to use his or her certificate of registration or
3 authority, permit, license or diploma from any school;

4 (8) Disciplinary action against the holder of a license or
5 other right to practice any profession regulated by sections
6 345.010 to 345.080 granted by another state, territory, federal
7 agency or country upon grounds for which revocation or suspension
8 is authorized in this state;

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

11 (10) Assisting or enabling any person to practice or offer
12 to practice any profession licensed or regulated by sections
13 345.010 to 345.080 who is not registered and currently eligible
14 to practice pursuant to sections 345.010 to 345.080;

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

18 (12) Failure to display a valid certificate or license if
19 so required by sections 345.010 to 345.080 or any rule
20 promulgated pursuant to sections 345.010 to 345.080;

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

22 (14) Fraudulently or deceptively using a license,
23 provisional license or registration;

24 (15) Altering a license, provisional license or
25 registration;

26 (16) Willfully making or filing a false report or record in
27 the practice of speech-language pathology or audiology;

28 (17) Using or promoting or causing the use of any
29 misleading, deceiving, improbable or untruthful advertising

1 matter, promotional literature, testimonial, guarantee, warranty,
2 label, brand, insignia or any other representation;

3 (18) Falsely representing the use or availability of
4 services or advice of a physician;

5 (19) Misrepresenting the applicant, licensee or holder by
6 using the word doctor or any similar word, abbreviation or symbol
7 if the use is not accurate or if the degree was not obtained from
8 a regionally accredited institution;

9 (20) Committing any act of dishonorable, immoral or
10 unprofessional conduct while engaging in the practice of
11 speech-language pathology or audiology;

12 (21) Providing services or promoting the sale of devices,
13 appliances or products to a person who cannot reasonably be
14 expected to benefit from such services, devices, appliances or
15 products.

16 3. After the filing of such complaint, the proceedings
17 shall be conducted in accordance with the provisions of chapter
18 621. Upon a finding by the administrative hearing commission
19 that the grounds, provided in subsection 2 of this section, for
20 disciplinary action are met, the board may, singly or in
21 combination, censure or place the person named in the complaint
22 on probation on such terms and conditions as the board deems
23 appropriate for a period not to exceed ten years, or may suspend,
24 for a period not to exceed three years, or restrict or limit the
25 person's ability to practice for an indefinite period of time, or
26 revoke the license or registration.

27 4. The board may apply for relief by injunction, without
28 bond, to restrain any person, partnership or corporation from
29 engaging in any act or practice which constitutes an offense

1 pursuant to sections 345.010 to 345.080. The board does not need
2 to allege and prove that there is no adequate remedy at law to
3 obtain an injunction. The members of the board and the advisory
4 commission shall not be individually liable for applying for such
5 relief.

6 346.055. 1. An applicant may obtain a license provided the
7 applicant:

8 (1) Is at least eighteen years of age; and

9 (2) [Is of good moral character; and

10 (3)] Successfully passes a qualifying examination as
11 described under sections 346.010 to 346.250; and

12 [(4)] (3) (a) Holds an associate's degree or higher, from
13 a state or regionally accredited institution of higher education,
14 in hearing instrument sciences; or

15 (b) Holds an associate's level degree or higher, from a
16 state or regionally accredited institution of higher education
17 and submits proof of completion of the International Hearing
18 Society's Distance Learning for Professionals in Hearing Health
19 Sciences Course; or

20 (c) Holds a master's or doctoral degree in audiology from a
21 state or regionally accredited institution; or

22 (d) Holds a current, unsuspended, unrevoked license from
23 another country if the standards for licensing in such country,
24 as determined by the board, are substantially equivalent to or
25 exceed those required in paragraph (a) or (b) of this
26 subdivision; or

27 (e) Holds a current, unsuspended, unrevoked license from
28 another country, has been actively practicing as a licensed
29 hearing aid fitter or dispenser in another country for no less

1 than forty-eight of the last seventy-two months, and submits
2 proof of completion of advance certification from either the
3 International Hearing Society or the National Board for
4 Certification in Hearing Instrument Sciences.

5 2. The provisions of subsection 1 of this section shall not
6 apply to any person holding a valid Missouri hearing instrument
7 specialist license under this chapter when applying for the
8 renewal of that license. These provisions shall apply to any
9 person holding a hearing instrument specialist-in-training permit
10 at the time of their application for licensure or renewal of said
11 permit.

12 3. (1) The board shall promulgate reasonable standards and
13 rules for the evaluation of applicants for purposes of
14 determining the course of instruction and training required of
15 each applicant for a hearing instrument specialist license under
16 the requirement of subdivision (4) of subsection 1 of this
17 section.

18 (2) Any rule or portion of a rule, as that term is defined
19 in section 536.010, that is created under the authority delegated
20 in this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536 and, if
22 applicable, section 536.028. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general
24 assembly pursuant to chapter 536 to review, to delay the
25 effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2013,
28 shall be invalid and void.

29 346.105. 1. The board may refuse to issue any certificate

1 of registration or authority, permit or license required pursuant
2 to this chapter, upon recommendation of the board, for one or any
3 combination of causes stated in subsection 2 of this section.

4 The board shall notify the applicant in writing of the reasons
5 for the refusal and shall advise the applicant of the applicant's
6 right to file a complaint with the administrative hearing
7 commission as provided by chapter 621.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (15) Representing that the service or advice of a person
11 licensed as a physician pursuant to chapter 334 will be used or
12 made available in the selection, fitting, adjustment, maintenance
13 or repair of hearing instruments when that is not true, or using
14 the words "doctor", "clinic", "clinical audiologist",
15 "state-licensed clinic", "state registered", "state certified",
16 or "state approved" or any other term, abbreviation, or symbol
17 when it would falsely give the impression that service is being
18 provided by physicians licensed pursuant to chapter 334, or by
19 audiologists licensed pursuant to chapter 345, or that the
20 licensee's service has been recommended by the state when such is
21 not the case.

22 436.230. 1. Except as otherwise provided in subsection 2
23 of this section, the director shall issue a certificate of
24 registration to an individual who complies with section 436.227.

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

1 has:

2 (1) Been [convicted of a crime that if committed in this
3 state would be a felony or other crime involving moral turpitude]
4 finally adjudicated and found guilty, or entered a plea of guilty
5 or nolo contendere, in a criminal prosecution under the laws of
6 any state, of the United States, or of any country, for any
7 offense directly related to the duties and responsibilities of
8 the occupation, as set forth in section 324.012, regardless of
9 whether or not sentence is imposed;

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

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

15 (4) Engaged in conduct prohibited by section 436.254;

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

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

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

26 3. In making a determination under subsection 3 of this
27 section, the director shall consider:

28 (1) How recently the conduct occurred;

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

1 occurred; and

2 (3) Any other relevant conduct of the applicant.

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

9 5. A certificate of registration or a renewal of a
10 registration is valid for two years."; and

11 Further amend the title and enacting clause accordingly.