

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2046

AN ACT

To repeal sections 58.095, 58.451, 58.720, 190.094,
 190.105, 190.143, 190.196, 193.145, 193.265, 209.334,
 214.276, 256.477, 317.015, 324.009, 324.047, 324.086,
 324.217, 324.262, 324.265, 324.436, 324.496, 324.523,
 324.940, 324.1112, 324.1118, 326.277, 326.280, 326.289,
 327.131, 327.221, 327.312, 327.381, 327.441, 327.612,
 328.075, 328.150, 329.140, 331.030, 331.060, 332.231,
 332.251, 332.281, 332.291, 333.041, 334.414, 334.530,
 334.613, 334.616, 334.655, 334.702, 334.704, 334.706,
 334.708, 334.710, 334.712, 334.715, 334.717, 334.719,
 334.721, 334.725, 334.920, 336.030, 336.080, 336.110,
 337.020, 337.029, 337.035, 337.050, 337.330, 337.510,
 337.525, 337.615, 337.630, 337.644, 337.645, 337.665,
 337.715, 337.730, 338.220, 339.040, 339.100, 339.511,
 339.532, 344.030, 344.050, 345.015, 345.050, 345.065,
 346.055, 346.105, and 436.230, RSMo, and section
 324.009 as enacted by house committee substitute for
 house bill nos. 1511 & 1452, one hundredth general
 assembly, second regular session, and to enact in lieu
 thereof ninety-six new sections relating to
 professional registration, with existing penalty
 provisions.

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

Section A. Sections 58.095, 58.451, 58.720, 190.094,
 190.105, 190.143, 190.196, 193.145, 193.265, 209.334, 214.276,
 256.477, 317.015, 324.009, 324.047, 324.086, 324.217, 324.262,

1 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118,
2 326.277, 326.280, 326.289, 327.131, 327.221, 327.312, 327.381,
3 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060,
4 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530,
5 334.613, 334.616, 334.655, 334.702, 334.704, 334.706, 334.708,
6 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, 334.725,
7 334.920, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035,
8 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644,
9 337.645, 337.665, 337.715, 337.730, 338.220, 339.040, 339.100,
10 339.511, 339.532, 344.030, 344.050, 345.015, 345.050, 345.065,
11 346.055, 346.105, and 436.230, RSMo, and section 324.009 as
12 enacted by house committee substitute for house bill nos. 1511 &
13 1452, one hundredth general assembly, second regular session, are
14 repealed and ninety-six new sections enacted in lieu thereof, to
15 be known as sections 58.035, 58.095, 58.208, 58.451, 58.720,
16 190.094, 190.105, 190.143, 190.196, 193.145, 193.265, 209.334,
17 214.276, 256.477, 317.015, 324.009, 324.012, 324.025, 324.035,
18 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496,
19 324.523, 324.940, 324.1112, 324.1118, 326.277, 326.280, 326.289,
20 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075,
21 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281,
22 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655,
23 334.702, 334.703, 334.704, 334.706, 334.708, 334.710, 334.712,
24 334.715, 334.717, 334.721, 334.725, 334.920, 336.030, 336.080,
25 336.110, 337.020, 337.029, 337.035, 337.050, 337.330, 337.510,
26 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715,
27 337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030,
28 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and

1 436.230, to read as follows:

2 58.035. 1. There is hereby established within the
3 department of health and senior services a "Coroner Standards and
4 Training Commission" which shall be composed of eight members,
5 appointed by the governor, with the advice and consent of the
6 senate. The governor shall take into account the diversity of
7 the state when making the appointments to this commission. The
8 commission shall consist of:

9 (1) Two coroners elected from counties of the third
10 classification;

11 (2) One coroner elected from a county of the first, second,
12 or fourth classification;

13 (3) One currently appointed medical examiner;

14 (4) One child death pathologist;

15 (5) One elected prosecuting attorney;

16 (6) One elected sheriff;

17 (7) The director of the department of health and senior
18 services, or his or her designee, who shall serve as a nonvoting
19 member of the commission.

20
21 Each member of the coroner standards and training commission
22 shall have been at the time of his appointment a citizen of the
23 United States and a resident of this state for a period of at
24 least one year, and members who are coroners shall be qualified
25 as established by chapter 58.

26 2. The members of the commission shall serve for the
27 following terms:

28 (1) Every member of the commission who holds elected office

1 shall serve an initial term of two years;

2 (2) Every member of the commission who does not hold
3 elected office shall serve an initial term of four years;

4 (3) Every member of the commission shall serve for a term
5 of four years after the initial term has been served.

6 3. Annually the commission shall elect one of the members
7 as chairperson. The coroner standards and training commission
8 shall meet at least twice each year as determined by the director
9 of the department of health and senior services, the chairperson,
10 or a majority of the members to perform its duties. A majority
11 of the members of the coroner standards and training commission
12 shall constitute a quorum.

13 4. No member of the coroner standards and training
14 commission shall receive any compensation for the performance of
15 his or her official duties.

16 5. The coroner standards and training commission shall
17 establish training standards, by rule, relating to the office of
18 county coroner. These standards shall relate to the operation of
19 the office, the legal responsibilities of the office, and the
20 technical skills and knowledge required of the office.

21 6. Any rule or portion of a rule, as that term is defined
22 in section 536.010, that is created under the authority delegated
23 in this section shall become effective only if it complies with
24 and is subject to all of the provisions of chapter 536, and, if
25 applicable, section 536.028. This section and chapter 536 are
26 nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the
28 effective date, or to disapprove and annul a rule are

1 subsequently held unconstitutional, then the grant of rulemaking
2 authority and any rule proposed or adopted after August 28, 2020,
3 shall be invalid and void.

4 7. Once the commission has developed standards, the
5 commission shall issue a report detailing the standards. This
6 report shall be submitted to the speaker of the house of
7 representatives and the president pro tempore of the senate, and
8 shall be published on the website of the department of health and
9 senior services.

10 58.095. 1. The county coroner in any county [~~other than~~
11 ~~in a first classification chartered county,~~] not having a charter
12 form of government shall receive an annual salary computed on a
13 basis as set forth in the following schedule. The provisions of
14 this section shall not permit or require a reduction in the
15 amount of compensation being paid for the office of coroner on
16 January 1, 1997:

Assessed Valuation		Salary
\$18,000,000	to 40,999,999	\$8,000
41,000,000	to 53,999,999	8,500
54,000,000	to 65,999,999	9,000
66,000,000	to 85,999,999	9,500
86,000,000	to 99,999,999	10,000
100,000,000	to 130,999,999	11,000
131,000,000	to 159,999,999	12,000
160,000,000	to 189,999,999	13,000
190,000,000	to 249,999,999	14,000
250,000,000	to 299,999,999	15,000
300,000,000	or more	16,000

1 2. One thousand dollars of the salary authorized in this
2 section shall be payable to the coroner only if the coroner has
3 completed at least twenty hours of classroom instruction each
4 calendar year ~~relating to the operations of the coroner's office~~
5 ~~when approved by a professional association of the county~~
6 ~~coroners of Missouri~~ as established by the coroner standards and
7 training commission unless exempted from the training by the
8 ~~professional association~~ Missouri Coroners' and Medical
9 Examiners' Association for good cause. The ~~professional~~
10 ~~association approving the program~~ Missouri Coroners' and Medical
11 Examiners' Association shall provide a certificate of completion
12 to each coroner who completes the training program and shall send
13 a list of certified coroners to the treasurer of each county and
14 the department of health and senior services. The coroner
15 standards and training commission may certify training programs
16 that satisfy the requirements of this section in lieu of the
17 training provided by the Missouri Coroners' and Medical
18 Examiners' Association. Certified training completion shall be
19 submitted to the Missouri Coroners' and Medical Examiners'
20 Association, which, upon validating the certified training, shall
21 submit the individual's name to the county treasurer and
22 department of health and senior services indicating the
23 individual is compliant with the training requirements. Expenses
24 incurred for attending the training session may be reimbursed to
25 the county coroner in the same manner as other expenses as may be
26 appropriated for that purpose. All elected or appointed
27 coroners, deputy coroners, and assistants to the coroner shall
28 complete the annual training described in this subsection within

1 six months of election or appointment.

2 3. The county coroner in any county [~~, other than a first~~
3 ~~classification charter county~~] not having a charter form of
4 government, shall not, except upon two-thirds vote of all the
5 members of the salary commission, receive an annual compensation
6 in an amount less than the total compensation being received for
7 the office of county coroner in the particular county for
8 services rendered or performed on the date the salary commission
9 votes.

10 4. For the term beginning in 1997, the compensation of the
11 coroner, in counties in which the salary commission has not voted
12 to pay one hundred percent of the maximum allowable salary, shall
13 be a percentage of the maximum allowable salary established by
14 this section. The percentage applied shall be the same
15 percentage of the maximum allowable salary received or allowed,
16 whichever is greater, to the presiding commissioner or sheriff,
17 whichever is greater, of that county for the year beginning
18 January 1, 1997. In those counties in which the salary
19 commission has voted to pay one hundred percent of the maximum
20 allowable salary, the compensation of the coroner shall be based
21 on the maximum allowable salary in effect at each time a
22 coroner's term of office commences following the vote to pay one
23 hundred percent of the maximum allowable compensation.
24 Subsequent compensation shall be determined as provided in
25 section 50.333.

26 5. Effective January 1, 1997, the county coroner in any
27 county [~~, other than a county of the first classification with a~~
28 ~~charter form of government,~~] not having a charter form of

1 government may, upon the approval of the county commission,
2 receive additional compensation for any month during which
3 investigations or other services are performed for three or more
4 decedents in the same incident during such month. The additional
5 compensation shall be an amount that when added to the regular
6 compensation the sum shall equal the monthly compensation of the
7 county sheriff.

8 58.208. 1. One dollar of the fee collected for any death
9 certificate issued under section 193.265 shall be deposited into
10 the Missouri state coroners' training fund established under
11 subsection 2 of this section. Moneys in such fund shall be used
12 by the Missouri Coroners' and Medical Examiners' Association:

13 (1) For in-state training, equipment, and necessary
14 supplies; and

15 (2) To provide aid to training programs approved by the
16 Missouri Coroners' and Medical Examiners' Association.

17 2. (1) There is hereby created in the state treasury the
18 "Missouri State Coroners' Training Fund", which shall consist of
19 moneys collected under subsection 1 of this section. The state
20 treasurer shall be custodian of the fund. In accordance with
21 sections 30.170 and 30.180, the state treasurer may approve
22 disbursements. The fund shall be a dedicated fund and, upon
23 appropriation, moneys in the fund shall be used solely for the
24 administration of subsection 1 of this section.

25 (2) Notwithstanding the provisions of section 33.080 to the
26 contrary, any moneys remaining in the fund over the amount of
27 five hundred thousand dollars shall revert to the credit of the
28 general revenue fund.

1 (3) The state treasurer shall invest moneys in the fund in
2 the same manner as other funds are invested. Any interest and
3 moneys earned on such investments shall be credited to the fund.

4 3. Local registrars may, during states of emergency or
5 disaster, request reimbursement from the fund for copies of death
6 certificates issued to individuals who are unable to afford the
7 associated fees.

8 58.451. 1. When any person, in any county in which a
9 coroner is required by section 58.010, dies and there is
10 reasonable ground to believe that such person died as a result
11 of:

12 (1) Violence by homicide, suicide, or accident;

13 (2) Criminal abortions, including those self-induced;

14 (3) Some unforeseen sudden occurrence and the deceased had
15 not been attended by a physician during the thirty-six-hour
16 period preceding the death;

17 (4) In any unusual or suspicious manner;

18 (5) Any injury or illness while in the custody of the law
19 or while an inmate in a public institution;

20
21 the police, sheriff, law enforcement officer or official, or any
22 person having knowledge of such a death shall immediately notify
23 the coroner of the known facts concerning the time, place, manner
24 and circumstances of the death. Immediately upon receipt of
25 notification, the coroner or deputy coroner shall take charge of
26 the dead body and fully investigate the essential facts
27 concerning the medical causes of death, including whether by the
28 act of man, and the manner of death. The coroner or deputy

1 coroner may take the names and addresses of witnesses to the
2 death and shall file this information in the coroner's office.
3 The coroner or deputy coroner shall take possession of all
4 property of value found on the body, making exact inventory of
5 such property on the report and shall direct the return of such
6 property to the person entitled to its custody or possession.
7 The coroner or deputy coroner shall take possession of any object
8 or article which, in the coroner's or the deputy coroner's
9 opinion, may be useful in establishing the cause of death, and
10 deliver it to the prosecuting attorney of the county.

11 2. When a death occurs outside a licensed health care
12 facility, the first licensed medical professional or law
13 enforcement official learning of such death shall immediately
14 contact the county coroner. Immediately upon receipt of such
15 notification, the coroner or the coroner's deputy shall make the
16 determination if further investigation is necessary, based on
17 information provided by the individual contacting the coroner,
18 and immediately advise such individual of the coroner's
19 intentions.

20 3. Notwithstanding the provisions of subsection 2 of this
21 section to the contrary, when a death occurs under the care of a
22 hospice, no investigation shall be required if the death is
23 certified by the treating physician of the deceased or the
24 medical director of the hospice as a natural death due to disease
25 or diagnosed illness. The hospice shall provide written notice
26 to the coroner within twenty-four hours of the death.

27 4. Upon taking charge of the dead body and before moving
28 the body the coroner shall notify the police department of any

1 city in which the dead body is found, or if the dead body is
2 found in the unincorporated area of a county governed by the
3 provisions of sections 58.451 to 58.457, the coroner shall notify
4 the county sheriff or the highway patrol and cause the body to
5 remain unmoved until the police department, sheriff or the
6 highway patrol has inspected the body and the surrounding
7 circumstances and carefully noted the appearance, the condition
8 and position of the body and recorded every fact and circumstance
9 tending to show the cause and manner of death, with the names and
10 addresses of all known witnesses, and shall subscribe the same
11 and make such record a part of the coroner's report.

12 ~~[4.]~~ 5. In any case of sudden, violent or suspicious death
13 after which the body was buried without any investigation or
14 autopsy, the coroner, upon being advised of such facts, may at
15 the coroner's own discretion request that the prosecuting
16 attorney apply for a court order requiring the body to be
17 exhumed.

18 ~~[5.]~~ 6. The coroner may certify the cause of death in any
19 case where death occurred without medical attendance or where an
20 attending physician refuses to sign a certificate of death or
21 when a physician is unavailable to sign a certificate of death.

22 ~~[6.]~~ 7. When the cause of death is established by the
23 coroner, the coroner shall file a copy of the findings in the
24 coroner's office within thirty days.

25 ~~[7.]~~ 8. If on view of the dead body and after personal
26 inquiry into the cause and manner of death, the coroner
27 determines that a further examination is necessary in the public
28 interest, the coroner on the coroner's own authority may make or

1 cause to be made an autopsy on the body. The coroner may on the
2 coroner's own authority employ the services of a pathologist,
3 chemist, or other expert to aid in the examination of the body or
4 of substances supposed to have caused or contributed to death,
5 and if the pathologist, chemist, or other expert is not already
6 employed by the city or county for the discharge of such
7 services, the pathologist, chemist, or other expert shall, upon
8 written authorization of the coroner, be allowed reasonable
9 compensation, payable by the city or county, in the manner
10 provided in section 58.530. The coroner shall, at the time of the
11 autopsy, record or cause to be recorded each fact and
12 circumstance tending to show the condition of the body and the
13 cause and manner of death.

14 ~~[8.]~~ 9. If on view of the dead body and after personal
15 inquiry into the cause and manner of death, the coroner considers
16 a further inquiry and examination necessary in the public
17 interest, the coroner shall make out the coroner's warrant
18 directed to the sheriff of the city or county requiring the
19 sheriff forthwith to summon six good and lawful citizens of the
20 county to appear before the coroner, at the time and place
21 expressed in the warrant, and to inquire how and by whom the
22 deceased died.

23 ~~[9.]~~ 10. (1) When a person is being transferred from one
24 county to another county for medical treatment and such person
25 dies while being transferred, or dies while being treated in the
26 emergency room of the receiving facility the place which the
27 person is determined to be dead shall be considered the place of
28 death and the county coroner or medical examiner of the county

1 from which the person was originally being transferred shall be
2 responsible for determining the cause and manner of death for the
3 Missouri certificate of death.

4 (2) The coroner or medical examiner in the county in which
5 the person is determined to be dead may with authorization of the
6 coroner or medical examiner from the original transferring
7 county, investigate and conduct postmortem examinations at the
8 expense of the coroner or medical examiner from the original
9 transferring county. The coroner or medical examiner from the
10 original transferring county shall be responsible for
11 investigating the circumstances of such and completing the
12 Missouri certificate of death. The certificate of death shall be
13 filed in the county where the deceased was pronounced dead.

14 (3) Such coroner or medical examiner of the county where a
15 person is determined to be dead shall immediately notify the
16 coroner or medical examiner of the county from which the person
17 was originally being transferred of the death of such person, and
18 shall make available information and records obtained for
19 investigation of the death.

20 (4) If a person does not die while being transferred and is
21 institutionalized as a regularly admitted patient after such
22 transfer and subsequently dies while in such institution, the
23 coroner or medical examiner of the county in which the person is
24 determined to be dead shall immediately notify the coroner or
25 medical examiner of the county from which such person was
26 originally transferred of the death of such person. In such
27 cases, the county in which the deceased was institutionalized
28 shall be considered the place of death. If the manner of death is

1 by homicide, suicide, accident, criminal abortion including those
2 that are self-induced, child fatality, or any unusual or
3 suspicious manner, the investigation of the cause and manner of
4 death shall revert to the county of origin, and this coroner or
5 medical examiner shall be responsible for the Missouri
6 certificate of death. The certificate of death shall be filed in
7 the county where the deceased was pronounced dead.

8 ~~[10.]~~ 11. There shall not be any statute of limitations or
9 time limits on the cause of death when death is the final result
10 or determined to be caused by homicide, suicide, accident, child
11 fatality, criminal abortion including those self-induced, or any
12 unusual or suspicious manner. The place of death shall be the
13 place in which the person is determined to be dead. The final
14 investigation of death in determining the cause and matter of
15 death shall revert to the county of origin, and the coroner or
16 medical examiner of such county shall be responsible for the
17 Missouri certificate of death. The certificate of death shall be
18 filed in the county where the deceased was pronounced dead.

19 ~~[11.]~~ 12. Except as provided in subsection ~~[9]~~ 10 of this
20 section, if a person dies in one county and the body is
21 subsequently transferred to another county, for burial or other
22 reasons, the county coroner or medical examiner where the death
23 occurred shall be responsible for the certificate of death and
24 for investigating the cause and manner of the death.

25 ~~[12.]~~ 13. In performing the duties, the coroner or medical
26 examiner shall comply with sections 58.775 to 58.785 with respect
27 to organ donation.

28 58.720. 1. When any person dies within a county having a

1 medical examiner as a result of:

2 (1) Violence by homicide, suicide, or accident;

3 (2) Thermal, chemical, electrical, or radiation injury;

4 (3) Criminal abortions, including those self-induced;

5 (4) Disease thought to be of a hazardous and contagious
6 nature or which might constitute a threat to public health; or
7 when any person dies:

8 (a) Suddenly when in apparent good health;

9 (b) When unattended by a physician, chiropractor, or an
10 accredited Christian Science practitioner, during the period of
11 thirty-six hours immediately preceding his death;

12 (c) While in the custody of the law, or while an inmate in
13 a public institution;

14 (d) In any unusual or suspicious manner;

15

16 the police, sheriff, law enforcement officer or official, or any
17 person having knowledge of such a death shall immediately notify
18 the office of the medical examiner of the known facts concerning
19 the time, place, manner and circumstances of the death.

20 Immediately upon receipt of notification, the medical examiner or
21 his designated assistant shall take charge of the dead body and
22 fully investigate the essential facts concerning the medical
23 causes of death. He may take the names and addresses of
24 witnesses to the death and shall file this information in his
25 office. The medical examiner or his designated assistant shall
26 take possession of all property of value found on the body,
27 making exact inventory thereof on his report and shall direct the
28 return of such property to the person entitled to its custody or

1 possession. The medical examiner or his designated assistant
2 examiner shall take possession of any object or article which, in
3 his opinion, may be useful in establishing the cause of death,
4 and deliver it to the prosecuting attorney of the county.

5 2. When a death occurs outside a licensed health care
6 facility, the first licensed medical professional or law
7 enforcement official learning of such death shall contact the
8 county medical examiner. Immediately upon receipt of such
9 notification, the medical examiner or the medical examiner's
10 deputy shall make a determination if further investigation is
11 necessary, based on information provided by the individual
12 contacting the medical examiner, and immediately advise such
13 individual of the medical examiner's intentions.

14 3. Notwithstanding the provisions of subsection 2 of this
15 section to the contrary, when a death occurs under the care of a
16 hospice, no investigation shall be required if the death is
17 certified by the treating physician of the deceased or the
18 medical director of the hospice as a natural death due to disease
19 or diagnosed illness. The hospice shall provide written notice
20 to the medical examiner within twenty-four hours of the death.

21 4. In case of sudden, violent or suspicious death after
22 which the body was buried without any investigation or autopsy,
23 the medical examiner, upon being advised of such facts, may at
24 his own discretion request that the prosecuting attorney apply
25 for a court order requiring the body to be exhumed.

26 ~~[4.]~~ 5. The medical examiner shall certify the cause of
27 death in any case where death occurred without medical attendance
28 or where an attending physician refuses to sign a certificate of

1 death, and may sign a certificate of death in the case of any
2 death.

3 ~~[5.]~~ 6. When the cause of death is established by the
4 medical examiner, he shall file a copy of his findings in his
5 office within thirty days after notification of the death.

6 ~~[6.]~~ 7. (1) When a person is being transferred from one
7 county to another county for medical treatment and such person
8 dies while being transferred, or dies while being treated in the
9 emergency room of the receiving facility, the place which the
10 person is determined to be dead shall be considered the place of
11 death and the county coroner or the medical examiner of the
12 county from which the person was originally being transferred
13 shall be responsible for determining the cause and manner of
14 death for the Missouri certificate of death.

15 (2) The coroner or medical examiner in the county in which
16 the person is determined to be dead may, with authorization of
17 the coroner or medical examiner from the transferring county,
18 investigate and conduct postmortem examinations at the expense of
19 the coroner or medical examiner from the transferring county.
20 The coroner or medical examiner from the transferring county
21 shall be responsible for investigating the circumstances of such
22 and completing the Missouri certificate of death. The
23 certificate of death shall be filed in the county where the
24 deceased was pronounced dead.

25 (3) Such coroner or medical examiner, or the county where a
26 person is determined to be dead, shall immediately notify the
27 coroner or medical examiner of the county from which the person
28 was originally being transferred of the death of such person and

1 shall make available information and records obtained for
2 investigation of death.

3 (4) If a person does not die while being transferred and is
4 institutionalized as a regularly admitted patient after such
5 transfer and subsequently dies while in such institution, the
6 coroner or medical examiner of the county in which the person is
7 determined to be dead shall immediately notify the coroner or
8 medical examiner of the county from which such person was
9 originally transferred of the death of such person. In such
10 cases, the county in which the deceased was institutionalized
11 shall be considered the place of death. If the manner of death
12 is by homicide, suicide, accident, criminal abortion including
13 those that are self-induced, child fatality, or any unusual or
14 suspicious manner, the investigation of the cause and manner of
15 death shall revert to the county of origin, and this coroner or
16 medical examiner shall be responsible for the Missouri
17 certificate of death. The certificate of death shall be filed in
18 the county where the deceased was pronounced dead.

19 ~~[7-]~~ 8. There shall not be any statute of limitations or
20 time limits on cause of death when death is the final result or
21 determined to be caused by homicide, suicide, accident, criminal
22 abortion including those self-induced, child fatality, or any
23 unusual or suspicious manner. The place of death shall be the
24 place in which the person is determined to be dead, but the final
25 investigation of death determining the cause and manner of death
26 shall revert to the county of origin, and this coroner or medical
27 examiner shall be responsible for the Missouri certificate of
28 death. The certificate of death shall be filed in the county

1 where the deceased was pronounced dead.

2 ~~[8.]~~ 9. Except as provided in subsection ~~[6]~~ 7 of this
3 section, if a person dies in one county and the body is
4 subsequently transferred to another county, for burial or other
5 reasons, the county coroner or medical examiner where the death
6 occurred shall be responsible for the certificate of death and
7 for investigating the cause and manner of the death.

8 ~~[9.]~~ 10. In performing the duties, the coroner or medical
9 examiner shall comply with sections 58.775 to 58.785 with respect
10 to organ donation.

11 190.094. 1. Any ambulance licensed in this state, when
12 used as an ambulance and staffed with volunteer staff, shall be
13 staffed with a minimum of one emergency medical technician and
14 one other crew member who may be a licensed emergency medical
15 technician, registered nurse, physician, physician assistant, or
16 someone who has an emergency medical responder certification.

17 2. When transporting a patient, at least one licensed
18 emergency medical technician, registered nurse, physician
19 assistant, or physician shall be in attendance with the patient
20 in the patient compartment at all times.

21 3. For purposes of this section, "volunteer" shall mean an
22 individual who performs hours of service without promise,
23 expectation or receipt of compensation for services rendered.
24 Compensation such as a nominal stipend per call to compensate for
25 fuel, uniforms, and training shall not nullify the volunteer
26 status.

27 190.105. 1. No person, either as owner, agent or
28 otherwise, shall furnish, operate, conduct, maintain, advertise,

1 or otherwise be engaged in or profess to be engaged in the
2 business or service of the transportation of patients by
3 ambulance in the air, upon the streets, alleys, or any public way
4 or place of the state of Missouri unless such person holds a
5 currently valid license from the department for an ambulance
6 service issued pursuant to the provisions of sections 190.001 to
7 190.245.

8 2. No ground ambulance shall be operated for ambulance
9 purposes, and no individual shall drive, attend or permit it to
10 be operated for such purposes in the state of Missouri unless the
11 ground ambulance is under the immediate supervision and direction
12 of a person who is holding a currently valid Missouri license as
13 an emergency medical technician. Nothing in this section shall
14 be construed to mean that a duly registered nurse ~~[or]~~, a duly
15 licensed physician, or a duly licensed physician assistant be
16 required to hold an emergency medical technician's license. When
17 a physician assistant is in attendance with a patient on an
18 ambulance, the physician assistant shall be exempt from any
19 mileage limitations in any collaborative practice arrangement
20 prescribed under law. Each ambulance service is responsible for
21 assuring that any person driving its ambulance is competent in
22 emergency vehicle operations and has a safe driving record. Each
23 ground ambulance shall be staffed with at least two licensed
24 individuals when transporting a patient, except as provided in
25 section 190.094. In emergency situations which require
26 additional medical personnel to assist the patient during
27 transportation, an emergency medical responder, firefighter, or
28 law enforcement personnel with a valid driver's license and prior

1 experience with driving emergency vehicles may drive the ground
2 ambulance provided the ground ambulance service stipulates to
3 this practice in operational policies.

4 3. No license shall be required for an ambulance service,
5 or for the attendant of an ambulance, which:

6 (1) Is rendering assistance in the case of an emergency,
7 major catastrophe or any other unforeseen event or series of
8 events which jeopardizes the ability of the local ambulance
9 service to promptly respond to emergencies; or

10 (2) Is operated from a location or headquarters outside of
11 Missouri in order to transport patients who are picked up beyond
12 the limits of Missouri to locations within or outside of
13 Missouri, but no such outside ambulance shall be used to pick up
14 patients within Missouri for transportation to locations within
15 Missouri, except as provided in subdivision (1) of this
16 subsection.

17 4. The issuance of a license pursuant to the provisions of
18 sections 190.001 to 190.245 shall not be construed so as to
19 authorize any person to provide ambulance services or to operate
20 any ambulances without a franchise in any city not within a
21 county or in a political subdivision in any county with a
22 population of over nine hundred thousand inhabitants, or a
23 franchise, contract or mutual-aid agreement in any other
24 political subdivision which has enacted an ordinance making it
25 unlawful to do so.

26 5. Sections 190.001 to 190.245 shall not preclude the
27 adoption of any law, ordinance or regulation not in conflict with
28 such sections by any city not within a county, or at least as

1 strict as such sections by any county, municipality or political
2 subdivision except that no such regulations or ordinances shall
3 be adopted by a political subdivision in a county with a
4 population of over nine hundred thousand inhabitants except by
5 the county's governing body.

6 6. In a county with a population of over nine hundred
7 thousand inhabitants, the governing body of the county shall set
8 the standards for all ambulance services which shall comply with
9 subsection 5 of this section. All such ambulance services must
10 be licensed by the department. The governing body of such county
11 shall not prohibit a licensed ambulance service from operating in
12 the county, as long as the ambulance service meets county
13 standards.

14 7. An ambulance service or vehicle when operated for the
15 purpose of transporting persons who are sick, injured, or
16 otherwise incapacitated shall not be treated as a common or
17 contract carrier under the jurisdiction of the Missouri division
18 of motor carrier and railroad safety.

19 8. Sections 190.001 to 190.245 shall not apply to, nor be
20 construed to include, any motor vehicle used by an employer for
21 the transportation of such employer's employees whose illness or
22 injury occurs on private property, and not on a public highway or
23 property, nor to any person operating such a motor vehicle.

24 9. A political subdivision that is authorized to operate a
25 licensed ambulance service may establish, operate, maintain and
26 manage its ambulance service, and select and contract with a
27 licensed ambulance service. Any political subdivision may
28 contract with a licensed ambulance service.

1 10. Except as provided in subsections 5 and 6, nothing in
2 section 67.300, or subsection 2 of section 190.109, shall be
3 construed to authorize any municipality or county which is
4 located within an ambulance district or a fire protection
5 district that is authorized to provide ambulance service to
6 promulgate laws, ordinances or regulations related to the
7 provision of ambulance services. This provision shall not apply
8 to any municipality or county which operates an ambulance service
9 established prior to August 28, 1998.

10 11. Nothing in section 67.300 or subsection 2 of section
11 190.109 shall be construed to authorize any municipality or
12 county which is located within an ambulance district or a fire
13 protection district that is authorized to provide ambulance
14 service to operate an ambulance service without a franchise in an
15 ambulance district or a fire protection district that is
16 authorized to provide ambulance service which has enacted an
17 ordinance making it unlawful to do so. This provision shall not
18 apply to any municipality or county which operates an ambulance
19 service established prior to August 28, 1998.

20 12. No provider of ambulance service within the state of
21 Missouri which is licensed by the department to provide such
22 service shall discriminate regarding treatment or transportation
23 of emergency patients on the basis of race, sex, age, color,
24 religion, sexual preference, national origin, ancestry, handicap,
25 medical condition or ability to pay.

26 13. No provision of this section, other than subsections 5,
27 6, 10 and 11 of this section, is intended to limit or supersede
28 the powers given to ambulance districts pursuant to this chapter

1 or to fire protection districts pursuant to chapter 321, or to
2 counties, cities, towns and villages pursuant to chapter 67.

3 14. Upon the sale or transfer of any ground ambulance
4 service ownership, the owner of such service shall notify the
5 department of the change in ownership within thirty days of such
6 sale or transfer. After receipt of such notice, the department
7 shall conduct an inspection of the ambulance service to verify
8 compliance with the licensure standards of sections 190.001 to
9 190.245.

10 190.143. 1. Notwithstanding any other provisions of law,
11 the department may grant a ninety-day temporary emergency medical
12 technician license to all levels of emergency medical technicians
13 who meet the following:

14 (1) Can demonstrate that they have, or will have,
15 employment requiring an emergency medical technician license;

16 (2) Are not currently licensed as an emergency medical
17 technician in Missouri or have been licensed as an emergency
18 medical technician in Missouri and fingerprints need to be
19 submitted to the Federal Bureau of Investigation to verify the
20 existence or absence of a criminal history, or they are currently
21 licensed and the license will expire before a verification can be
22 completed of the existence or absence of a criminal history;

23 (3) Have submitted a complete application upon such forms
24 as prescribed by the department in rules adopted pursuant to
25 sections 190.001 to 190.245;

26 (4) Have not been disciplined pursuant to sections 190.001
27 to 190.245 and rules promulgated pursuant to sections 190.001 to
28 190.245;

1 (5) Meet all the requirements of rules promulgated pursuant
2 to sections 190.001 to 190.245.

3 2. A temporary emergency medical technician license shall
4 only authorize the license to practice while under the immediate
5 supervision of a licensed emergency medical technician,
6 registered nurse, physician assistant, or physician who is
7 currently licensed, without restrictions, to practice in
8 Missouri.

9 3. A temporary emergency medical technician license shall
10 automatically expire either ninety days from the date of issuance
11 or upon the issuance of a five-year emergency medical technician
12 license.

13 190.196. 1. No employer shall knowingly employ or permit
14 any employee to perform any services for which a license,
15 certificate or other authorization is required by sections
16 190.001 to 190.245, or by rules adopted pursuant to sections
17 190.001 to 190.245, unless and until the person so employed
18 possesses all licenses, certificates or authorizations that are
19 required.

20 2. Any person or entity that employs or supervises a
21 person's activities as an emergency medical responder, emergency
22 medical dispatcher, emergency medical technician, registered
23 nurse, physician assistant, or physician shall cooperate with the
24 department's efforts to monitor and enforce compliance by those
25 individuals subject to the requirements of sections 190.001 to
26 190.245.

27 3. Any person or entity who employs individuals licensed by
28 the department pursuant to sections 190.001 to 190.245 shall

1 report to the department within seventy-two hours of their having
2 knowledge of any charges filed against a licensee in their employ
3 for possible criminal action involving the following felony
4 offenses:

5 (1) Child abuse or sexual abuse of a child;

6 (2) Crimes of violence; or

7 (3) Rape or sexual abuse.

8 4. Any licensee who has charges filed against him or her
9 for the felony offenses in subsection 3 of this section shall
10 report such an occurrence to the department within seventy-two
11 hours of the charges being filed.

12 5. The department will monitor these reports for possible
13 licensure action authorized pursuant to section 190.165.

14 193.145. 1. A certificate of death for each death which
15 occurs in this state shall be filed with the local registrar, or
16 as otherwise directed by the state registrar, within five days
17 after death and shall be registered if such certificate has been
18 completed and filed pursuant to this section. All data providers
19 in the death registration process, including, but not limited to,
20 the state registrar, local registrars, the state medical
21 examiner, county medical examiners, coroners, funeral directors
22 or persons acting as such, embalmers, sheriffs, attending
23 physicians and resident physicians, physician assistants,
24 assistant physicians, advanced practice registered nurses, and
25 the chief medical officers of licensed health care facilities,
26 and other public or private institutions providing medical care,
27 treatment, or confinement to persons, shall be required to use
28 and utilize any electronic death registration system required and

1 adopted under subsection 1 of section 193.265 within six months
2 of the system being certified by the director of the department
3 of health and senior services, or the director's designee, to be
4 operational and available to all data providers in the death
5 registration process. However, should the person or entity that
6 certifies the cause of death not be part of, or does not use, the
7 electronic death registration system, the funeral director or
8 person acting as such may enter the required personal data into
9 the electronic death registration system and then complete the
10 filing by presenting the signed cause of death certification to
11 the local registrar, in which case the local registrar shall
12 issue death certificates as set out in subsection 2 of section
13 193.265. Nothing in this section shall prevent the state
14 registrar from adopting pilot programs or voluntary electronic
15 death registration programs until such time as the system can be
16 certified; however, no such pilot or voluntary electronic death
17 registration program shall prevent the filing of a death
18 certificate with the local registrar or the ability to obtain
19 certified copies of death certificates under subsection 2 of
20 section 193.265 until six months after such certification that
21 the system is operational.

22 2. If the place of death is unknown but the dead body is
23 found in this state, the certificate of death shall be completed
24 and filed pursuant to the provisions of this section. The place
25 where the body is found shall be shown as the place of death.
26 The date of death shall be the date on which the remains were
27 found.

28 3. When death occurs in a moving conveyance in the United

1 States and the body is first removed from the conveyance in this
2 state, the death shall be registered in this state and the place
3 where the body is first removed shall be considered the place of
4 death. When a death occurs on a moving conveyance while in
5 international waters or air space or in a foreign country or its
6 air space and the body is first removed from the conveyance in
7 this state, the death shall be registered in this state but the
8 certificate shall show the actual place of death if such place
9 may be determined.

10 4. The funeral director or person in charge of final
11 disposition of the dead body shall file the certificate of death.
12 The funeral director or person in charge of the final disposition
13 of the dead body shall obtain or verify and enter into the
14 electronic death registration system:

15 (1) The personal data from the next of kin or the best
16 qualified person or source available;

17 (2) The medical certification from the person responsible
18 for such certification if designated to do so under subsection 5
19 of this section; and

20 (3) Any other information or data that may be required to
21 be placed on a death certificate or entered into the electronic
22 death certificate system including, but not limited to, the name
23 and license number of the embalmer.

24 5. The medical certification shall be completed, attested
25 to its accuracy either by signature or an electronic process
26 approved by the department, and returned to the funeral director
27 or person in charge of final disposition within seventy-two hours
28 after death by the physician, physician assistant, assistant

1 physician, or advanced practice registered nurse in charge of the
2 patient's care for the illness or condition which resulted in
3 death. In the absence of the physician, physician assistant,
4 assistant physician, advanced practice registered nurse or with
5 the physician's, physician assistant's, assistant physician's, or
6 advanced practice registered nurse's approval the certificate may
7 be completed and attested to its accuracy either by signature or
8 an approved electronic process by the physician's associate
9 physician, the chief medical officer of the institution in which
10 death occurred, or the physician who performed an autopsy upon
11 the decedent, provided such individual has access to the medical
12 history of the case, views the deceased at or after death and
13 death is due to natural causes. The person authorized to
14 complete the medical certification may, in writing, designate any
15 other person to enter the medical certification information into
16 the electronic death registration system if the person authorized
17 to complete the medical certificate has physically or by
18 electronic process signed a statement stating the cause of death.
19 Any persons completing the medical certification or entering data
20 into the electronic death registration system shall be immune
21 from civil liability for such certification completion, data
22 entry, or determination of the cause of death, absent gross
23 negligence or willful misconduct. The state registrar may
24 approve alternate methods of obtaining and processing the medical
25 certification and filing the death certificate. The Social
26 Security number of any individual who has died shall be placed in
27 the records relating to the death and recorded on the death
28 certificate.

1 6. When death occurs from natural causes more than
2 thirty-six hours after the decedent was last treated by a
3 physician, physician assistant, assistant physician, advanced
4 practice registered nurse, the case shall be referred to the
5 county medical examiner or coroner or physician or local
6 registrar for investigation to determine and certify the cause of
7 death. If the death is determined to be of a natural cause, the
8 medical examiner or coroner or local registrar shall refer the
9 certificate of death to the attending physician, physician
10 assistant, assistant physician, advanced practice registered
11 nurse for such certification. If the attending physician,
12 physician assistant, assistant physician, advanced practice
13 registered nurse refuses or is otherwise unavailable, the medical
14 examiner or coroner or local registrar shall attest to the
15 accuracy of the certificate of death either by signature or an
16 approved electronic process within thirty-six hours.

17 7. If the circumstances suggest that the death was caused
18 by other than natural causes, the medical examiner or coroner
19 shall determine the cause of death and shall ~~complete and attest~~
20 ~~to the accuracy~~, either by signature or an approved electronic
21 process, complete and attest to the accuracy of the medical
22 certification within seventy-two hours after taking charge of the
23 case.

24 8. If the cause of death cannot be determined within
25 seventy-two hours after death, the attending medical examiner,
26 coroner, attending physician, physician assistant, assistant
27 physician, advanced practice registered nurse, or local registrar
28 shall give the funeral director, or person in charge of final

1 disposition of the dead body, notice of the reason for the delay,
2 and final disposition of the body shall not be made until
3 authorized by the medical examiner, coroner, attending physician,
4 physician assistant, assistant physician, advanced practice
5 registered nurse, or local registrar.

6 9. When a death is presumed to have occurred within this
7 state but the body cannot be located, a death certificate may be
8 prepared by the state registrar upon receipt of an order of a
9 court of competent jurisdiction which shall include the finding
10 of facts required to complete the death certificate. Such a
11 death certificate shall be marked "Presumptive", show on its face
12 the date of registration, and identify the court and the date of
13 decree.

14 10. (1) The department of health and senior services shall
15 notify all physicians, physician assistants, assistant
16 physicians, and advanced practice registered nurses licensed
17 under chapters 334 and 335 of the requirements regarding the use
18 of the electronic vital records system provided for in this
19 section.

20 (2) On or before August 30, 2015, the department of health
21 and senior services, division of community and public health
22 shall create a working group comprised of representation from the
23 Missouri electronic vital records system users and recipients of
24 death certificates used for professional purposes to evaluate the
25 Missouri electronic vital records system, develop recommendations
26 to improve the efficiency and usability of the system, and to
27 report such findings and recommendations to the general assembly
28 no later than January 1, 2016.

1 11. Notwithstanding any provision of law to the contrary,
2 if a coroner or deputy coroner is not current with or is without
3 the approved training under chapter 58, the department of health
4 and senior services shall prohibit such coroner from attesting to
5 the accuracy of a certificate of death. No person elected or
6 appointed to the office of coroner can assume such elected office
7 until the training, as established by the coroner standards and
8 training commission under the provisions of section 58.035, has
9 been completed and a certificate of completion has been issued.
10 In the event a coroner cannot fulfill his or her duties or is no
11 longer qualified to attest to the accuracy of a death
12 certificate, the sheriff of the county shall appoint a medical
13 professional to attest death certificates until such time as the
14 coroner can resume his or her duties or another coroner is
15 appointed or elected to the office.

16 193.265. 1. For the issuance of a certification or copy of
17 a death record, the applicant shall pay a fee of [~~thirteen~~
18 fourteen dollars for the first certification or copy and a fee of
19 [~~ten~~ eleven dollars for each additional copy ordered at that
20 time. For the issuance of a certification or copy of a birth,
21 marriage, divorce, or fetal death record, the applicant shall pay
22 a fee of fifteen dollars. No fee shall be required or collected
23 for a certification of birth, death, or marriage if the request
24 for certification is made by the children's division, the
25 division of youth services, a guardian ad litem, or a juvenile
26 officer on behalf of a child or person under twenty-one years of
27 age who has come under the jurisdiction of the juvenile court
28 under section 211.031. All fees collected under this subsection

1 shall be deposited to the state department of revenue. Beginning
2 August 28, 2004, for each vital records fee collected, the
3 director of revenue shall credit four dollars to the general
4 revenue fund, five dollars to the children's trust fund, one
5 dollar shall be credited to the endowed care cemetery audit fund,
6 one dollar for each certification or copy of death records to the
7 Missouri state coroners' training fund established in section
8 58.208, and three dollars for the first copy of death records and
9 five dollars for birth, marriage, divorce, and fetal death
10 records shall be credited to the Missouri public services health
11 fund established in section 192.900. Money in the endowed care
12 cemetery audit fund shall be available by appropriation to the
13 division of professional registration to pay its expenses in
14 administering sections 214.270 to 214.410. All interest earned
15 on money deposited in the endowed care cemetery audit fund shall
16 be credited to the endowed care cemetery fund. Notwithstanding
17 the provisions of section 33.080 to the contrary, money placed in
18 the endowed care cemetery audit fund shall not be transferred and
19 placed to the credit of general revenue until the amount in the
20 fund at the end of the biennium exceeds three times the amount of
21 the appropriation from the endowed care cemetery audit fund for
22 the preceding fiscal year. The money deposited in the public
23 health services fund under this section shall be deposited in a
24 separate account in the fund, and moneys in such account, upon
25 appropriation, shall be used to automate and improve the state
26 vital records system, and develop and maintain an electronic
27 birth and death registration system. For any search of the files
28 and records, when no record is found, the state shall be entitled

1 to a fee equal to the amount for a certification of a vital
2 record for a five-year search to be paid by the applicant. For
3 the processing of each legitimation, adoption, court order or
4 recording after the registrant's twelfth birthday, the state
5 shall be entitled to a fee equal to the amount for a
6 certification of a vital record. Except whenever a certified
7 copy or copies of a vital record is required to perfect any claim
8 of any person on relief, or any dependent of any person who was
9 on relief for any claim upon the government of the state or
10 United States, the state registrar shall, upon request, furnish a
11 certified copy or so many certified copies as are necessary,
12 without any fee or compensation therefor.

13 2. For the issuance of a certification of a death record by
14 the local registrar, the applicant shall pay a fee of [~~thirteen~~
15 fourteen dollars for the first certification or copy and a fee of
16 [~~ten~~ eleven dollars for each additional copy ordered at that
17 time. For each fee collected under this subsection, one dollar
18 shall be deposited to the state department of revenue and the
19 remainder shall be deposited to the official city or county
20 health agency. The director of revenue shall credit all fees
21 deposited to the state department of revenue under this
22 subsection to the Missouri state coroners' training fund
23 established in section 58.208.

24 3. For the issuance of a certification or copy of a birth,
25 marriage, divorce, or fetal death record, the applicant shall pay
26 a fee of fifteen dollars; except that, in any county with a
27 charter form of government and with more than six hundred
28 thousand but fewer than seven hundred thousand inhabitants, a

1 donation of one dollar may be collected by the local registrar
2 over and above any fees required by law when a certification or
3 copy of any marriage license or birth certificate is provided,
4 with such donations collected to be forwarded monthly by the
5 local registrar to the county treasurer of such county and the
6 donations so forwarded to be deposited by the county treasurer
7 into the housing resource commission fund to assist homeless
8 families and provide financial assistance to organizations
9 addressing homelessness in such county. The local registrar
10 shall include a check-off box on the application form for such
11 copies. All fees collected under this subsection, other than the
12 donations collected in any county with a charter form of
13 government and with more than six hundred thousand but fewer than
14 seven hundred thousand inhabitants for marriage licenses and
15 birth certificates, shall be deposited to the official city or
16 county health agency.

17 4. A certified copy of a death record by the local
18 registrar can only be issued within twenty-four hours of receipt
19 of the record by the local registrar. Computer-generated
20 certifications of death records may be issued by the local
21 registrar after twenty-four hours of receipt of the records. The
22 fees paid to the official county health agency shall be retained
23 by the local agency for local public health purposes.

24 209.334. 1. The committee may refuse to issue or renew any
25 license required by the provisions of sections 209.319 to 209.339
26 for one or any combination of causes stated in subsection 2 of
27 this section. The committee shall notify the applicant in
28 writing of the reasons for the refusal and shall advise the

1 applicant of his or her right to file a complaint with the
2 administrative hearing commission as provided by chapter 621.

3 2. The committee may cause a complaint to be filed with the
4 administrative hearing commission as provided by chapter 621
5 against any holder of any license required by sections 209.319 to
6 209.339 or any person who has failed to renew or has surrendered
7 his license for any one or any combination of the following
8 causes:

9 (1) Use of any controlled substance, as defined in chapter
10 195, or alcoholic beverage to an extent that such use impairs a
11 person's ability to engage in the occupation of interpreting;

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 ~~an interpreter, for any offense an essential element of which is~~
18 ~~fraud, dishonesty or an act of violence,~~ and responsibilities of
19 the occupation, as set forth in section 324.012, regardless of
20 whether or not sentence is imposed;

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

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

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

4 (6) Violation of, or assisting or enabling any person to
5 violate, any provision of sections 209.319 to 209.339, or of any
6 lawful rule or regulation adopted pursuant to sections 209.319 to
7 209.339;

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

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

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

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

21 (11) Assisting or enabling any person to practice or offer
22 to practice interpreting who is not licensed and currently
23 eligible to practice under the provisions of sections 209.319 to
24 209.339;

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

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

28 (14) Failure to display or present a valid license if so

1 required by sections 209.319 to 209.339 or any rule promulgated
2 pursuant thereto.

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

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

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

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

27 214.276. 1. The division may refuse to issue or renew any
28 license, required pursuant to sections 214.270 to 214.516 for one

1 or any combination of causes stated in subsection 2 of this
2 section. The division shall notify the applicant in writing of
3 the reasons for the refusal and shall advise the applicant of his
4 or her right to file a complaint with the administrative hearing
5 commission as provided by chapter 621.

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

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

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

26 (3) Use of fraud, deception, misrepresentation or bribery
27 in securing any license, issued pursuant to sections 214.270 to
28 214.516 or in obtaining permission to take any examination given

1 or required pursuant to sections 214.270 to 214.516;

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

4 (5) Incompetence, misconduct, gross negligence, fraud,
5 misrepresentation or dishonesty in the performance of the
6 functions or duties of any profession regulated by sections
7 214.270 to 214.516;

8 (6) Violation of, or assisting or enabling any person to
9 violate, any provision of sections 214.270 to 214.516, or any
10 lawful rule or regulation adopted pursuant to sections 214.270 to
11 214.516;

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

14 (8) Disciplinary action against the holder of a license or
15 other right to practice any profession regulated by sections
16 214.270 to 214.516 granted by another state, territory, federal
17 agency or country upon grounds for which revocation or suspension
18 is authorized in this state;

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

21 (10) Assisting or enabling any person to practice or offer
22 to practice any profession licensed or regulated by sections
23 214.270 to 214.516 who is not registered and currently eligible
24 to practice pursuant to sections 214.270 to 214.516;

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

27 (12) Failure to display a valid license;

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

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

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

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 division may singly or in
11 combination, censure or place the person named in the complaint
12 on probation on such terms and conditions as the division deems
13 appropriate for a period not to exceed five years, or may
14 suspend, or revoke the license or permit or may impose a penalty
15 allowed by subsection 4 of section 214.410. No new license shall
16 be issued to the owner or operator of a cemetery or to any
17 corporation controlled by such owner for three years after the
18 revocation of the certificate of the owner or of a corporation
19 controlled by the owner.

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

28 5. Use of the procedures set out in this section shall not

1 preclude the application of any other remedy provided by this
2 chapter.

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

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

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

12 4. The board shall revoke the certification of registration
13 for ~~[a] any person [convicted of any felony or any crime~~
14 ~~involving moral turpitude or sentence of imprisonment or~~
15 ~~probation in lieu thereof; or for any misdemeanor relating to or~~
16 ~~arising out of the practice of geology affecting public health,~~
17 ~~safety and welfare]~~ who 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 any state, of the United
20 States, or of any country, for any offense directly related to
21 the duties and responsibilities of the occupation, as set forth
22 in section 324.012, regardless of whether or not sentence is
23 imposed.

24 317.015. 1. Any person wishing to make a complaint against
25 a licensee under sections 317.001 to 317.014 shall file the
26 written complaint with the division setting forth supporting
27 details. If the division determines that the charges warrant a
28 hearing to ascertain whether the licensee shall be disciplined,

1 it shall file a complaint with the administrative hearing
2 commission as provided in chapter 621. Any person holding more
3 than one license issued by the division and disciplined under one
4 license will automatically be disciplined under all licenses.

5 2. (1) The division may refuse to issue any permit or
6 license pursuant to this chapter for one or any combination of
7 reasons stated in paragraphs (a) through (m) of subdivision (2)
8 of this subsection. The division shall notify the applicant in
9 writing of the reasons for the refusal and shall advise the
10 applicant of their rights to file a complaint or an appeal with
11 the administrative hearing commission as provided in chapter 621.

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

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

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

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

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

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

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

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

15 (g) Impersonating any permit or license holder or allowing
16 any person to use their permit or license;

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

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

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

26 (k) 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;

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

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

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

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

28 (1) Satisfactory completion of medical testing and/or

1 rehabilitation programs as the office may specify; and/or

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

5 324.009. 1. For purposes of this section, the following
6 terms mean:

7 (1) "License", a license, certificate, registration,
8 permit, or accreditation that enables a person to legally
9 practice an occupation or profession in a particular
10 jurisdiction [~~; except that "license" shall not include a~~
11 ~~certificate of license to teach in public schools under section~~
12 ~~168.021]~~;

13 (2) "Nonresident military spouse", a nonresident spouse of
14 an active duty member of the Armed Forces of the United States
15 who has been transferred or is scheduled to be transferred to the
16 state of Missouri, or who has been transferred or is scheduled to
17 be transferred to an adjacent state and is or will be domiciled
18 in the state of Missouri, or has moved to the state of Missouri
19 on a permanent change-of-station basis;

20 (3) "Oversight body", any board, department, agency, or
21 office of a jurisdiction that issues licenses [~~; except, for the~~
22 ~~purposes of this section, oversight body shall not include the~~
23 ~~state board of registration for the healing arts, the state board~~
24 ~~of nursing, the board of pharmacy, the state committee of~~
25 ~~psychologists, the Missouri dental board, the Missouri board for~~
26 ~~architects, professional engineers, professional land surveyors~~
27 ~~and professional landscape architects, the state board of~~
28 ~~optometry, or the Missouri veterinary medical board]~~;

1 (4) "Resident military spouse", a spouse of an active duty
2 member of the Armed Forces of the United States who has been
3 transferred or is scheduled to be transferred to the state of
4 Missouri or an adjacent state and who is a permanent resident of
5 the state of Missouri, who is domiciled in the state of Missouri,
6 or who has Missouri as his or her home of record.

7 2. Any person [~~who is a resident of Missouri, a resident~~
8 ~~military spouse, or a nonresident military spouse and~~] who holds
9 a valid current license issued by another state, a territory of
10 the United States, or the District of Columbia, and who has been
11 licensed for at least one year in such other jurisdiction, may
12 submit an application for a license in Missouri in the same
13 occupation or profession, and at the same practice level, for
14 which he or she holds the current license, along with proof of
15 current licensure and proof of licensure for at least one year in
16 [all] the other [jurisdictions] jurisdiction, to the relevant
17 oversight body in this state.

18 3. The oversight body in this state shall:

19 (1) Within six months of receiving an application described
20 in subsection 2 of this section [~~from a resident of Missouri~~],
21 waive any examination, educational, or experience requirements
22 for licensure in this state for the applicant if it determines
23 that [~~the licensing requirements in the jurisdiction that issued~~
24 ~~the applicant's license are substantially similar to or more~~
25 ~~stringent than the licensing requirements in Missouri for the~~
26 ~~same occupation or profession and shall issue such applicant a~~
27 ~~license under this section if such applicant otherwise meets the~~
28 ~~requirements of this section] there were minimum education~~

1 requirements and, if applicable, work experience and clinical
2 supervision requirements in effect and the other state verifies
3 that the person met those requirements in order to be licensed or
4 certified in that state. An oversight body that administers an
5 examination on laws of this state as part of its licensing
6 application requirement may require an applicant to take and pass
7 an examination specific to the laws of this state; or

8 (2) Within thirty days of receiving an application
9 described in subsection 2 of this section from a nonresident
10 military spouse or a resident military spouse, waive any
11 examination, educational, or experience requirements for
12 licensure in this state for the applicant and issue such
13 applicant a license under this section if such applicant
14 otherwise meets the requirements of this section.

15 4. (1) The oversight body shall not waive any examination,
16 educational, or experience requirements for any applicant who has
17 had his or her license revoked by an oversight body outside the
18 state; who is currently under investigation, who has a complaint
19 pending, or who is currently under disciplinary action, except as
20 provided in subdivision (2) of this subsection, with an oversight
21 body outside the state; who does not hold a license in good
22 standing with an oversight body outside the state; who has a
23 criminal record that would disqualify him or her for licensure in
24 Missouri; or who does not hold a valid current license in the
25 other jurisdiction on the date the oversight body receives his or
26 her application under this section.

27 (2) If another jurisdiction has taken disciplinary action
28 against an applicant, the oversight body shall determine if the

1 cause for the action was corrected and the matter resolved. If
2 the matter has not been resolved by that jurisdiction, the
3 oversight body may deny a license until the matter is resolved.

4 5. ~~【The oversight body shall not waive any examination,~~
5 ~~educational, or experience requirements for any applicant if it~~
6 ~~determines that waiving the requirements for the applicant may~~
7 ~~endanger the public health, safety, or welfare.~~

8 ~~——6.]~~ Nothing in this section shall prohibit the oversight
9 body from denying a license to an applicant under this section
10 for any reason described in any section associated with the
11 occupation or profession for which the applicant seeks a license.

12 6. Any person who is licensed under the provisions of this
13 section shall be subject to the applicable oversight body's
14 jurisdiction and all rules and regulations pertaining to the
15 practice of the licensed occupation or profession in this state.

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

20 8. This section shall not apply to business, professional,
21 or occupational licenses issued or required by political
22 subdivisions.

23 9. The provisions of this section shall not impede an
24 oversight body's authority to require an applicant to submit
25 fingerprints as part of the application process.

26 10. The provisions of this section shall not apply to an
27 oversight body that has entered into a licensing compact with
28 another state for the regulation of practice under the oversight

1 body's jurisdiction. The provisions of this section shall not be
2 construed to alter the authority granted by, or any requirements
3 promulgated pursuant to, any interjurisdictional or interstate
4 compacts adopted by Missouri statute or any reciprocity
5 agreements with other states [~~. If any conflict arises between~~
6 ~~the provisions of this section and the provisions of any~~
7 ~~interjurisdictional or interstate compact or reciprocity~~
8 ~~agreement, the provisions of such compact or agreement shall~~
9 ~~prevail. If a conflict arises between the provisions of this~~
10 ~~section and any federal law or rule, the provisions of the~~
11 ~~federal law or rule shall prevail] in effect on August 28, 2018,
12 and whenever possible this section shall be interpreted so as to
13 imply no conflict between it and any compact, or any reciprocity
14 agreements with other states in effect on August 28, 2018.~~

15 [~~10. For the purposes of this section, resident military~~
16 ~~spouses and nonresident military spouses shall be eligible to~~
17 ~~apply for a license with any board, department, agency, or office~~
18 ~~of a jurisdiction that issues licenses including, but not limited~~
19 ~~to, the state board of registration for the healing arts; the~~
20 ~~state board of nursing; the board of pharmacy; the state~~
21 ~~committee of psychologists; the Missouri dental board; the~~
22 ~~Missouri board for architects, professional engineers,~~
23 ~~professional land surveyors, and professional landscape~~
24 ~~architects; the state board of optometry; and the Missouri~~
25 ~~veterinary medical board.]~~

26 11. Notwithstanding any other provision of law, a license
27 issued under this section shall be valid only in this state and
28 shall not make a licensee eligible to be part of an interstate

1 compact. An applicant who is licensed in another state pursuant
2 to an interstate compact shall not be eligible for licensure by
3 an oversight body under the provisions of this section.

4 12. The provisions of this section shall not apply to any
5 occupation set forth in subsection 6 of section 290.257, or any
6 electrical contractor licensed under sections 324.900 to 324.945.

7 324.012. 1. This section shall be known and may be cited
8 as the "Fresh Start Act of 2020".

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

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

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

15 (3) "Licensing authority", an agency, examining board,
16 credentialing board, or other office of the state with the
17 authority to impose occupational fees or licensing requirements
18 on any profession. The term "licensing authority" shall not
19 include the state board of education's licensure of teachers
20 pursuant to chapter 168, the Missouri state board of accountant's
21 licensure of accountants pursuant to chapter 326, the board of
22 podiatric medicine's licensure of podiatrists pursuant to chapter
23 330, the Missouri dental board's licensure of dentists pursuant
24 to chapter 332, the state board of registration for the healing
25 art's licensure of physicians and surgeons pursuant to chapter
26 334, the Missouri state board of nursing's licensure of nurses
27 pursuant to chapter 335, the board of pharmacy's licensure of
28 pharmacists pursuant to chapter 338, the Missouri real estate

1 commission's licensure of real estate brokers, real estate
2 salespersons, or real estate broker-salespersons pursuant to
3 sections 339.010 to 339.205, the Missouri veterinary medical
4 board's licensure of veterinarian's pursuant to chapter 340, the
5 Missouri director of finance appointed pursuant to chapter 361,
6 or the peace officer standards and training commission's
7 licensure of peace officers or other law enforcement personnel
8 pursuant to chapter 590;

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

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

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

28 (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

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

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

1 offense that directly relates to the duties and responsibilities
2 of a licensed profession for four years, beginning on the date
3 such individual is released from incarceration.

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

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

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

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

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

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

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

26 7. An individual with a criminal record may petition a
27 licensing authority at any time for a determination of whether
28 the individual's criminal record will disqualify the individual

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

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

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

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

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

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

24 (2) Any written determination by the licensing authority
25 that an applicant's criminal conviction is a specifically listed
26 disqualifying conviction and is directly related to the duties
27 and responsibilities for the licensed occupation shall be
28 documented with written findings for each of the grounds or

1 reasons under paragraph (a) of subdivision (1) of this subsection
2 by clear and convincing evidence sufficient for a reviewing
3 court.

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

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

19 324.025. 1. The provisions of this section shall be known
20 and may be cited as the "Expanded Workforce Access Act of 2020".

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

22 (1) "Apprenticeship", a program that the United States
23 Department of Labor deems to meet the federal guidelines set out
24 in 29 CFR Part 29 and 29 U.S.C. Section 50;

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

28 (3) "Licensing authority", an agency, examining board,

1 credentialing board, or other office of the state with the
2 authority to impose occupational fees or licensing requirements
3 on any profession.

4 3. Beginning January 1, 2021, within the parameters
5 established under the federal Labor Standards For the
6 Registration of Apprenticeship Programs under 29 CFR Part 29 and
7 29 U.S.C. Section 50, each state licensing authority shall grant
8 a license to any applicant who meets the following criteria:

9 (1) Successfully completed the eighth grade;

10 (2) Completed an apprenticeship approved by the division of
11 professional registration or the United States Department of
12 Labor, or otherwise permitted under state or federal law; and

13 (3) Passed an examination, if one is deemed to be
14 necessary, by the appropriate licensing authority.

15 4. (1) The appropriate licensing authority shall establish
16 a passing score for any necessary examinations under the
17 apprenticeship program which shall not exceed any passing scores
18 that are otherwise required for a non-apprenticeship license for
19 the specific profession.

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

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

28 5. Any department with oversight over a licensing authority

1 may promulgate all necessary rules and regulations for the
2 implementation of this section. Any rule or portion of a rule,
3 as that term is defined in section 536.010, that is created under
4 the authority delegated in this section shall become effective
5 only if it complies with and is subject to all of the provisions
6 of chapter 536 and, if applicable, section 536.028. This section
7 and chapter 536 are nonseverable and if any of the powers vested
8 with the general assembly pursuant to chapter 536 to review, to
9 delay the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2020,
12 shall be invalid and void.

13 6. The provisions of this section shall not apply to any
14 occupation set forth in section 290.257, or any electrical
15 contractor licensed under sections 324.900 to 324.945.

16 324.035. 1. No board, commission, or committee within the
17 division of professional registration shall utilize occupational
18 fees, or any other fees associated with licensing requirements,
19 or contract or partner with any outside vendor or agency for the
20 purpose of offering continuing education classes.

21 2. Nothing in this section shall be construed to preclude a
22 board, commission, or committee within the division of
23 professional registration from utilizing occupational licensure
24 fees for the purpose of participating in conferences, seminars,
25 or other outreach for the purpose of communicating information to
26 licensees with respect to changes in policy, law, or regulations.

27 324.047. 1. The purpose of this section is to promote
28 general welfare by establishing guidelines for the regulation of

1 occupations and professions not regulated prior to January 1,
2 2019, and guidelines for combining any additional occupations or
3 professions under a single license regulated by the state prior
4 to January 1, 2019.

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

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

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

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

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

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

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

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

28 (8) "Least restrictive type of occupational regulation",

1 the regulation that is least restrictive, in which the following
2 list of regulations in order from least to most restrictive is
3 used to make such determination:

4 (a) Bonding or insurance;

5 (b) Registration;

6 (c) Certification;

7 (d) Occupational license;

8 (9) "Occupational license", a nontransferable authorization
9 in law for an individual to perform a lawful occupation for
10 compensation based on meeting personal qualifications established
11 by a regulatory entity and that, if not possessed, prohibits the
12 individual from performing the occupation for compensation;

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

16 (11) "Personal qualifications", criteria related to an
17 individual's personal background, including completion of an
18 approved educational program, satisfactory performance on an
19 examination, work experience, criminal history, and completion of
20 continuing education;

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

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

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

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

28

1 Notification may include the individual's name and address, the
2 individual's agent for service of process, the location of the
3 activity to be performed, and a description of the service the
4 individual provides. Registration may include a requirement to
5 post a bond but does not include education or experience
6 requirements. If the requirement of registration is not met, the
7 individual is prohibited from performing the occupation for
8 compensation or using "registered" as a designated title. The
9 term "registration" shall not be synonymous with an occupational
10 license;

11 (14) "Regulatory entity", any board, commission, agency,
12 division, or other unit or subunit of state government that
13 regulates one or more professions, occupations, industries,
14 businesses, or other endeavors in this state;

15 (15) "State agency", every state office, department, board,
16 commission, regulatory entity, and agency of the state. The term
17 "state agency" includes, if provided by law, programs and
18 activities involving less than the full responsibility of a state
19 agency;

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

24 3. All individuals may engage in the occupation of their
25 choice, free from unreasonable government regulation. The state
26 shall not impose a substantial burden on an individual's pursuit
27 of his or her occupation or profession unless there is a
28 reasonable interest for the state to protect the general welfare.

1 If such an interest exists, the regulation adopted by the state
2 shall be the least restrictive type of occupational regulation
3 consistent with the public interest to be protected.

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

9 (1) Unregulated practice could cause harm and endanger the
10 general welfare, and the potential for further harm and
11 endangerment is recognizable;

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

14 (3) The general welfare cannot be sufficiently protected by
15 other means.

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

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

27 (2) If the consumer has challenges accessing credentialing
28 information or possesses significantly less information on how to

1 report abuses such that the practitioner puts the consumer in a
2 disadvantageous position relative to the practitioner to judge
3 the quality of the practitioner's services, the regulation shall
4 implement a system of certification; and

5 (3) If other regulatory structures, such as bonding,
6 insurance, registration, and certification, insufficiently
7 protect the general welfare from recognizable harm, the
8 regulation shall implement a system of licensing.

9 6. After January 1, 2019, any relevant regulatory entity
10 shall report, and the department shall make available to the
11 general assembly, upon the filing of a bill that proposes
12 additional regulation of a profession or occupation currently
13 regulated by the regulatory entity, the following factors to the
14 department:

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

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

27 (3) The nature and extent of potential harm to the public
28 if the profession or occupation is not regulated as described in

1 the bill, the extent to which there is a threat to the general
2 welfare, and production of evidence of potential harm, including
3 a description of any complaints filed with state law enforcement
4 authorities, courts, departmental agencies, professional or
5 occupational boards, and professional and occupational
6 associations that have been lodged against practitioners of the
7 profession or occupation in this state within the past five
8 years. Notwithstanding the provisions of this section or any
9 other section, the relevant regulatory entity shall provide, and
10 the department shall make available to the general assembly, the
11 information relating to such complaints even if the information
12 is considered a closed record or otherwise confidential; except
13 that, the regulatory entity and the department shall redact names
14 and other personally identifiable information from the
15 information released;

16 (4) A description of the voluntary efforts made by
17 practitioners of the profession or occupation to protect the
18 public through self-regulation, private certifications,
19 membership in professional or occupational associations, or
20 academic credentials and a statement of why these efforts are
21 inadequate to protect the public;

22 (5) The extent to which expansion of regulation of the
23 profession or occupation will increase the cost of goods or
24 services provided by practitioners and the overall
25 cost-effectiveness and economic impact of the proposed
26 regulation, including the direct cost to the government and the
27 indirect costs to consumers;

28 (6) The extent to which expansion of regulation of the

1 profession or occupation would increase or decrease the
2 availability of services to the public;

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

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

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

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

17 (11) Whether the proposed requirements for regulation
18 exceed the national industry standards of minimal competence, if
19 such standards exist, and what those standards are if they exist;
20 and

21 (12) The method proposed to finance the proposed regulation
22 and financial data pertaining to whether the proposed regulation
23 can be reasonably financed by current or proposed licensees
24 through dedicated revenue mechanisms.

25 7. If no existing regulatory entity regulates the
26 occupation or profession to be regulated in the bill, the
27 department shall report and make available to the general
28 assembly, upon the filing of a bill after January 1, 2019, that

1 proposes new regulation of a profession or occupation, the
2 following factors:

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

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

25 (3) A list of other states that regulate the profession or
26 occupation, the type of regulation, copies of other states' laws,
27 and available evidence from those states of the effect of
28 regulation on the profession or occupation in terms of a

1 before-and-after analysis;

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

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

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

12 9. Nothing in this section shall be construed to change any
13 requirement for an individual to hold current private
14 certification as a condition of licensure or renewal of
15 licensure. This section shall not require a private
16 certification organization to grant or deny private certification
17 to any individual.

18 324.086. 1. The board may refuse to issue or renew any
19 certificate of registration or authority, permit or license
20 required pursuant to sections 324.050 to 324.089 for one or any
21 combination of causes stated in subsection 2 of this section.
22 The board shall notify the applicant in writing of the reasons
23 for the refusal and shall advise the applicant of his or her
24 right to file a complaint with the administrative hearing
25 commission as provided by chapter 621.

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

1 authority, permit or license required by sections 324.050 to
2 324.089 or any person who has failed to renew or has surrendered
3 his or her certificate of registration or authority, permit or
4 license for any one or any combination of the following causes:

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

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 by sections 324.050 to~~
15 ~~324.089, for any offense an essential element of which is fraud,~~
16 ~~dishonesty or an act of violence, or for any offense involving~~
17 ~~moral turpitude,]~~ and responsibilities of the occupation, as set
18 forth in section 324.012, regardless of whether or not sentence
19 is imposed;

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

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, gross negligence, fraud,

1 misrepresentation or dishonesty in the performance of the
2 functions and duties of any profession licensed or regulated by
3 sections 324.050 to 324.089;

4 (6) Violation of, or assisting or enabling any person to
5 violate, any provision of sections 324.050 to 324.089 or any
6 lawful rule or regulation adopted pursuant to sections 324.050 to
7 324.089;

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
14 324.050 to 324.089 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 is 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 any profession licensed or regulated by sections
21 324.050 to 324.089 who is not registered and currently eligible
22 to practice pursuant to sections 324.050 to 324.089;

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

1 to whom the advertisement or solicitation is primarily directed;

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

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

7 3. After the filing of such complaint, the proceedings
8 shall be conducted in accordance with the provisions of chapter
9 621. 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 with such terms and conditions as the board deems
14 appropriate for a period not to exceed five years, or may
15 suspend, for a period not to exceed three years, or may revoke
16 the license, certificate or permit.

17 4. An individual whose license has been revoked shall wait
18 at least one year from the date of revocation to apply for
19 relicensure. Relicensure shall be at the discretion of the board
20 after compliance with all requirements of sections 324.050 to
21 324.089 relative to the licensing of the applicant for the first
22 time.

23 324.217. 1. The committee may refuse to issue any license
24 or renew any license required by the provisions of sections
25 324.200 to 324.225 for one or any combination of reasons stated
26 in subsection 2 of this section. The committee shall notify the
27 applicant in writing of the reasons for the refusal and shall
28 advise the applicant of the right to file a complaint with the

1 administrative hearing commission as provided in chapter 621.

2 2. The committee may cause a complaint to be filed with the
3 administrative hearing commission as provided in chapter 621
4 against the holder of any license required by sections 324.200 to
5 324.225 or any person who has failed to renew or has surrendered
6 the person's license for any one or any combination of the
7 following causes:

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

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

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

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

21 (5) The person has been finally adjudicated and found
22 guilty, or entered a plea of guilty or nolo contendere, in a
23 criminal prosecution pursuant to the laws of any state ~~[or]~~, of
24 the United States, or of any country, for any offense
25 ~~[reasonably]~~ directly related to the ~~[qualifications, functions,~~
26 ~~or]~~ duties ~~[of the professional who is regulated pursuant to~~
27 ~~sections 324.200 to 324.225, for any offense an essential element~~
28 ~~of which is fraud, dishonesty or act of violence, or for any~~

1 ~~offense involving moral turpitude,~~] and responsibilities of the
2 occupation, as set forth in section 324.012, regardless of
3 whether or not sentence is imposed;

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

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

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

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

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

19 (11) Use or unlawful possession of any controlled
20 substance, as defined in chapter 195, or alcoholic beverage to an
21 extent that such use impairs a person's ability to perform the
22 work of any profession that is licensed or regulated by sections
23 324.200 to 324.225;

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

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

27 3. Any person, organization, association or corporation who
28 reports or provides information to the committee pursuant to the

1 provisions of sections 324.200 to 324.225 and who does so in good
2 faith shall not be subject to an action for civil damages as a
3 result thereof.

4 4. After the filing of a complaint pursuant to subsection 2
5 of this section, the proceedings shall be conducted in accordance
6 with the provisions of chapter 621. Upon a finding by the
7 administrative hearing commission that the grounds, provided in
8 subsection 2 of this section, for disciplinary action are met,
9 the committee may, singly or in combination, censure or place the
10 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 of the person. An individual
14 whose license has been revoked shall wait one year from the date
15 of revocation to apply for relicensure. Relicensure shall be at
16 the discretion of the committee after compliance with all
17 requirements of sections 324.200 to 324.225 relative to the
18 licensing of an applicant for the first time.

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

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

25 324.262. 1. The board may refuse to issue, renew or
26 reinstate any license required by sections 324.240 to 324.275 for
27 one or any combination of causes stated in subsection 2 of this
28 section. The board shall notify the applicant in writing of the

1 reasons for the refusal and shall advise the applicant of his or
2 her right to file a complaint with the administrative hearing
3 commission as provided by chapter 621.

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

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

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

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

28 (4) Incompetency, misconduct, gross negligence, fraud,

1 misrepresentation or dishonesty in the performance of the
2 functions or duties of the profession regulated by sections
3 324.240 to 324.275;

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

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

14 (7) Disciplinary action against the holder of a license or
15 other right to practice the profession regulated by sections
16 324.240 to 324.275 granted by another state, territory, federal
17 agency or country upon grounds for which revocation or suspension
18 is authorized in this state;

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

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

23 (10) 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 3. Any person, organization, association or corporation who
27 reports or provides information to the division pursuant to the
28 provisions of sections 324.240 to 324.275 and who does so in good

1 faith and without negligence shall not be subject to an action
2 for civil damages as a result thereof.

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

12 324.265. 1. A person desiring a license to practice
13 massage therapy shall be at least eighteen years of age, ~~shall~~
14 ~~be of good moral character,~~ shall pay the appropriate required
15 application fee, and shall submit satisfactory evidence to the
16 board of meeting at least one of the following requirements:

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

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

27 (a) The five hundred hours of supervised instruction shall
28 consist of three hundred hours dedicated to massage theory and

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

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

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

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

25 (1) Application for renewal;

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

28 (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

1 of the provisional license.

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

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

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

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

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

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

25 9. Any nonresident person holding a current license,
26 registration, or certification in massage therapy from another
27 state or recognized national certification system determined as
28 acceptable by the board shall be exempt from licensure as defined

1 in this chapter when temporarily present in this state for the
2 purpose of providing massage therapy services at special events
3 such as conventions, sporting events, educational field trips,
4 conferences, and traveling shows or exhibitions.

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

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

19 (1) 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 ~~[this state or]~~ any
22 ~~[other]~~ state or of the United States, or of any country, for any
23 offense ~~[reasonably]~~ directly related to the ~~[qualifications,~~
24 ~~functions or]~~ duties ~~[of the profession regulated by sections~~
25 ~~324.400 to 324.439, for any offense for which an essential~~
26 ~~element is fraud, dishonesty or an act of violence, or for a~~
27 ~~felony,]~~ and responsibilities of the occupation, as set forth in
28 section 324.012, regardless of whether or not sentence is

1 imposed;

2 (2) Use of fraud, deception, misrepresentation or bribery
3 in securing any certificate of registration issued pursuant to
4 sections 324.400 to 324.439 or in obtaining permission to take
5 any examination given or required pursuant to sections 324.400 to
6 324.439;

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

10 (4) Incompetency, misconduct, gross negligence, fraud,
11 misrepresentation or dishonesty in the performance of the
12 functions or duties of the profession regulated by sections
13 324.400 to 324.439;

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

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

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

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

28 (9) Issuance of a certificate of registration based upon a

1 material mistake of fact;

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

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

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

24 2. The board, with recommendation by the committee, may
25 cause a complaint to be filed with the administrative hearing
26 commission as provided by chapter 621 against any holder of any
27 license issued pursuant to sections 324.475 to 324.499 or any
28 person who has failed to renew or has surrendered his or her

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

2 (1) The person has been finally adjudicated and found
3 guilty, or entered a plea of guilty or nolo contendere, in a
4 criminal prosecution pursuant to the laws of any state ~~[or]~~ of
5 the United States, or of any country, for any offense
6 ~~[reasonably]~~ directly related to the ~~[qualifications, functions~~
7 ~~or]~~ duties ~~[of the profession regulated pursuant to sections~~
8 ~~324.475 to 324.499, for any offense an essential element of which~~
9 ~~is 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 (2) Use of fraud, deception, misrepresentation or bribery
14 in securing any license issued pursuant to sections 324.475 to
15 324.499 or in obtaining permission to take any examination given
16 or required pursuant to sections 324.475 to 324.499;

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

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

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

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

1 any school or certification entity;

2 (7) Disciplinary action against the holder of a license or
3 other right to practice the profession regulated by sections
4 324.475 to 324.499 granted by another state, territory, federal
5 agency or country upon grounds for which revocation or suspension
6 is authorized in this state;

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

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

11 (10) 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 (11) Use of any controlled substance, as defined in chapter
15 195, or alcoholic beverage to an extent that such use impairs a
16 person's ability to perform the work of any profession licensed
17 or regulated by sections 324.475 to 324.499.

18 3. Any person, organization, association or corporation who
19 reports or provides information to the division, board or
20 committee pursuant to the provisions of sections 324.475 to
21 324.499 and who does so in good faith and without negligence
22 shall not be subject to an action for civil damages as a result
23 thereof.

24 4. After the filing of a complaint pursuant to subsection 2
25 of this section, the proceedings shall be conducted in accordance
26 with the provisions of chapter 621. Upon a finding by the
27 administrative hearing commission that the grounds, provided in
28 subsection 2 of this section, for disciplinary action are met,

1 the board may, upon recommendation of the committee, singly or in
2 combination, censure or place the person named in the complaint
3 on probation, suspension or revoke the license of the person on
4 such terms and conditions as the division deems appropriate.

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

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

18 (2) Final adjudication and finding of guilt, or the
19 ~~[entrance of a]~~ plea of guilty or nolo contendere, in a criminal
20 prosecution under the laws of any state ~~[or]~~ of the United
21 States, or of any country, for any offense ~~[reasonably]~~ directly
22 related to the [qualifications, functions, or] duties [of any
23 profession that is licensed or regulated under sections 324.520
24 to 324.526, and the regulations promulgated thereunder, 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;

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

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

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

11 (6) Violation of, or assisting or enabling any person to
12 violate, any provision of sections 324.520 to 324.526, or any
13 lawful rule or regulation adopted under sections 324.520 to
14 324.526;

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, license, permit, or diploma from any school;

19 (8) Disciplinary action against the holder of a license or
20 other right to practice any profession regulated under sections
21 324.520 to 324.526 granted by another state, territory, federal
22 agency, or country upon grounds for which revocation or
23 suspension is authorized in this state;

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

26 (10) Assisting or enabling any person to practice or offer
27 to practice any profession licensed or regulated under sections
28 324.520 to 324.526 who is licensed and is currently ineligible to

1 practice under sections 324.520 to 324.526;

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

5 (12) Failure to display a valid license;

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

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

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

22 3. The division, acting upon its own knowledge or written
23 or verified complaint filed by any person, may discipline a
24 person as provided in subsections 1 or 2 of this section or the
25 division may bring an action to enjoin any person, establishment,
26 firm, or corporation from engaging in an occupation regulated by
27 the provisions of sections 324.520 to 324.526, if such person,
28 firm, or corporation without being licensed to do so by the

1 division engages in or practices an occupation licensed under
2 sections 324.520 to 324.526. The action shall be brought in the
3 county in which such person resides, or, in the case of an
4 establishment, firm, or corporation, where the establishment,
5 firm, or corporation maintains its principal office; and unless
6 it appears that such person, establishment, firm, or corporation
7 so engaging or practicing such occupation is licensed, the
8 injunction shall be issued, and such person, firm, or corporation
9 shall be perpetually enjoined from engaging in such activities
10 throughout the state.

11 324.940. 1. The division may refuse to issue or renew or
12 may suspend any license required under sections 324.900 to
13 324.945 for one or any combination of causes stated in subsection
14 4 of this section. The division shall notify the applicant in
15 writing of the reasons for the refusal and shall advise the
16 applicant of his or her right to file a complaint with the
17 administrative hearing commission as provided by chapter 621.

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

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

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

1 administrative hearing commission as provided by chapter 621
2 against any holder of any license required by sections 324.900 to
3 324.945 or any person who has failed to renew or has surrendered
4 his or her license for any one or any combination of the
5 following causes:

6 (1) The final adjudication and finding of guilty, or the
7 entering of a plea of guilty or nolo contendere, in a criminal
8 prosecution under the laws of any state ~~[or],~~ of the United
9 States, or of any country, for any offense ~~[reasonably]~~ directly
10 related to the ~~[qualifications, functions, or]~~ duties ~~[of any~~
11 ~~profession licensed or regulated by sections 324.900 to 324.945,~~
12 ~~for any offense an essential element of which is fraud,~~
13 ~~dishonesty, or an act of violence,]~~ and responsibilities of the
14 occupation, as set forth in section 324.012, regardless of
15 whether or not sentence is imposed;

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

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

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

27 (5) Violation of, or assisting or enabling any person to
28 violate, any provision of sections 324.900 to 324.945 or any

1 lawful rule adopted under sections 324.900 to 324.945;

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

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

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

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

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

22 6. An individual whose license has been revoked shall wait
23 at least one year from the date of revocation to apply for
24 relicensure. Relicensure shall be at the discretion of the
25 division after compliance with all requirements of sections
26 324.900 to 324.945 relative to the previous licensing of the
27 applicant.

28 324.1112. 1. The board may deny a request for a license if

1 the applicant:

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

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

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

18 ~~[(4)] (3)~~ Has been refused a license under sections
19 324.1100 to 324.1148 or had a license revoked or denied in this
20 state or any other state;

21 ~~[(5)] (4)~~ Has falsified or willfully misrepresented
22 information in an employment application, records of evidence, or
23 in testimony under oath;

24 ~~[(6)] (5)~~ Has been dependent on or abused alcohol or drugs;
25 or

26 ~~[(7)] (6)~~ Has used, possessed, or trafficked in any illegal
27 substance;

28 ~~[(8)] (7)~~ While unlicensed, committed or aided and abetted

1 the commission of any act for which a license is required by
2 sections 324.1100 to 324.1148 after August 28, 2007; or

3 ~~[(9)]~~ (8) Knowingly made any false statement in the
4 application to the board.

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

7 324.1118. A private investigator agency or private fire
8 investigator agency shall not hire an individual, who is not
9 licensed as a private investigator or private fire investigator,
10 as an employee if the individual:

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

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

15 (a) Has been convicted of or entered a plea of guilty or
16 nolo contendere ~~[to a felony offense, including the receiving of~~
17 ~~a suspended imposition of sentence following a plea or finding of~~
18 ~~guilty to a felony offense,~~

19 ~~— (b) Has been convicted of or entered a plea of guilty or~~
20 ~~nolo contendere to a misdemeanor offense involving moral~~
21 ~~turpitude, including receiving a suspended imposition of sentence~~
22 ~~following a plea of guilty to a misdemeanor offense] in a~~
23 criminal prosecution under the laws of any state, of the United
24 States, or of any country, for any offense directly related to
25 the duties and responsibilities of the occupation, as set forth
26 in section 324.012, regardless of whether or not a sentence has
27 been imposed;

28 ~~[(c)]~~ (b) Has falsified or willfully misrepresented

1 information in an employment application, records of evidence, or
2 in testimony under oath;

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

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

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

10 (4) While unlicensed, committed or aided and abetted the
11 commission of any act for which a license is required by sections
12 324.1100 to 324.1148 after August 28, 2007; or

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

14 326.277. 1. Prior to June 30, 2021, for an applicant to be
15 eligible to apply for the examination, the applicant shall
16 fulfill the education requirements of subdivision (4) of
17 subsection 1 of section 326.280.

18 2. On or after June 30, 2021, for an applicant to be
19 eligible to apply for the examination, the applicant shall:

20 (1) Provide proof that the applicant has completed at least
21 one hundred twenty semester hours of college education at an
22 accredited college or university recognized by the board, with an
23 accounting concentration or equivalent as determined by the board
24 by rule;

25 (2) Be at least eighteen years of age; and

26 (3) Be of good moral character.

27 326.280. 1. A license shall be granted by the board to any
28 person who meets the requirements of this chapter and who:

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

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

5 (3) Is of good moral character;

6 (4) Either:

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

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

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

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

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

3 3. A person who, on August 28, 2001, holds an individual
4 permit issued pursuant to the laws of this state shall not be
5 required to obtain additional licenses pursuant to sections
6 326.280 to 326.286, and the licenses issued shall be considered
7 licenses issued pursuant to sections 326.280 to 326.286.
8 However, such persons shall be subject to the provisions of
9 section 326.286 for renewal of licenses.

10 4. Upon application, the board may issue a temporary
11 license to an applicant pursuant to this subsection for a person
12 who has made a prima facie showing that the applicant meets all
13 of the requirements for a license and possesses the experience
14 required. The temporary license shall be effective only until
15 the board has had the opportunity to investigate the applicant's
16 qualifications for licensure pursuant to subsection 1 of this
17 section and notify the applicant that the applicant's application
18 for a license has been granted or rejected. In no event shall a
19 temporary license be in effect for more than twelve months after
20 the date of issuance nor shall a temporary license be reissued to
21 the same applicant. No fee shall be charged for a temporary
22 license. The holder of a temporary license which has not
23 expired, been suspended or revoked shall be deemed to be the
24 holder of a license issued pursuant to this section until the
25 temporary license expires, is terminated, suspended or revoked.

26 5. Prior to June 30, 2021, an applicant for an examination
27 who meets the educational requirements of subdivision (4) of
28 subsection 1 of this section or who reasonably expects to meet

1 those requirements within sixty days after the examination shall
2 be eligible for examination if the applicant also meets the
3 requirements of subdivisions ~~[(1),]~~ (2) and (3) of subsection 1
4 of this section. For an applicant admitted to examination on the
5 reasonable expectation that the applicant will meet the
6 educational requirements within sixty days, no license shall be
7 issued nor credit for the examination or any part thereof given
8 unless the educational requirement is in fact met within the
9 sixty-day period.

10 326.289. 1. The board may grant or renew permits to
11 practice as a certified public accounting firm to applicants that
12 demonstrate their qualifications in accordance with this chapter.

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

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

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

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

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

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

28 (c) It performs such services through an individual with

1 practice privileges under section 326.283; and

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

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

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

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

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

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

19 a. Sole proprietorships;

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

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

26 d. Foreign professional corporations which do not meet
27 criteria of chapter 356 due to name or ownership, shall obtain a
28 certificate of authority as a general corporation.

1 Notwithstanding the provisions of chapter 356, the secretary of
2 state may issue a certificate of authority to a foreign
3 professional corporation which does not meet the criteria of
4 chapter 356 due to name or ownership, if the corporation meets
5 the requirements of this section and the rules of the board.

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

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

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

14 (1) A simple majority of the ownership of the firm, in
15 terms of financial interests and voting rights of all partners,
16 officers, principals, shareholders, members or managers, belongs
17 to licensees who are licensed in some state, and the partners,
18 officers, principals, shareholders, members or managers, whose
19 principal place of business is in this state and who perform
20 professional services in this state are licensees under section
21 326.280 or the corresponding provision of prior law. Although
22 firms may include nonlicensee owners, the firm and its ownership
23 shall comply with rules promulgated by the board;

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

26 (a) The firm designates a licensee of this state, or in the
27 case of a firm which must have a permit under this section
28 designates a licensee of another state who meets the requirements

1 of section 326.283, who is responsible for the proper
2 registration of the firm and identifies that individual to the
3 board;

4 (b) All nonlicensee owners are active individual
5 participants in the certified public accounting firm or
6 affiliated entities;

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

8 (d) The firm complies with other requirements as the board
9 may impose by rule;

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

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

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

- 27 (1) The legal form of the firm;
- 28 (2) The persons who are partners, officers, members,

1 managers or shareholders of the firm; or

2 (3) Any other matter.

3

4 The names of one or more former partners, members or shareholders
5 may be included in the name of a firm or its successor unless the
6 firm becomes a sole proprietorship because of the death or
7 withdrawal of all other partners, officers, members or
8 shareholders. A firm may use a fictitious name if the fictitious
9 name is registered with the board and is not otherwise
10 misleading. The name of a firm shall not include the name or
11 initials of an individual who is not a present or a past partner,
12 member or shareholder of the firm or its predecessor. The name
13 of the firm shall not include the name of an individual who is
14 not a licensee.

15 7. Applicants for initial issuance or renewal of permits
16 shall list in their application all states in which they have
17 applied for or hold permits as certified public accounting firms
18 and list any past denial, revocation, suspension or any
19 discipline of a permit by any other state. Each holder of or
20 applicant for a permit under this section shall notify the board
21 in writing within thirty days after its occurrence of any change
22 in the identities of partners, principals, officers,
23 shareholders, members or managers whose principal place of
24 business is in this state; any change in the number or location
25 of offices within this state; any change in the identity of the
26 persons in charge of such offices; and any issuance, denial,
27 revocation, suspension or any discipline of a permit by any other
28 state.

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

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

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

23 (2) May require, with respect to peer reviews, that peer
24 reviews be subject to oversight by an oversight body established
25 or sanctioned by board rule, which shall periodically report to
26 the board on the effectiveness of the review program under its
27 charge and provide to the board a listing of firms that have
28 participated in a peer review program that is satisfactory to the

1 board; and

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

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

12 11. Notwithstanding any other provision in this section,
13 the board may obtain the following information regarding peer
14 review from any approved American Institute for Certified Public
15 Accountants peer review program:

16 (1) The firm's name and address;

17 (2) The firm's dates of enrollment in the program;

18 (3) The date of acceptance and the period covered by the
19 firm's most recently accepted peer review; and

20 (4) If applicable, whether the firm's enrollment in the
21 program has been dropped or terminated.

22 12. In connection with proceedings before the board or upon
23 receipt of a complaint involving the licensee performing peer
24 reviews, the board shall not have access to any documents
25 furnished or generated in the course of the performance of the
26 peer reviews except for peer review reports, letters of comment
27 and summary review memoranda. The documents shall be furnished
28 to the board only in a redacted manner that does not specifically

1 identify any firm or licensee being peer reviewed or any of their
2 clients.

3 ~~[12.]~~ 13. The peer review processes shall be operated and
4 the documents generated thereby be maintained in a manner
5 designed to preserve their confidentiality. No third party,
6 other than the oversight body, the board, subject to the
7 provisions of subsection ~~[11]~~ 12 of this section, or the
8 organization performing peer review shall have access to
9 documents furnished or generated in the course of the review.
10 All documents shall be privileged and closed records for all
11 purposes and all meetings at which the documents are discussed
12 shall be considered closed meetings under subdivision (1) of
13 section 610.021. The proceedings, records and workpapers of the
14 board and any peer review subjected to the board process shall be
15 privileged and shall not be subject to discovery, subpoena or
16 other means of legal process or introduction into evidence at any
17 civil action, arbitration, administrative proceeding or board
18 proceeding. No member of the board or person who is involved in
19 the peer review process shall be permitted or required to testify
20 in any civil action, arbitration, administrative proceeding or
21 board proceeding as to any matters produced, presented, disclosed
22 or discussed during or in connection with the peer review process
23 or as to any findings, recommendations, evaluations, opinions or
24 other actions of such committees or any of its members; provided,
25 however, that information, documents or records that are publicly
26 available shall not be subject to discovery or use in any civil
27 action, arbitration, administrative proceeding or board
28 proceeding merely because they were presented or considered in

1 connection with the peer review process.

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

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

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

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

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

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

1 count as equivalent years of satisfactory land surveying work as
2 aforementioned.

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

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

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

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

1 administrative hearing commission as provided by chapter 621
2 against any holder of any license or certificate of authority
3 required by this chapter or any person who has failed to renew or
4 has surrendered such person's license or certificate of
5 authority, for any one or any combination of the following
6 causes:

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

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

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

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, gross negligence, fraud,

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

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

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

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

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

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

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

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

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

28 (14) Use of any advertisement or solicitation which is

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

3 3. 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 the grounds, provided in subsection 2 of this section, for
7 disciplinary action are met, the board 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 board deems
10 appropriate for a period not to exceed five years, or may
11 suspend, for a period not to exceed three years, or order a civil
12 penalty under section 327.077, or revoke the license or
13 certificate of authority of the person named in the complaint.

14 327.612. Any person who ~~[is of good moral character,~~ has
15 attained the age of twenty-one years, and has a degree in
16 landscape architecture from an accredited school of landscape
17 architecture and has acquired at least three years satisfactory
18 landscape architectural experience after acquiring such a degree
19 may apply to the board for licensure as a professional landscape
20 architect.

21 328.075. 1. Any person desiring to practice as an
22 apprentice for barbering in this state shall apply to the board,
23 shall be registered as an apprentice with the board, and shall
24 pay the appropriate fees prior to beginning their apprenticeship.
25 Barber apprentices ~~[shall be of good moral character and]~~ shall
26 be at least seventeen years of age.

27 2. Any person desiring to act as an apprentice supervisor
28 for barbering in this state shall first possess a license to

1 practice the occupation of barbering, apply to the board, pay the
2 appropriate fees, complete an eight-hour apprentice supervision
3 instruction course certified by the board, and be issued a
4 license as a barber apprentice supervisor prior to supervising
5 barber apprentices.

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

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

19 328.150. 1. The board may refuse to issue any certificate
20 of registration or authority, permit or license required pursuant
21 to this chapter for one or any combination of causes stated in
22 subsection 2 of this section. The board shall notify the
23 applicant in writing of the reasons for the refusal and shall
24 advise the applicant of his right to file a complaint with the
25 administrative hearing commission as provided by chapter 621.

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

1 functions or duties of any profession licensed or regulated by
2 this chapter;

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

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

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

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

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

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

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

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

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

1 to whom the advertisement or solicitation is primarily directed;

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

5 3. 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, for disciplinary
9 action are met, the board may, singly or in combination, censure
10 or place the person named in the complaint on probation on such
11 terms and conditions as the board deems appropriate for a period
12 not to exceed five years, or may suspend, for a period not to
13 exceed three years, or revoke the license, certificate, or
14 permit.

15 329.140. 1. The board may refuse to issue any certificate
16 of registration or authority, permit or license required pursuant
17 to this chapter for one or any combination of causes stated in
18 subsection 2 of this section. The board shall notify the
19 applicant in writing of the reasons for the refusal and shall
20 advise the applicant of the applicant's right to file a complaint
21 with the administrative hearing commission as provided by chapter
22 621.

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 the person's
28 certificate of registration or authority, permit or license for

1 any one or any combination of the following causes:

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

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

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

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

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

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

1 violate, any provision of this chapter, or of any lawful rule or
2 regulation adopted pursuant to this chapter;

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

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

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

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

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

21 (12) Failure to display a valid license if so required by
22 this chapter 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) Failure or refusal to properly guard against
28 contagious, infectious or communicable diseases or the spread

1 thereof.

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

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

27 331.030. 1. No person shall engage in the practice of
28 chiropractic without having first secured a chiropractic license

1 as provided in this chapter.

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

21 3. Before an applicant shall be eligible for licensure, the
22 applicant shall furnish evidence satisfactory to the board that
23 the applicant has received the minimum number of semester credit
24 hours, as required by the Council on Chiropractic Education, or
25 its successor, prior to beginning the doctoral course of study in
26 chiropractic. The minimum number of semester credit hours
27 applicable at the time of enrollment in a doctoral course of
28 study must be in those subjects, hours and course content as may

1 be provided for by the Council on Chiropractic Education or, in
2 the absence of the Council on Chiropractic Education or its
3 provision for such subjects, such hours and course content as
4 adopted by rule of the board; however in no event shall fewer
5 than ninety semester credit hours be accepted as the minimum
6 number of hours required prior to beginning the doctoral course
7 of study in chiropractic. The examination applicant shall also
8 provide evidence satisfactory to the board of having graduated
9 from a chiropractic college having status with the Commission on
10 Accreditation of the Council on Chiropractic Education or its
11 successor. Any senior student in a chiropractic college having
12 status with the Commission on Accreditation on the Council on
13 Chiropractic Education or its successor may take a practical
14 examination administered or approved by the board under such
15 requirements and conditions as are adopted by the board by rule,
16 but no license shall be issued until all of the requirements for
17 licensure have been met.

18 4. Each applicant shall pay upon application an application
19 or examination fee. All moneys collected pursuant to the
20 provisions of this chapter shall be nonrefundable and shall be
21 collected by the director of the division of professional
22 registration who shall transmit it to the department of revenue
23 for deposit in the state treasury to the credit of the
24 chiropractic board fund. Any person failing to pass a practical
25 examination administered or approved by the board may be
26 reexamined upon fulfilling such requirements, including the
27 payment of a reexamination fee, as the board may by rule
28 prescribe.

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

17 6. The board shall issue a license without examination to
18 persons who have been regularly licensed to practice chiropractic
19 in any foreign country, provided that the regulations for
20 securing a license in the other country are equivalent to those
21 required for licensure in the state of Missouri, when the
22 applicant furnishes satisfactory evidence that the applicant has
23 continuously practiced chiropractic for at least one year
24 immediately preceding the applicant's application to the board
25 ~~[and that the applicant is of good moral character]~~, and upon the
26 payment of the reciprocity license fee as established by rule of
27 the board. The board may require an applicant to successfully
28 complete the Special Purposes Examination for Chiropractic (SPEC)

1 administered by the National Board of Chiropractic Examiners if
2 the requirements for securing a license in the other country are
3 not equivalent to those required for licensure in the state of
4 Missouri at the time application is made for licensure under this
5 subsection.

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

11 8. A chiropractic physician currently licensed in Missouri
12 shall apply to the board for certification prior to engaging in
13 the practice of meridian therapy/acupressure/acupuncture. Each
14 such application shall be accompanied by the required fee. The
15 board shall establish by rule the minimum requirements for the
16 specialty certification under this subsection. "Meridian
17 therapy/acupressure/acupuncture" shall mean methods of diagnosing
18 and the treatment of a patient by stimulating specific points on
19 or within the body by various methods including but not limited
20 to manipulation, heat, cold, pressure, vibration, ultrasound,
21 light, electrocurrent, and short-needle insertion for the purpose
22 of obtaining a biopositive reflex response by nerve stimulation.

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

28 (1) The board establishes minimum initial and continuing

1 educational requirements sufficient to ensure the competence of
2 applicants seeking certification in the particular specialty; and

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

7 331.060. 1. The board may refuse to issue any certificate
8 of registration or authority, permit or license required pursuant
9 to this chapter for one or any combination of causes stated in
10 subsection 2 of this section. The board shall notify the
11 applicant in writing of the reasons for the refusal and shall
12 advise the applicant of his right to file a complaint with the
13 administrative hearing commission as provided by chapter 621.

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

21 (1) Use of any controlled substance, as defined in chapter
22 195, or alcoholic beverage to an extent that such use impairs a
23 person's ability to perform the work of any profession licensed
24 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, in a
27 criminal prosecution under the laws of any state ~~[or]~~, of the
28 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 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

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

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

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

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

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

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 False, misleading or deceptive advertisements or solicitations
19 shall include, but not be limited to:

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

22 (b) Any self-laudatory statement;

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

28 (d) Any misleading or deceptive claims of patient cure,

1 relief or improved condition; superiority in service, treatment
2 or materials; new or improved service, treatment or material, or
3 reduced costs or greater savings. Nothing herein shall be
4 construed to make it unlawful to use any such claim if it is
5 readily verifiable by existing documentation, data or other
6 substantial evidence. Any claim which exceeds or exaggerates the
7 scope of its supporting documentation, data or evidence is
8 misleading or deceptive;

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

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

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

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

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

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

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

28 (20) Being unable to practice as a chiropractic physician

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

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

1 Proceedings under this subdivision shall be conducted by the
2 board without the filing of a complaint with the administrative
3 hearing commission;

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

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

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

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

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

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

10 332.231. Any person ~~[who is of good moral character and~~
11 ~~reputation and]~~ who has satisfactorily completed a course in
12 dental hygiene in an accredited dental hygiene school may apply
13 to the board for examination and registration as a dental
14 hygienist in Missouri.

15 332.251. 1. Each applicant for examination as a dental
16 hygienist shall ~~[, after the board has determined that he is a~~
17 ~~person of good moral character and reputation,]~~ appear before the
18 board at the time and place specified by the board in a written
19 notice to each such applicant. The fee accompanying the
20 application as provided in section 332.241 shall not be refunded
21 to any applicant who fails to appear at the time and place so
22 specified, but the board for good cause shown, as defined by
23 rule, may permit any applicant to take the examination or
24 examinations at a later time without paying an additional fee.

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

1 test the qualifications of the applicant to practice as a dental
2 hygienist in Missouri. Completion of the national board
3 theoretical examination with scores acceptable to the board, as
4 promulgated by rule, is a prerequisite to taking the dental
5 hygienist examinations.

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

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

1 if the applicant only fails an examination over Missouri laws.

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

23 332.291. Any person registered and currently licensed as a
24 dental hygienist [~~who is of good moral character,~~] who has been
25 practicing as a dental hygienist in Missouri immediately
26 preceding the date of his application under the continuous
27 supervision of a registered and currently licensed dentist in
28 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

1 practicum student shall be accompanied by a fee in an amount
2 established by the board.

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

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

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

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

1 next regular examination meeting. The applicant shall notify the
2 board office of his or her desire to retake the examination at
3 least thirty days prior to the date of the examination. Each
4 time the examination is retaken, the applicant shall pay a new
5 examination fee in an amount established by the board;

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

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

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

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

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

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

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

22 (1) Establishing application forms to be furnished to all
23 persons seeking registration pursuant to sections 334.400 to
24 334.430;

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

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

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

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

11
12 No rule or portion of a rule promulgated pursuant to the
13 authority of sections 334.400 to 334.430 shall become effective
14 unless it has been promulgated pursuant to chapter 536.

15 3. The board shall have the authority to:

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

19 (2) Establish guidelines for anesthesiologist assistants
20 pursuant to sections 334.400 to 334.430.

21 4. The board may refuse to issue, suspend, revoke, or renew
22 any certificate of registration or authority, permit, or license
23 required pursuant to sections 334.400 to 334.430 for one or any
24 combination of causes stated in subsection 5 of this section.
25 The board shall notify the applicant in writing of the reasons
26 for the refusal, suspension, or revocation and shall advise the
27 applicant of the right to file a complaint with the
28 administrative hearing commission as provided by chapter 621.

1 5. 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 pursuant to sections
5 334.400 to 334.430 or against any person who has failed to renew
6 or has surrendered a certificate of registration or authority,
7 permit, or license for any one or any combination of the
8 following causes:

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

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

23 (3) Use of fraud, deception, misrepresentation, or bribery
24 in securing any certificate of registration or authority, permit
25 or license issued pursuant to sections 334.400 to 334.430 or in
26 obtaining permission to take any examination given or required
27 pursuant to sections 334.400 to 334.430;

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

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

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

6 (6) Violation of, or assisting or enabling any person to
7 violate any provision of sections 334.400 to 334.430 or any
8 lawful rule or regulation adopted pursuant to sections 334.400 to
9 334.430;

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

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

19 (9) Final adjudication of insanity or incompetency by a
20 court of competent jurisdiction;

21 (10) Assisting or enabling any person to practice or offer
22 to practice as an anesthesiologist assistant who is not
23 registered and currently eligible to practice pursuant to
24 sections 334.400 to 334.430;

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

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

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

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

5 6. 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 5 of this section, for
9 disciplinary action are met, the board may, singly or in
10 combination, censure or place the person named in the complaint
11 on probation with such terms and conditions as the board deems
12 appropriate for a period not to exceed ten years, or suspend his
13 or her license for a period not to exceed seven years, or revoke
14 his or her license, certificate, or permit.

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

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

22 334.530. 1. A candidate for license to practice as a
23 physical therapist shall furnish evidence of such person's ~~[good~~
24 ~~moral character and the person's]~~ educational qualifications by
25 submitting satisfactory evidence of completion of a program of
26 physical therapy education approved as reputable by the board. A
27 candidate who presents satisfactory evidence of the person's
28 graduation from a school of physical therapy approved as

1 reputable by the American Medical Association or, if graduated
2 before 1936, by the American Physical Therapy Association, or if
3 graduated after 1988, the Commission on Accreditation for
4 Physical Therapy Education or its successor, is deemed to have
5 complied with the educational qualifications of this subsection.

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

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

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

1 practice physical therapy.

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

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

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

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

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

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

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

28 (4) Misconduct, fraud, misrepresentation, dishonesty,

1 unethical conduct, or unprofessional conduct in the performance
2 of the functions or duties of a physical therapist or physical
3 therapist assistant, including but not limited to the following:

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

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

15 (c) Willfully and continually performing inappropriate or
16 unnecessary treatment or services;

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

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

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

25 (g) Final disciplinary action by any professional
26 association, professional society, licensed hospital or medical
27 staff of the hospital, or physical therapy facility in this or
28 any other state or territory, whether agreed to voluntarily or

1 not, and including but not limited to any removal, suspension,
2 limitation, or restriction of the person's professional
3 employment, malpractice, or any other violation of any provision
4 of this chapter;

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

10 (i) Engaging in or soliciting sexual relationships, whether
11 consensual or nonconsensual, while a physical therapist or
12 physical therapist assistant/patient relationship exists; making
13 sexual advances, requesting sexual favors, or engaging in other
14 verbal conduct or physical contact of a sexual nature with
15 patients or clients;

16 (j) Terminating the care of a patient without adequate
17 notice or without making other arrangements for the continued
18 care of the patient;

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

23 (l) Failure of any applicant or licensee, other than the
24 licensee subject to the investigation, to cooperate with the
25 board during any investigation;

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

28 (n) Failure to timely pay license renewal fees specified in

1 this chapter;

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

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

7 (q) Advertising by an applicant or licensee which is false
8 or misleading, or which violates any rule of the board, or which
9 claims without substantiation the positive cure of any disease,
10 or professional superiority to or greater skill than that
11 possessed by any other physical therapist or physical therapist
12 assistant. An applicant or licensee shall also be in violation
13 of this provision if the applicant or licensee has a financial
14 interest in any organization, corporation, or association which
15 issues or conducts such advertising;

16 (5) Any conduct or practice which is or might be harmful or
17 dangerous to the mental or physical health of a patient or the
18 public; or incompetency, gross negligence, or repeated negligence
19 in the performance of the functions or duties of a physical
20 therapist or physical therapist assistant. For the purposes of
21 this subdivision, "repeated negligence" means the failure, on
22 more than one occasion, to use that degree of skill and learning
23 ordinarily used under the same or similar circumstances by the
24 member of the applicant's or licensee's profession;

25 (6) Violation of, or attempting to violate, directly or
26 indirectly, or assisting or enabling any person to violate, any
27 provision of this chapter, or of any lawful rule adopted under
28 this chapter;

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

4 (8) Revocation, suspension, restriction, modification,
5 limitation, reprimand, warning, censure, probation, or other
6 final disciplinary action against a physical therapist or
7 physical therapist assistant for a license or other right to
8 practice as a physical therapist or physical therapist assistant
9 by another state, territory, federal agency or country, whether
10 or not voluntarily agreed to by the licensee or applicant,
11 including but not limited to the denial of licensure, surrender
12 of the license, allowing the license to expire or lapse, or
13 discontinuing or limiting the practice of physical therapy while
14 subject to an investigation or while actually under investigation
15 by any licensing authority, medical facility, branch of the Armed
16 Forces of the United States of America, insurance company, court,
17 agency of the state or federal government, or employer;

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

20 (10) Assisting or enabling any person to practice or offer
21 to practice who is not licensed and currently eligible to
22 practice under this chapter; or knowingly performing any act
23 which in any way aids, assists, procures, advises, or encourages
24 any person to practice physical therapy who is not licensed and
25 currently eligible to practice under this chapter;

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

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

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

6 (14) Soliciting patronage in person or by agents or
7 representatives, or by any other means or manner, under the
8 person's own name or under the name of another person or concern,
9 actual or pretended, in such a manner as to confuse, deceive, or
10 mislead the public as to the need or necessity for or
11 appropriateness of physical therapy services for all patients, or
12 the qualifications of an individual person or persons to render,
13 or perform physical therapy services;

14 (15) Using, or permitting the use of, the person's name
15 under the designation of "physical therapist", "physiotherapist",
16 "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.",
17 "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant",
18 "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with
19 reference to the commercial exploitation of any goods, wares or
20 merchandise;

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

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

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

4 (18) Any candidate for licensure or person licensed to
5 practice as a physical therapist or physical therapist assistant
6 paying or offering to pay a referral fee or, notwithstanding
7 section 334.010 to the contrary, practicing or offering to
8 practice professional physical therapy independent of the
9 prescription and direction of a person licensed and registered as
10 a physician and surgeon under this chapter, as a physician
11 assistant under this chapter, as a chiropractor under chapter
12 331, as a dentist under chapter 332, as a podiatrist under
13 chapter 330, as an advanced practice registered nurse under
14 chapter 335, or any licensed and registered physician,
15 chiropractor, dentist, podiatrist, or advanced practice
16 registered nurse practicing in another jurisdiction, whose
17 license is in good standing;

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

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

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

28 (22) Attempting to engage in conduct that subverts or

1 undermines the integrity of the licensing examination or the
2 licensing examination process, including but not limited to
3 utilizing in any manner recalled or memorized licensing
4 examination questions from or with any person or entity, failing
5 to comply with all test center security procedures, communicating
6 or attempting to communicate with any other examinees during the
7 test, or copying or sharing licensing examination questions or
8 portions of questions;

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

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

24 (a) In enforcing this subdivision the board shall, after a
25 hearing by the board, upon a finding of probable cause, require a
26 physical therapist or physical therapist assistant to submit to a
27 reexamination for the purpose of establishing his or her
28 competency to practice as a physical therapist or physical

1 therapist assistant conducted in accordance with rules adopted
2 for this purpose by the board, including rules to allow the
3 examination of the pattern and practice of such physical
4 therapist's or physical therapist assistant's professional
5 conduct, or to submit to a mental or physical examination or
6 combination thereof by a facility or professional approved by the
7 board;

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

12 (c) In addition to ordering a physical or mental
13 examination to determine competency, the board may,
14 notwithstanding any other law limiting access to medical or other
15 health data, obtain medical data and health records relating to a
16 physical therapist, physical therapist assistant or applicant
17 without the physical therapist's, physical therapist assistant's
18 or applicant's consent;

19 (d) Written notice of the reexamination or the physical or
20 mental examination shall be sent to the physical therapist or
21 physical therapist assistant, by registered mail, addressed to
22 the physical therapist or physical therapist assistant at the
23 physical therapist's or physical therapist assistant's last known
24 address. Failure of a physical therapist or physical therapist
25 assistant to submit to the examination when directed shall
26 constitute an admission of the allegations against the physical
27 therapist or physical therapist assistant, in which case the
28 board may enter a final order without the presentation of

1 evidence, unless the failure was due to circumstances beyond the
2 physical therapist's or physical therapist assistant's control.
3 A physical therapist or physical therapist assistant whose right
4 to practice has been affected under this subdivision shall, at
5 reasonable intervals, be afforded an opportunity to demonstrate
6 that the physical therapist or physical therapist assistant can
7 resume the competent practice as a physical therapist or physical
8 therapist assistant with reasonable skill and safety to patients;

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

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

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

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

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

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

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

7 (5) Administer a public or private reprimand;

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

10 (7) Permanently withhold issuance of a license;

11 (8) Require the physical therapist or physical therapist
12 assistant to submit to the care, counseling or treatment of
13 physicians designated by the board at the expense of the physical
14 therapist or physical therapist assistant to be examined;

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

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

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

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

16 334.616. 1. A license issued under ~~[this chapter]~~ sections
17 334.500 to 334.687 by the Missouri state board of registration
18 for the healing arts shall be automatically revoked at such time
19 as the final trial proceedings are concluded whereby a licensee
20 has been adjudicated and found guilty, or has entered a plea of
21 guilty or nolo contendere, in a ~~[felony]~~ criminal prosecution
22 under the laws of ~~[the state of Missouri, the laws of any other]~~
23 any state, [or] the laws of the United States [of America], or of
24 any country, for any offense ~~[reasonably]~~ directly related to the
25 ~~[qualifications, functions or] duties [of their profession, or~~
26 ~~for any felony offense, an essential element of which is fraud,~~
27 ~~dishonesty or an act of violence, or for any felony offense~~
28 involving moral turpitude,] and responsibilities of the

1 occupation, as set forth in section 324.012, regardless of
2 whether or not sentence is imposed, or, upon the final and
3 unconditional revocation of the license to practice their
4 profession in another state or territory upon grounds for which
5 revocation is authorized in this state following a review of the
6 record of the proceedings and upon a formal motion of the state
7 board of registration for the healing arts. The license of any
8 such licensee shall be automatically reinstated if the conviction
9 or the revocation is ultimately set aside upon final appeal in
10 any court of competent jurisdiction.

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

17 334.655. 1. A candidate for licensure to practice as a
18 physical therapist assistant shall furnish evidence of the
19 person's ~~good moral character and of the person's~~ educational
20 qualifications. The educational requirements for licensure as a
21 physical therapist assistant are:

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

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

27 2. Persons desiring to practice as a physical therapist
28 assistant in this state shall appear before the board at such

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

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

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

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

26 6. The board shall license without examination any legally
27 qualified person who is a resident of this state and who was
28 actively engaged in practice as a physical therapist assistant on

1 August 28, 1993. The board may license such person pursuant to
2 this subsection until ninety days after the effective date of
3 this section.

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

15 334.702. As used in sections 334.700 to 334.725, unless the
16 context clearly requires otherwise, the following terms mean:

17 (1) "Athlete", ~~[a person who participates in a sanctioned~~
18 ~~amateur or professional sport or recreational sport activity]~~ any
19 person who engages in exercise, recreation, sport, or other
20 activity requiring physical strength, agility, flexibility, range
21 of motion, speed, or stamina;

22 (2) "Athletic trainer", a ~~[person]~~ health care professional
23 who meets the qualifications of section 334.708 and who, upon the
24 direction of ~~[the team physician and/or]~~ a consulting physician~~[7~~
25 ~~practices prevention]~~ licensed under this chapter, promotes
26 health and wellness, provides injury and illness prevention,
27 clinical evaluation and assessment, emergency care, first aid,
28 treatment, or physical rehabilitation of injuries incurred by

1 athletes, and oversees return to performance activity for
2 athletes in the manner, means, and methods deemed necessary to
3 effect care ~~[or]~~, rehabilitation, ~~[or both]~~ or function, and that
4 are congruent with the athletic trainer's education, training,
5 and competence. When billing a third party payer, an athletic
6 trainer shall only bill such third party payer for services
7 within the scope of practice of a licensed athletic trainer;

8 (3) "Athletic training student", a person enrolled in a
9 professional athletic training degree program accredited by the
10 Commission on Accreditation of Athletic Training Education, or
11 its successor agency;

12 ~~[(3)]~~ (4) "Board", the Missouri board for the healing arts;

13 ~~[(4)]~~ (5) "Committee", the Missouri athletic ~~[trainers]~~
14 trainer advisory committee;

15 ~~[(5)]~~ (6) "Division", the division of professional
16 registration within the department of commerce and insurance;

17 ~~[(6) "Student athletic trainer", a person who assists in~~
18 ~~the duties usually performed by a licensed athletic trainer and~~
19 ~~who works under the direct supervision of a licensed athletic~~
20 ~~trainer.]~~

21 (7) "Physically active individual", any person who engages
22 in exercise, recreation, sport, or other activity requiring
23 physical strength, agility, flexibility, range of motion, speed,
24 or stamina.

25 334.703. 1. An athletic trainer shall refer any individual
26 whose medical condition is beyond the scope of the athletic
27 trainer's education, training, and competence to a physician as
28 defined in section 334.400.

1 2. If there is no improvement in an individual who has
2 sustained an athletic injury within twenty-one days of initiation
3 of treatment, or ten visits, the athletic trainer shall refer the
4 individual to a physician as defined in section 334.400.

5 3. The practice of athletic training shall not include the
6 reconditioning or rehabilitation of systemic neurologic or
7 cardiovascular injuries, conditions, or diseases, except for an
8 athlete participating in a sanctioned amateur or professional
9 sport or recreational sport activity under the supervision of the
10 treating physician.

11 4. Nothing in this section shall be construed as to limit
12 the ability of athletic trainers to provide health care services
13 in accordance with the provisions of this chapter.

14 334.704. No person shall hold himself or herself out as an
15 athletic trainer [~~in this state~~], or to be practicing athletic
16 training, by title or description, including the words athletic
17 trainer (AT), licensed athletic trainer (LAT), athletic
18 therapist, or certified athletic trainer (ATC), unless such
19 person has been licensed as such under the provisions of sections
20 334.700 to 334.725.

21 334.706. 1. The board shall license applicants who meet
22 the qualifications for athletic trainers, who file for licensure,
23 and who pay all fees required for this licensure.

24 2. The board shall:

25 (1) Prescribe application forms to be furnished to all
26 persons seeking licensure pursuant to sections 334.700 to
27 334.725;

28 (2) Prescribe the form and design of the licensure to be

1 issued pursuant to sections 334.700 to 334.725;

2 (3) Set the fee for licensure and renewal thereof;

3 (4) Keep a record of all of its proceedings regarding the
4 Missouri athletic trainers act and of all athletic trainers
5 licensed in this state;

6 (5) ~~Annually prepare~~ Make available a roster of the names
7 and business addresses of all athletic trainers licensed in this
8 state ~~[, copies of which shall be made available upon request to~~
9 ~~any person paying the fee therefor]~~; and

10 (6) ~~[Set the fee for the roster at an amount sufficient to~~
11 ~~cover the actual cost of publishing and distributing the roster;~~

12 ~~—(7)]~~ Appoint members of the Missouri athletic trainer
13 advisory committee ~~[7~~

14 ~~—(8) Adopt an official seal]~~.

15 3. The board may:

16 (1) Issue subpoenas to compel witnesses to testify or
17 produce evidence in proceedings to deny ~~[, suspend, or revoke]~~ a
18 license or licensure, or to discipline a license;

19 (2) Promulgate rules pursuant to chapter 536 in order to
20 carry out the provisions of sections 334.700 to 334.725;

21 (3) Establish guidelines for athletic trainers in sections
22 334.700 to 334.725.

23 4. No rule or portion of a rule promulgated under the
24 authority of sections 334.700 to 334.725 shall become effective
25 unless it has been promulgated pursuant to the provisions of
26 section 536.024.

27 334.708. 1. Any person seeking licensure pursuant to
28 sections 334.700 to 334.725 after August 28, 2006, ~~[must be a~~

1 ~~resident or in the process of establishing residency in this~~
2 ~~state and] shall~~ have passed the [~~National Athletic Trainers~~
3 ~~Association]~~ Board of Certification, Inc., or its successor
4 agency, examination.

5 2. The board shall grant, without examination, licensure to
6 any qualified nonresident athletic trainer holding a license or
7 licensure in another state if such other state recognizes
8 licenses or licensure of the state of Missouri in the same
9 manner.

10 334.710. 1. All applications for initial licensure
11 pursuant to sections 334.700 to 334.725 shall be submitted on
12 forms prescribed by the board and shall be accompanied by an
13 initial licensure fee. All applications for renewal of licensure
14 issued pursuant to sections 334.700 to 334.725 shall be submitted
15 on forms prescribed by the board and shall be accompanied by a
16 renewal fee.

17 2. All fees of any kind and character authorized to be
18 charged by the board shall be [~~paid to the director of revenue~~
19 ~~and shall be deposited by the state treasurer into the board for~~
20 ~~the healing arts fund, to be disbursed only in payment for~~
21 ~~expenses of maintaining the athletic trainer licensure program~~
22 ~~and for the enforcement of the provisions of sections 334.700 to~~
23 ~~334.725]~~ collected and deposited pursuant to section 334.050.

24 334.712. 1. Any person who meets the qualifications listed
25 in section 334.708, submits his or her application and fees in
26 accordance with section 334.710, and has not committed any act
27 listed in section 334.715 shall be issued a license pursuant to
28 sections 334.700 to 334.725.

1 2. Each license issued pursuant to sections 334.700 to
2 334.725 shall contain the name of the person to whom it was
3 issued, the date on which it was issued and such other
4 information as the board deems advisable. All licenses issued
5 pursuant to sections 334.700 to 334.725 shall expire on [~~January~~
6 ~~thirtieth of each year~~] a schedule established by rule.

7 334.715. 1. The board may refuse to issue or renew any
8 license required under sections 334.700 to 334.725 for one or any
9 combination of causes listed in subsection 2 of this section or
10 any cause listed in section 334.100. The board shall notify the
11 applicant in writing of the reasons for the refusal and shall
12 advise the applicant of the applicant's right to file a complaint
13 with the administrative hearing commission as provided in chapter
14 621. As an alternative to a refusal to issue or renew any
15 certificate, registration, or authority, the board may, in its
16 discretion, issue a license which is subject to reprimand,
17 probation, restriction, or limitation to an applicant for
18 licensure for any one or any combination of causes listed in
19 subsection 2 of this section or section 334.100. The board's
20 order of reprimand, probation, limitation, or restriction shall
21 contain a statement of the discipline imposed, the basis
22 therefor, the date such action shall become effective, and a
23 statement that the applicant has thirty days to request in
24 writing a hearing before the administrative hearing commission.
25 If the board issues a probationary, limited, or restricted
26 license to an applicant for licensure, either party may file a
27 written petition with the administrative hearing commission
28 within thirty days of the effective date of the probationary,

1 limited, or restricted license seeking review of the board's
2 determination. If no written request for a hearing is received
3 by the administrative hearing commission within the thirty-day
4 period, the right to seek review of the board's decision shall be
5 considered waived.

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

13 (1) Violated or conspired to violate any provision of
14 sections 334.700 to 334.725 or any provision of any rule
15 promulgated pursuant to sections 334.700 to 334.725; or

16 (2) Has been found guilty of unethical conduct as defined
17 in the ethical standards of the National Athletic ~~Trainers~~
18 Trainers' Association or the ~~National Athletic Trainers~~
19 ~~Association~~ Board of Certification, Inc., or its successor
20 agency, as adopted and published by the committee and the board
21 and filed with the secretary of state; or

22 (3) Any cause listed in section 334.100.

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

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

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

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

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

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

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

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

16 (8) Revoke the person's license.

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

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

28 334.717. 1. There is hereby created the "Missouri Athletic

1 Trainer Advisory Committee", to be composed of [~~five~~] six members
2 to be appointed by the board.

3 2. The athletic trainer advisory committee shall:

4 (1) Assist the board in conducting [~~examinations~~]
5 evaluations for applicants of athletic trainer licensure;

6 (2) Advise the board on all matters pertaining to the
7 licensure of athletic trainers;

8 (3) Review all complaints and/or investigations wherein
9 there is a possible violation of sections 334.100, 334.700 to
10 334.725, or regulations promulgated pursuant thereto and make
11 recommendations to the board for action;

12 (4) Follow the provisions of the board's administrative
13 practice procedures in conducting all official duties.

14 3. [~~Each~~] The athletic trainer advisory committee [~~member~~]
15 shall be comprised as such:

16 (1) Each member shall be a citizen of the United States and
17 a resident of the state of Missouri for five years [~~next~~]
18 immediately preceding appointment and remain a resident of the
19 state of Missouri throughout the term; and

20 (2) [~~Be comprised of~~] Three members shall be licensed
21 athletic trainers [~~except for initial appointees~~]; and

22 (3) One member shall be a physician duly licensed by the
23 Missouri state board for the healing arts; and

24 (4) One member shall be a general public member; and

25 (5) One member shall be a member of the board.

26 4. [~~Except for the initial appointees,~~] Members shall hold
27 office for terms of six years. [~~The board shall designate one~~
28 ~~member for a term expiring in 1984, one member for a term~~

1 ~~expiring in 1985, one member for a term expiring in 1986, one~~
2 ~~member for a term expiring in 1987, and one member for a term~~
3 ~~expiring in 1988.]~~ In the event of death, resignation, or
4 removal of any member, the vacancy of the unexpired term shall be
5 filled by the board in the same manner as the other appointments.

6 334.721. 1. Nothing in sections 334.700 to 334.725 shall
7 be construed to authorize the practice of medicine by any person
8 not licensed by the state board of registration for the healing
9 arts.

10 2. The provisions of sections 334.700 to 334.725 shall not
11 apply to the following persons:

12 (1) Physicians and surgeons licensed by the state board of
13 registration for the healing arts pursuant to this chapter;

14 (2) ~~【Dentists licensed by the Missouri dental board who~~
15 ~~confine their practice strictly to dentistry,~~

16 ~~——(3) Optometrists licensed by the state board of optometry~~
17 ~~who confine their practice strictly to optometry, as defined in~~
18 ~~section 336.010;~~

19 ~~——(4)】~~ Nurses licensed by the state board of nursing who
20 confine their practice strictly to nursing as defined in section
21 335.016;

22 ~~【(5)】~~ (3) Chiropractors licensed by the state board of
23 chiropractic examiners who confine themselves strictly to the
24 practice of chiropractic, as defined in section 331.010;

25 ~~【(6)】~~ (4) Podiatrists licensed by the ~~【state board of~~
26 ~~chiroprody or podiatry】~~ state board of podiatric medicine who
27 confine their practice strictly to that of a podiatrist, as
28 defined in section 330.010;

1 ~~[(7)]~~ (5) Professional physical therapists licensed by the
2 state board of registration for the healing arts who confine
3 their practice strictly to professional physical therapy, as
4 defined in section 334.500;

5 ~~[(8) Coaches and physical education instructors in the~~
6 ~~performance of their duties;~~

7 ~~—(9)]~~ (6) Athletic training students who confine themselves
8 strictly to their duties as defined in sections 334.700 to
9 334.725;

10 ~~[(10)]~~ (7) Athletic trainers, holding a valid credential
11 from other nations, states, or territories performing their
12 duties for their respective teams or organizations if they
13 restrict their duties only to their teams or organizations and
14 only during the course of their teams' or organizations' ~~[stay]~~
15 visit, not to exceed thirty days in one calendar year, in this
16 state.

17 334.725. Any person who violates any provision of sections
18 334.700 to 334.725 is guilty of a misdemeanor and, upon
19 conviction thereof, shall be punished as for a class ~~[C]~~ B
20 misdemeanor.

21 334.920. 1. The board may refuse to issue or renew any
22 certificate of registration or authority, permit or license
23 required pursuant to sections 334.800 to 334.930 for one or any
24 combination of causes stated in subsection 2 of this section.
25 The board shall notify the applicant in writing of the reasons
26 for the refusal and shall advise the applicant of his or her
27 right to file a complaint with the administrative hearing
28 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

1 misrepresentation;

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

5 (6) Violation of, or assisting or enabling any person to
6 violate, any provision of sections 334.800 to 334.930 or any
7 lawful rule or regulation adopted pursuant to sections 334.800 to
8 334.930;

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

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

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

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

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

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

28 (13) Use of any advertisement or solicitation which is

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

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

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

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

18 4. An individual whose license has been revoked shall wait
19 at least one year from the date of revocation to apply for
20 relicensure. Relicensure shall be at the discretion of the board
21 after compliance with all requirements of sections 334.800 to
22 334.930 relative to the licensing of the applicant for the first
23 time.

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

26 336.030. 1. A person is qualified to receive a license as
27 an optometrist:

28 (1) ~~Who is of good moral character,~~

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

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

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

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

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

21 336.080. 1. Every licensed optometrist who continues in
22 active practice or service shall, on or before the renewal date,
23 renew his or her license and pay the required renewal fee and
24 present satisfactory evidence to the board of his or her
25 attendance for a minimum of thirty-two hours of board-approved
26 continuing education, or their equivalent during the preceding
27 two-year continuing education reporting period as established by
28 rule and regulation. As part of the thirty-two hours of

1 continuing education, a licensed optometrist shall be required to
2 obtain two hours in the area of Missouri jurisprudence, as
3 approved by the board. The continuing education requirement may
4 be waived by the board upon presentation to it of satisfactory
5 evidence of the illness of the optometrist or for other good
6 cause as defined by rule and regulation. The board shall not
7 reject any such application if approved programs are not
8 available within the state of Missouri. Every license which has
9 not been renewed on or before the renewal date shall expire.

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

16 336.110. 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

1 any combination of the following causes:

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

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

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

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

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

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

1 violate, any provision of this chapter, or of any lawful rule or
2 regulation adopted pursuant to this chapter;

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

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

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

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

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

21 (12) Failure to display a valid certificate or license if
22 so required by this chapter 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 False, misleading or deceptive advertisements or solicitations
28 shall include, but not be limited to:

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

3 (b) Any self-laudatory statement;

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

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

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

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

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, for disciplinary
27 action are met, the board may, singly or in combination, censure
28 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.

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

21 2. Each applicant, whether for temporary, provisional or
22 permanent licensure, shall submit evidence satisfactory to the
23 committee that the applicant is at least twenty-one years of
24 age~~【, is of good moral character,】~~ and meets the appropriate
25 educational requirements as set forth in either section 337.021
26 or 337.025, or is qualified for licensure without examination
27 pursuant to section 337.029. In determining the acceptability of
28 the applicant's qualifications, the committee may require

1 evidence that it deems reasonable and proper, in accordance with
2 law, and the applicant shall furnish the evidence in the manner
3 required by the committee.

4 3. The committee with assistance from the division shall
5 issue a permanent license to and register as a psychologist any
6 applicant who, in addition to having fulfilled the other
7 requirements of sections 337.010 to 337.090, passes the
8 examination for professional practice in psychology and such
9 other examinations in psychology which may be adopted by the
10 committee, except that an applicant fulfilling the requirement of
11 section 337.029 shall upon successful completion of the
12 jurisprudence examination and completion of the oral examination
13 be permanently licensed without having to retake the examination
14 for professional practice in psychology.

15 4. The committee, with assistance from the division, shall
16 issue a provisional license to, and register as being a
17 provisionally licensed psychologist, any applicant who is a
18 graduate of a recognized educational institution with a doctoral
19 degree in psychology as defined in section 337.025, and who
20 otherwise meets all requirements to become a licensed
21 psychologist, except for passage of the national and state
22 licensing exams, oral examination and completion of the required
23 period of postdegree supervised experience as specified in
24 subsection 2 of section 337.025.

25 5. A provisional license issued pursuant to subsection 4 of
26 this section shall only authorize and permit the applicant to
27 render those psychological services which are under the
28 supervision and the full professional responsibility and control

1 of such person's postdoctoral degree licensed supervisor. A
2 provisional license shall automatically terminate upon issuance
3 of a permanent license, upon a finding of cause to discipline
4 after notice and hearing pursuant to section 337.035, upon the
5 expiration of one year from the date of issuance whichever event
6 first occurs, or upon termination of supervision by the licensed
7 supervisor. The provisional license may be renewed after one
8 year with a maximum issuance of two years total per provisional
9 licensee. The committee by rule shall provide procedures for
10 exceptions and variances from the requirement of a maximum
11 issuance of two years due to vacations, illness, pregnancy and
12 other good causes.

13 6. The committee, with assistance from the division, shall
14 immediately issue a temporary license to any applicant for
15 licensure either by reciprocity pursuant to section 337.029, or
16 by endorsement of the score from the examination for professional
17 practice in psychology upon receipt of an application for such
18 licensure and upon proof that the applicant is either licensed as
19 a psychologist in another jurisdiction, is a diplomate of the
20 American Board of Professional Psychology, or is a member of the
21 National Register of Health Services Providers in Psychology.

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

28 (1) A permanent license has been issued to the applicant

1 following successful completion of the jurisprudence examination
2 and the oral interview examination;

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

7 (3) In cases where the committee has found the applicant
8 ineligible for licensure and the applicant has taken an appeal to
9 the administrative hearing commission and the administrative
10 hearing commission has also found the applicant ineligible, then
11 upon the rendition by the administrative hearing commission of
12 its findings of fact and conclusions of law to such effect.

13 8. Written and oral examinations pursuant to sections
14 337.010 to 337.090 shall be administered by the committee at
15 least twice each year to any applicant who meets the educational
16 requirements set forth in either section 337.021 or 337.025 or to
17 any applicant who is seeking licensure either by reciprocity
18 pursuant to section 337.029, or by endorsement of the score from
19 the examination of professional practice in psychology. The
20 committee shall examine in the areas of professional knowledge,
21 techniques and applications, research and its interpretation,
22 professional affairs, ethics, and Missouri law and regulations
23 governing the practice of psychology. The committee may use, in
24 whole or in part, the examination for professional practice in
25 psychology national examination in psychology or such other
26 national examination in psychology which may be available.

27 9. If an applicant fails any examination, the applicant
28 shall be permitted to take a subsequent examination, upon the

1 payment of an additional reexamination fee. This reexamination
2 fee shall not be refundable.

3 337.029. 1. A psychologist licensed in another
4 jurisdiction who has had no violations and no suspensions and no
5 revocation of a license to practice psychology in any
6 jurisdiction may receive a license in Missouri, provided the
7 psychologist passes a written examination on Missouri laws and
8 regulations governing the practice of psychology and meets one of
9 the following criteria:

10 (1) Is a diplomate of the American Board of Professional
11 Psychology;

12 (2) Is a member of the National Register of Health Service
13 Providers in Psychology;

14 (3) ~~Is currently licensed or certified as a psychologist
15 in another jurisdiction who is then a signatory to the
16 Association of State and Provincial Psychology Board's
17 reciprocity agreement;~~

18 ~~——(4)]~~ Is currently licensed or certified as a psychologist
19 in another state, territory of the United States, or the District
20 of Columbia and:

21 (a) Has a doctoral degree in psychology from a program
22 accredited, or provisionally accredited, either by the American
23 Psychological Association or the Psychological Clinical Science
24 Accreditation System, or that meets the requirements as set forth
25 in subdivision (3) of subsection 3 of section 337.025;

26 (b) Has been licensed for the preceding five years; and

27 (c) Has had no disciplinary action taken against the
28 license for the preceding five years; or

1 ~~[(5)]~~ (4) Holds a current certificate of professional
2 qualification (CPQ) issued by the Association of State and
3 Provincial Psychology Boards (ASPPB).

4 2. Notwithstanding the provisions of subsection 1 of this
5 section, applicants may be required to pass an oral examination
6 as adopted by the committee.

7 3. A psychologist who receives a license for the practice
8 of psychology in the state of Missouri on the basis of
9 reciprocity as listed in subsection 1 of this section or by
10 endorsement of the score from the examination of professional
11 practice in psychology score will also be eligible for and shall
12 receive certification from the committee as a health service
13 provider if the psychologist meets one or more of the following
14 criteria:

15 (1) Is a diplomate of the American Board of Professional
16 Psychology in one or more of the specialties recognized by the
17 American Board of Professional Psychology as pertaining to health
18 service delivery;

19 (2) Is a member of the National Register of Health Service
20 Providers in Psychology; or

21 (3) Has completed or obtained through education, training,
22 or experience the requisite knowledge comparable to that which is
23 required pursuant to section 337.033.

24 337.035. 1. The committee may refuse to issue any
25 certificate of registration or authority, permit or license
26 required pursuant to this chapter for one or any combination of
27 causes stated in subsection 2 of this section. The committee
28 shall notify the applicant in writing of the reasons for the

1 refusal and shall advise the applicant of the applicant's right
2 to file a complaint with the administrative hearing commission as
3 provided by chapter 621.

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

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

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

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

1 this chapter;

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

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

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

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

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

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

23 (10) Assisting or enabling any person to practice or offer
24 to practice any profession licensed or regulated by this chapter
25 who is not registered and currently eligible to practice as
26 provided this chapter;

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

1 fact;

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

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

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

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

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

22 4. An interested third party may file a complaint or appear
23 or present evidence relative to such complaint or another
24 complaint filed pursuant to this section. For purposes of this
25 section, an interested third party includes a parent or guardian
26 of a person who received treatment by a psychologist or any
27 person who is related within the second degree of consanguinity
28 or affinity and who is financially responsible for the payment of

1 such treatment.

2 337.050. 1. There is hereby created and established a
3 "State Committee of Psychologists", which shall consist of seven
4 licensed psychologists and one public member. The state
5 committee of psychologists existing on August 28, 1989, is
6 abolished. Nothing in this section shall be construed to prevent
7 the appointment of any current member of the state committee of
8 psychologists to the new state committee of psychologists created
9 on August 28, 1989.

10 2. Appointments to the committee shall be made by the
11 governor upon the recommendations of the director of the
12 division, upon the advice and consent of the senate. The
13 division, prior to submitting nominations, shall solicit nominees
14 from professional psychological associations and licensed
15 psychologists in the state. The term of office for committee
16 members shall be five years, and committee members shall not
17 serve more than ten years. No person who has previously served
18 on the committee for ten years shall be eligible for appointment.
19 In making initial appointments to the committee, the governor
20 shall stagger the terms of the appointees so that two members
21 serve initial terms of two years, two members serve initial terms
22 of three years, and two members serve initial terms of four
23 years.

24 3. Each committee member shall be a resident of the state
25 of Missouri for one year, shall be a United States citizen, and
26 shall, other than the public member, have been licensed as a
27 psychologist in this state for at least three years. Committee
28 members shall reflect a diversity of practice specialties. To

1 ensure adequate representation of the diverse fields of
2 psychology, the committee shall consist of at least two
3 psychologists who are engaged full time in the doctoral teaching
4 and training of psychologists, and at least two psychologists who
5 are engaged full time in the professional practice of psychology.
6 In addition, the first appointment to the committee shall include
7 at least one psychologist who shall be licensed on the basis of a
8 master's degree who shall serve a full term of five years.
9 Nothing in sections 337.010 to 337.090 shall be construed to
10 prohibit full membership rights on the committee for
11 psychologists licensed on the basis of a master's degree. If a
12 member of the committee shall, during the member's term as a
13 committee member, remove the member's domicile from the state of
14 Missouri, then the committee shall immediately notify the
15 director of the division, and the seat of that committee member
16 shall be declared vacant. All such vacancies shall be filled by
17 appointment of the governor with the advice and consent of the
18 senate, and the member so appointed shall serve for the unexpired
19 term of the member whose seat has been declared vacant.

20 4. The public member shall be at the time of the public
21 member's appointment a citizen of the United States; a resident
22 of this state for a period of one year and a registered voter; a
23 person who is not and never was a member of any profession
24 licensed or regulated pursuant to sections 337.010 to 337.093 or
25 the spouse of such person; and a person who does not have and
26 never has had a material, financial interest in either the
27 providing of the professional services regulated by sections
28 337.010 to 337.093, or an activity or organization directly

1 related to any profession licensed or regulated pursuant to
2 sections 337.010 to 337.093. The duties of the public member
3 shall not include the determination of the technical requirements
4 to be met for licensure or whether any person meets such
5 technical requirements or of the technical competence or
6 technical judgment of a licensee or a candidate for licensure.

7 5. The committee shall hold a regular annual meeting at
8 which it shall select from among its members a chairperson and a
9 secretary. A quorum of the committee shall consist of a majority
10 of its members. In the absence of the chairperson, the secretary
11 shall conduct the office of the chairperson.

12 6. Each member of the committee shall receive, as
13 compensation, an amount set by the division not to exceed fifty
14 dollars for each day devoted to the affairs of the committee and
15 shall be entitled to reimbursement for necessary and actual
16 expenses incurred in the performance of the member's official
17 duties.

18 7. Staff for the committee shall be provided by the
19 director of the division of professional registration.

20 8. The governor may remove any member of the committee for
21 misconduct, inefficiency, incompetency, or neglect of office.

22 9. In addition to the powers set forth elsewhere in
23 sections 337.010 to 337.090, the division may adopt rules and
24 regulations, not otherwise inconsistent with sections 337.010 to
25 337.090, to carry out the provisions of sections 337.010 to
26 337.090. The committee may promulgate, by rule, "Ethical Rules
27 of Conduct" governing the practices of psychology which rules
28 shall be based upon the ethical principles promulgated and

1 published by the American Psychological Association.

2 10. Any rule or portion of a rule, as that term is defined
3 in section 536.010, that is promulgated to administer and enforce
4 sections 337.010 to 337.090, shall become effective only if the
5 agency has fully complied with all of the requirements of chapter
6 536 including but not limited to section 536.028 if applicable,
7 after August 28, 1998. All rulemaking authority delegated prior
8 to August 28, 1998, is of no force and effect and repealed as of
9 August 28, 1998, however nothing in this act shall be interpreted
10 to repeal or affect the validity of any rule adopted and
11 promulgated prior to August 28, 1998. If the provisions of
12 section 536.028 apply, the provisions of this section are
13 nonseverable and if any of the powers vested with the general
14 assembly pursuant to section 536.028 to review, to delay the
15 effective date, or to disapprove and annul a rule or portion of a
16 rule are held unconstitutional or invalid, the purported grant of
17 rulemaking authority and any rule so proposed and contained in
18 the order of rulemaking shall be invalid and void, except that
19 nothing in this act shall affect the validity of any rule adopted
20 and promulgated prior to August 28, 1998.

21 11. The committee may sue and be sued in its official name,
22 and shall have a seal which shall be affixed to all certified
23 copies or records and papers on file, and to such other
24 instruments as the committee may direct. All courts shall take
25 judicial notice of such seal. Copies of records and proceedings
26 of the committee, and of all papers on file with the division on
27 behalf of the committee certified under the seal shall be
28 received as evidence in all courts of record.

1 12. When applying for a renewal of a license pursuant to
2 section 337.030, each licensed psychologist shall submit proof of
3 the completion of at least forty hours of continuing education
4 credit within the two-year period immediately preceding the date
5 of the application for renewal of the license, with a minimum of
6 three of the forty hours of continuing education dedicated to
7 professional ethics. The type of continuing education to be
8 considered shall include, but not be limited to:

9 (1) Attending recognized educational seminars, the content
10 of which are primarily psychological, as defined by rule;

11 (2) Attending a graduate level course at a recognized
12 educational institution where the contents of which are primarily
13 psychological, as defined by rule;

14 (3) Presenting a recognized educational seminar, the
15 contents of which are primarily psychological, as defined by
16 rule;

17 (4) Presenting a graduate level course at a recognized
18 educational institution where the contents of which are primarily
19 psychological, as defined by rule; and

20 (5) Independent course of studies, the contents of which
21 are primarily psychological, which have been approved by the
22 committee and defined by rule.

23
24 The committee shall determine by administrative rule the amount
25 of training, instruction, self-instruction or teaching that shall
26 be counted as an hour of continuing education credit.

27 337.330. 1. The committee may refuse to issue any license
28 required under this chapter for one or any combination of causes

1 stated in subsection 2 of this section. The committee shall
2 notify the applicant in writing of the reasons for the refusal
3 and shall advise the applicant of the applicant's right to file a
4 complaint with the administrative hearing commission as provided
5 by chapter 621.

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

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

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

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

1 under sections 337.300 to 337.345;

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

5 (5) Incompetency, misconduct, gross negligence, fraud,
6 misrepresentation, or dishonesty in the performance of the
7 functions or duties of any profession licensed by sections
8 337.300 to 337.345;

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

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

16 (8) Disciplinary action against the holder of a license or
17 other right to practice any profession regulated by sections
18 337.300 to 337.345 granted by another state, territory, federal
19 agency, or country upon grounds for which revocation or
20 suspension is authorized in this state;

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

23 (10) Assisting or enabling any person to practice or offer
24 to practice any profession licensed or regulated by sections
25 337.300 to 337.345 who is not registered and currently eligible
26 to practice as provided in sections 337.300 to 337.345;

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

1 fact;

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

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

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

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

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

22 337.510. 1. Each applicant for licensure as a professional
23 counselor shall furnish evidence to the committee that the
24 applicant is at least eighteen years of age, ~~[is of good moral~~
25 ~~character,]~~ is a United States citizen or is legally present in
26 the United States; and

27 (1) The applicant has completed a course of study as
28 defined by the board rule leading to a master's, specialist's, or

1 doctoral degree with a major in counseling, except any applicant
2 who has held a license as a professional counselor in this state
3 or currently holds a license as a professional counselor in
4 another state shall not be required to have completed any courses
5 related to career development; and

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

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

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

25 2. Any person holding a current license, certificate of
26 registration, or permit from another state or territory of the
27 United States to practice as a professional counselor who does
28 not meet the requirements in section 324.009 and who is at least

1 eight years of age, ~~[is of good moral character,]~~ and is a
2 United States citizen or is legally present in the United States
3 may be granted a license without examination to engage in the
4 practice of professional counseling in this state upon the
5 application to the board, payment of the required fee as
6 established by the board, and satisfying one of the following
7 requirements:

8 (1) Approval by the American Association of State
9 Counseling Boards (AASCB) or its successor organization according
10 to the eligibility criteria established by AASCB. The successor
11 organization shall be defined by board rule; or

12 (2) In good standing and currently certified by the
13 National Board for Certified Counselors or its successor
14 organization and has completed acceptable supervised counseling
15 experience as defined by board rule. The successor organization
16 shall be defined by board rule.

17 3. The committee shall issue a license to each person who
18 files an application and fee and who furnishes evidence
19 satisfactory to the committee that the applicant has complied
20 with the provisions of this act and has taken and passed a
21 written, open-book examination on Missouri laws and regulations
22 governing the practice of professional counseling as defined in
23 section 337.500. The division shall issue a provisional
24 professional counselor license to any applicant who meets all
25 requirements of this section, but who has not completed the
26 required acceptable supervised counseling experience and such
27 applicant may reapply for licensure as a professional counselor
28 upon completion of such acceptable supervised counseling

1 experience.

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

13 337.525. 1. The committee may refuse to issue or renew any
14 license required by the provisions of sections 337.500 to 337.540
15 for one or any combination of causes stated in subsection 2 of
16 this section. The committee shall notify the applicant in
17 writing of the reasons for the refusal and shall advise the
18 applicant of his or her right to file a complaint with the
19 administrative hearing commission as provided by chapter 621.

20 2. The committee may cause a complaint to be filed with the
21 administrative hearing commission as provided by chapter 621
22 against any holder of any license required by sections 337.500 to
23 337.540 or any person who has failed to renew or has surrendered
24 his license for any one or any combination of the following
25 causes:

26 (1) Use of any controlled substance, as defined in chapter
27 195, or alcoholic beverage to an extent that such use impairs a
28 person's ability to engage in the occupation of professional

1 counselor;

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 ~~a professional counselor; for any offense an essential element of~~
8 ~~which is fraud, dishonesty or an act of violence; or for any~~
9 ~~offense involving moral turpitude,]~~ and responsibilities of the
10 occupation, as set forth in section 324.012, regardless of
11 whether or not sentence is imposed;

12 (3) Use of fraud, deception, misrepresentation or bribery
13 in securing any license issued pursuant to the provisions of
14 sections 337.500 to 337.540 or in obtaining permission to take
15 any examination given or required pursuant to the provisions of
16 sections 337.500 to 337.540;

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

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

23 (6) Violation of, or assisting or enabling any person to
24 violate, any provision of sections 337.500 to 337.540, or of any
25 lawful rule or regulation adopted pursuant to sections 337.500 to
26 337.540;

27 (7) Impersonation of any person holding a license or
28 allowing any person to use his or her license or diploma from any

1 school;

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

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

8 (10) Assisting or enabling any person to practice or offer
9 to practice professional counseling who is not licensed and
10 currently eligible to practice under the provisions of sections
11 337.500 to 337.540;

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

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

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 ethical standards for counselors adopted by the division and
22 filed with the secretary of state.

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

28 4. 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 2 of this section, for
4 disciplinary action are met, the committee may censure or place
5 the person named in the complaint on probation on such terms and
6 conditions as the committee deems appropriate for a period not to
7 exceed five years, or may suspend, for a period not to exceed
8 three years, or revoke the license.

9 337.615. 1. Each applicant for licensure as a clinical
10 social worker shall furnish evidence to the committee that:

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

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

27 (3) The applicant has achieved a passing score, as defined
28 by the committee, on an examination approved by the committee.

1 The eligibility requirements for such examination shall be
2 promulgated by rule of the committee;

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

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

25 3. The committee shall issue a license to each person who
26 files an application and fee as required by the provisions of
27 sections 337.600 to 337.689 and who furnishes evidence
28 satisfactory to the committee that the applicant has complied

1 with the provisions of subdivisions (1) to (4) of subsection 1 of
2 this section or with the provisions of subsection 2 of this
3 section.

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

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

17 (1) Use of any controlled substance, as defined in chapter
18 195, or alcoholic beverage to an extent that such use impairs a
19 person's ability to engage in the occupation of social work
20 licensed under this chapter; except that the fact that a person
21 has undergone treatment for past substance or alcohol abuse
22 and/or has participated in a recovery program, shall not by
23 itself be cause for refusal to issue or renew a license;

24 (2) The person has been finally adjudicated and found
25 guilty, or entered a plea of guilty or nolo contendere, in a
26 criminal prosecution pursuant to the laws of any state ~~[or]~~, of
27 the United States, or of any country, for any offense
28 ~~[reasonably]~~ directly related to the ~~[qualifications, functions]~~

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

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

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 a
17 social worker licensed pursuant to this chapter;

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

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

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

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

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

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

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

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

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

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

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

23 4. 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 censure or place
28 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

1 denial of licensure under section 337.630 shall submit a sworn
2 affidavit setting forth in detail the facts which explain such
3 answer and copies of appropriate documents related to such
4 answer.

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

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

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

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

1 shall be furnished a certificate by the state committee for
2 social workers acknowledging the completion of said additional
3 hours;

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

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

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

26 (1) Has received a master's or doctoral degree from a
27 college or university program of social work accredited by the
28 council of social work education and has been licensed to

1 practice advanced macro social work for the preceding five years;
2 or

3 (2) Is currently licensed or certified as an advanced macro
4 social worker in another state, territory of the United States,
5 or the District of Columbia having substantially the same
6 requirements as this state for advanced macro social workers.

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

14 337.665. 1. Each applicant for licensure as a
15 baccalaureate social worker shall furnish evidence to the
16 committee that:

17 (1) The applicant has a baccalaureate degree in social work
18 from an accredited social work degree program approved by the
19 council of social work education;

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

24 (3) The applicant is at least eighteen years of age, ~~[is of~~
25 ~~good moral character,]~~ is a United States citizen or has status
26 as a legal resident alien, and has not been ~~[convicted of a~~
27 ~~felony during the ten years immediately prior to application for~~
28 ~~licensure]~~ finally adjudicated and found guilty, or entered a

1 plea of guilty or nolo contendere, in a criminal prosecution
2 under the laws of any state, of the United States, or of any
3 country, for any offense directly related to the duties and
4 responsibilities of the occupation, as set forth in section
5 324.012, regardless of whether or not sentence is imposed;

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

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

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

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

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

27 337.715. 1. Each applicant for licensure or provisional
28 licensure as a marital and family therapist shall furnish

1 evidence to the committee that:

2 (1) The applicant has a master's degree or a doctoral
3 degree in marital and family therapy from a program accredited by
4 the Commission on Accreditation for Marriage and Family Therapy
5 Education, or its equivalent as defined by committee regulation,
6 from an educational institution accredited by a regional
7 accrediting body that is recognized by the United States
8 Department of Education;

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

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

21 (4) Upon examination, the applicant is possessed of
22 requisite knowledge of the profession, including techniques and
23 applications research and its interpretation and professional
24 affairs and ethics;

25 (5) The applicant is at least eighteen years of age, ~~[is of~~
26 ~~good moral character,]~~ is a United States citizen or has status
27 as a legal resident alien, and has not been ~~[convicted of a~~
28 ~~felony during the ten years immediately prior to application for~~

1 ~~licensure]~~ finally adjudicated and found guilty, or entered a
2 plea of guilty or nolo contendere, in a criminal prosecution
3 under the laws of any state, of the United States, or of any
4 country, for any offense directly related to the duties and
5 responsibilities of the occupation, as set forth in section
6 324.012, regardless of whether or not sentence is imposed.

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

15 (1) Determination by the state committee that the
16 requirements of the other state or territory are substantially
17 the same as Missouri;

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

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

22 3. The state committee shall issue a license to each person
23 who files an application and fee as required by the provisions of
24 sections 337.700 to 337.739.

25 337.730. 1. The committee may refuse to issue or renew any
26 license required by the provisions of sections 337.700 to 337.739
27 for one or any combination of causes stated in subsection 2 of
28 this section. The committee shall notify the applicant in

1 writing of the reasons for the refusal and shall advise the
2 applicant of the applicant's right to file a complaint with the
3 administrative hearing commission as provided by chapter 621.

4 2. The committee may cause a complaint to be filed with the
5 administrative hearing commission as provided by chapter 621
6 against any holder of any license required by sections 337.700 to
7 337.739 or any person who has failed to renew or has surrendered
8 the person's license for any one or any combination of the
9 following causes:

10 (1) Use of any controlled substance, as defined in chapter
11 195, or alcoholic beverage to an extent that such use impairs a
12 person's ability to engage in the occupation of marital and
13 family therapist; except the fact that a person has undergone
14 treatment for past substance or alcohol abuse or has participated
15 in a recovery program, shall not by itself be cause for refusal
16 to issue or renew a license;

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

27 (3) Use of fraud, deception, misrepresentation or bribery
28 in securing any license issued pursuant to the provisions of

1 sections 337.700 to 337.739 or in obtaining permission to take
2 any examination given or required pursuant to the provisions of
3 sections 337.700 to 337.739;

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

7 (5) Incompetency, misconduct, fraud, misrepresentation or
8 dishonesty in the performance of the functions or duties of a
9 marital and family therapist;

10 (6) Violation of, or assisting or enabling any person to
11 violate, any provision of sections 337.700 to 337.739 or of any
12 lawful rule or regulation adopted pursuant to sections 337.700 to
13 337.739;

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

17 (8) Revocation or suspension of a license or other right to
18 practice marital and family therapy granted by another state,
19 territory, federal agency or country upon grounds for which
20 revocation or suspension is authorized in this state;

21 (9) Final adjudication as incapacitated by a court of
22 competent jurisdiction;

23 (10) Assisting or enabling any person to practice or offer
24 to practice marital and family therapy who is not licensed and is
25 not currently eligible to practice under the provisions of
26 sections 337.700 to 337.739;

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

1 (12) Failure to display a valid license if so required by
2 sections 337.700 to 337.739 or any rule promulgated hereunder;

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

4 (14) 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 (15) Being guilty of unethical conduct as defined in the
8 ethical standards for marital and family therapists adopted by
9 the committee by rule and filed with the secretary of state.

10 3. Any person, organization, association or corporation who
11 reports or provides information to the committee under sections
12 337.700 to 337.739 and who does so in good faith shall not be
13 subject to an action for civil damages as a result thereof.

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

23 338.220. 1. It shall be unlawful for any person,
24 copartnership, association, corporation or any other business
25 entity to open, establish, operate, or maintain any pharmacy as
26 defined by statute without first obtaining a permit or license to
27 do so from the Missouri board of pharmacy. A permit shall not be
28 required for an individual licensed pharmacist to perform

1 nondispensing activities outside of a pharmacy, as provided by
2 the rules of the board. A permit shall not be required for an
3 individual licensed pharmacist to administer drugs, vaccines, and
4 biologicals by protocol, as permitted by law, outside of a
5 pharmacy. The following classes of pharmacy permits or licenses
6 are hereby established:

- 7 (1) Class A: Community/ambulatory;
- 8 (2) Class B: Hospital pharmacy;
- 9 (3) Class C: Long-term care;
- 10 (4) Class D: Nonsterile compounding;
- 11 (5) Class E: Radio pharmaceutical;
- 12 (6) Class F: Renal dialysis;
- 13 (7) Class G: Medical gas;
- 14 (8) Class H: Sterile product compounding;
- 15 (9) Class I: Consultant services;
- 16 (10) Class J: Shared service;
- 17 (11) Class K: Internet;
- 18 (12) Class L: Veterinary;
- 19 (13) Class M: Specialty (bleeding disorder);
- 20 (14) Class N: Automated dispensing system (health care
21 facility);
- 22 (15) Class O: Automated dispensing system (ambulatory
23 care);
- 24 (16) Class P: Practitioner office/clinic;
- 25 (17) Class Q: Charitable pharmacy.

26 2. Application for such permit or license shall be made
27 upon a form furnished to the applicant; shall contain a statement
28 that it is made under oath or affirmation and that its

1 representations are true and correct to the best knowledge and
2 belief of the person signing same, subject to the penalties of
3 making a false affidavit or declaration; and shall be accompanied
4 by a permit or license fee. The permit or license issued shall
5 be renewable upon payment of a renewal fee. Separate
6 applications shall be made and separate permits or licenses
7 required for each pharmacy opened, established, operated, or
8 maintained by the same owner.

9 3. All permits, licenses or renewal fees collected pursuant
10 to the provisions of sections 338.210 to 338.370 shall be
11 deposited in the state treasury to the credit of the Missouri
12 board of pharmacy fund, to be used by the Missouri board of
13 pharmacy in the enforcement of the provisions of sections 338.210
14 to 338.370, when appropriated for that purpose by the general
15 assembly.

16 4. Class L: veterinary permit shall not be construed to
17 prohibit or interfere with any legally registered practitioner of
18 veterinary medicine in the compounding, administering,
19 prescribing, or dispensing of their own prescriptions, or
20 medicine, drug, or pharmaceutical product to be used for animals.

21 5. Except for any legend drugs under 21 U.S.C. Section 353,
22 the provisions of this section shall not apply to the sale,
23 dispensing, or filling of a pharmaceutical product or drug used
24 for treating animals.

25 6. A "class B hospital pharmacy" shall be defined as a
26 pharmacy owned, managed, or operated by a hospital as defined by
27 section 197.020 or a clinic or facility under common control,
28 management or ownership of the same hospital or hospital system.

1 This section shall not be construed to require a class B hospital
2 pharmacy permit or license for hospitals solely providing
3 services within the practice of pharmacy under the jurisdiction
4 of, and the licensure granted by, the department of health and
5 senior services under and pursuant to chapter 197.

6 7. Upon application to the board, any hospital that holds a
7 pharmacy permit or license on August 28, 2014, shall be entitled
8 to obtain a class B pharmacy permit or license without fee,
9 provided such application shall be submitted to the board on or
10 before January 1, 2015.

11 339.040. 1. Licenses shall be granted only to persons who
12 present, and corporations, associations, partnerships, limited
13 partnerships, limited liability companies, and professional
14 corporations whose officers, managers, associates, general
15 partners, or members who actively participate in such entity's
16 brokerage, broker-salesperson, or salesperson business present,
17 satisfactory proof to the commission that they[~~±~~

18 ~~(1) Are persons of good moral character; and~~

19 ~~(2) Bear a good reputation for honesty, integrity, and fair~~
20 ~~dealing; and~~

21 ~~(3)]~~ are competent to transact the business of a broker or
22 salesperson in such a manner as to safeguard the interest of the
23 public.

24 2. In order to determine an applicant's qualifications to
25 receive a license under sections 339.010 to 339.180 and sections
26 339.710 to 339.860, the commission shall hold oral or written
27 examinations at such times and places as the commission may
28 determine.

1 3. Each applicant for a broker or salesperson license shall
2 be at least eighteen years of age and shall pay the broker
3 examination fee or the salesperson examination fee.

4 4. Each applicant for a broker license shall be required to
5 have satisfactorily completed the salesperson license examination
6 prescribed by the commission. For the purposes of this section
7 only, the commission may permit a person who is not associated
8 with a licensed broker to take the salesperson examination.

9 5. Each application for a broker license shall include a
10 certificate from the applicant's broker or brokers that the
11 applicant has been actively engaged in the real estate business
12 as a licensed salesperson for at least two years immediately
13 preceding the date of application, and shall include a
14 certificate from a school accredited by the commission under the
15 provisions of section 339.045 that the applicant has, within six
16 months prior to the date of application, successfully completed
17 the prescribed broker curriculum or broker correspondence course
18 offered by such school, except that the commission may waive all
19 or part of the requirements set forth in this subsection when an
20 applicant presents proof of other educational background or
21 experience acceptable to the commission. Each application for a
22 broker-salesperson license shall include evidence of the current
23 broker license held by the applicant.

24 6. Each application for a salesperson license shall include
25 a certificate from a school accredited by the commission under
26 the provisions of section 339.045 that the applicant has, within
27 six months prior to the date of application, successfully
28 completed the prescribed salesperson curriculum or salesperson

1 correspondence course offered by such school, except that the
2 commission may waive all or part of the educational requirements
3 set forth in this subsection when an applicant presents proof of
4 other educational background or experience acceptable to the
5 commission.

6 7. The commission may issue a temporary work permit pending
7 final review and printing of the license to an applicant who
8 appears to have satisfied the requirements for licenses. The
9 commission may, at its discretion, withdraw the work permit at
10 any time.

11 8. Every active broker, broker-salesperson, salesperson,
12 officer, manager, general partner, member or associate shall
13 provide upon request to the commission evidence that during the
14 two years preceding he or she has completed twelve hours of real
15 estate instruction in courses approved by the commission. The
16 commission may, by rule and regulation, provide for individual
17 waiver of this requirement.

18 9. Each entity that provides continuing education required
19 under the provisions of subsection 8 of this section may make
20 available instruction courses that the entity conducts through
21 means of distance delivery. The commission shall by rule set
22 standards for such courses. The commission may by regulation
23 require the individual completing such distance-delivered course
24 to complete an examination on the contents of the course. Such
25 examination shall be designed to ensure that the licensee
26 displays adequate knowledge of the subject matter of the course,
27 and shall be designed by the entity producing the course and
28 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

1 probability of a violation of sections 339.010 to 339.180 and
2 sections 339.710 to 339.860. The commission shall have the power
3 to issue a subpoena to compel the production of records and
4 papers bearing on the complaint. The commission shall have the
5 power to issue a subpoena and to compel any person in this state
6 to come before the commission to offer testimony or any material
7 specified in the subpoena. Subpoenas and subpoenas duces tecum
8 issued pursuant to this section shall be served in the same
9 manner as subpoenas in a criminal case. The fees and mileage of
10 witnesses shall be the same as that allowed in the circuit court
11 in civil cases.

12 2. The commission may cause a complaint to be filed with
13 the administrative hearing commission as provided by the
14 provisions of chapter 621 against any person or entity licensed
15 under this chapter or any licensee who has failed to renew or has
16 surrendered his or her individual or entity license for any one
17 or any combination of the following acts:

18 (1) Failure to maintain and deposit in a special account,
19 separate and apart from his or her personal or other business
20 accounts, all moneys belonging to others entrusted to him or her
21 while acting as a real estate broker or as the temporary
22 custodian of the funds of others, until the transaction involved
23 is consummated or terminated, unless all parties having an
24 interest in the funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises
26 or suppression, concealment or omission of material facts in the
27 conduct of his or her business or pursuing a flagrant and
28 continued course of misrepresentation through agents,

1 salespersons, advertising or otherwise in any transaction;

2 (3) Failing within a reasonable time to account for or to
3 remit any moneys, valuable documents or other property, coming
4 into his or her possession, which belongs to others;

5 (4) Representing to any lender, guaranteeing agency, or any
6 other interested party, either verbally or through the
7 preparation of false documents, an amount in excess of the true
8 and actual sale price of the real estate or terms differing from
9 those actually agreed upon;

10 (5) Failure to timely deliver a duplicate original of any
11 and all instruments to any party or parties executing the same
12 where the instruments have been prepared by the licensee or under
13 his or her supervision or are within his or her control,
14 including, but not limited to, the instruments relating to the
15 employment of the licensee or to any matter pertaining to the
16 consummation of a lease, listing agreement or the purchase, sale,
17 exchange or lease of property, or any type of real estate
18 transaction in which he or she may participate as a licensee;

19 (6) Acting for more than one party in a transaction without
20 the knowledge of all parties for whom he or she acts, or
21 accepting a commission or valuable consideration for services
22 from more than one party in a real estate transaction without the
23 knowledge of all parties to the transaction;

24 (7) Paying a commission or valuable consideration to any
25 person for acts or services performed in violation of sections
26 339.010 to 339.180 and sections 339.710 to 339.860;

27 (8) Guaranteeing or having authorized or permitted any
28 licensee to guarantee future profits which may result from the

1 resale of real property;

2 (9) Having been finally adjudicated and been found guilty
3 of the violation of any state or federal statute which governs
4 the sale or rental of real property or the conduct of the real
5 estate business as defined in subsection 1 of section 339.010;

6 (10) Obtaining a certificate or registration of authority,
7 permit or license for himself or herself or anyone else by false
8 or fraudulent representation, fraud or deceit;

9 (11) Representing a real estate broker other than the
10 broker with whom associated without the express written consent
11 of the broker with whom associated;

12 (12) Accepting a commission or valuable consideration for
13 the performance of any of the acts referred to in section 339.010
14 from any person except the broker with whom associated at the
15 time the commission or valuable consideration was earned;

16 (13) Using prizes, money, gifts or other valuable
17 consideration as inducement to secure customers or clients to
18 purchase, lease, sell or list property when the awarding of such
19 prizes, money, gifts or other valuable consideration is
20 conditioned upon the purchase, lease, sale or listing; or
21 soliciting, selling or offering for sale real property by
22 offering free lots, or conducting lotteries or contests, or
23 offering prizes for the purpose of influencing a purchaser or
24 prospective purchaser of real property;

25 (14) Placing a sign on or advertising any property offering
26 it for sale or rent without the written consent of the owner or
27 his or her duly authorized agent;

28 (15) Violation of, or attempting to violate, directly or

1 indirectly, or assisting or enabling any person to violate, any
2 provision of sections 339.010 to 339.180 and sections 339.710 to
3 339.860, or of any lawful rule adopted pursuant to sections
4 339.010 to 339.180 and sections 339.710 to 339.860;

5 (16) Committing any act which would otherwise be grounds
6 for the commission to refuse to issue a license under section
7 339.040;

8 (17) Failure to timely inform seller of all written offers
9 unless otherwise instructed in writing by the seller;

10 (18) Been finally adjudicated and found guilty, or entered
11 a plea of guilty or nolo contendere, in a criminal prosecution
12 under the laws of this state or any other state or of the United
13 States, for any offense reasonably related to the qualifications,
14 functions or duties of any profession licensed or regulated under
15 this chapter, or 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,~~] whether or not sentence is imposed;

18 (19) Any other conduct which constitutes untrustworthy,
19 improper or fraudulent business dealings, demonstrates bad faith
20 or incompetence, misconduct, or gross negligence;

21 (20) Disciplinary action against the holder of a license or
22 other right to practice any profession regulated under sections
23 339.010 to 339.180 and sections 339.710 to 339.860 granted by
24 another state, territory, federal agency, or country upon grounds
25 for which revocation, suspension, or probation is authorized in
26 this state;

27 (21) Been found by a court of competent jurisdiction of
28 having used any controlled substance, as defined in chapter 195,

1 to the extent that such use impairs a person's ability to perform
2 the work of any profession licensed or regulated by sections
3 339.010 to 339.180 and sections 339.710 to 339.860;

4 (22) Been finally adjudged insane or incompetent by a court
5 of competent jurisdiction;

6 (23) Assisting or enabling any person to practice or offer
7 to practice any profession licensed or regulated under sections
8 339.010 to 339.180 and sections 339.710 to 339.860 who is not
9 registered and currently eligible to practice under sections
10 339.010 to 339.180 and sections 339.710 to 339.860;

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

15 (25) Making any material misstatement, misrepresentation,
16 or omission with regard to any application for licensure or
17 license renewal. As used in this section, "material" means
18 important information about which the commission should be
19 informed and which may influence a licensing decision;

20 (26) Engaging in, committing, or assisting any person in
21 engaging in or committing mortgage fraud, as defined in section
22 443.930.

23 3. After the filing of such complaint, the proceedings will
24 be conducted in accordance with the provisions of law relating to
25 the administrative hearing commission. A finding of the
26 administrative hearing commissioner that the licensee has
27 performed or attempted to perform one or more of the foregoing
28 acts shall be grounds for the suspension or revocation of his

1 license by the commission, or the placing of the licensee on
2 probation on such terms and conditions as the real estate
3 commission shall deem appropriate, or the imposition of a civil
4 penalty by the commission not to exceed two thousand five hundred
5 dollars for each offense. Each day of a continued violation
6 shall constitute a separate offense.

7 4. The commission may prepare a digest of the decisions of
8 the administrative hearing commission which concern complaints
9 against licensed brokers or salespersons and cause such digests
10 to be mailed to all licensees periodically. Such digests may
11 also contain reports as to new or changed rules adopted by the
12 commission and other information of significance to licensees.

13 5. Notwithstanding other provisions of this section, a
14 broker or salesperson's license shall be revoked, or in the case
15 of an applicant, shall not be issued, if the licensee or
16 applicant has pleaded guilty to, entered a plea of nolo
17 contendere to, or been found guilty of any of the following
18 offenses or offenses of a similar nature established under the
19 laws of this, any other state, the United States, or any other
20 country, notwithstanding whether sentence is imposed:

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

23 (2) Any of the following sexual offenses: rape in the
24 first degree, forcible rape, rape, statutory rape in the first
25 degree, statutory rape in the second degree, rape in the second
26 degree, sexual assault, sodomy in the first degree, forcible
27 sodomy, statutory sodomy in the first degree, statutory sodomy in
28 the second degree, child molestation in the first degree, child

1 molestation in the second degree, sodomy in the second degree,
2 deviate sexual assault, sexual misconduct involving a child,
3 sexual misconduct in the first degree under section 566.090 as it
4 existed prior to August 28, 2013, sexual abuse under section
5 566.100 as it existed prior to August 28, 2013, sexual abuse in
6 the first or second degree, enticement of a child, or attempting
7 to entice a child;

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

14 (4) Any of the following offenses involving child
15 pornography and related offenses: promoting obscenity in the
16 first degree, promoting obscenity in the second degree when the
17 penalty is enhanced to a class E felony, promoting child
18 pornography in the first degree, promoting child pornography in
19 the second degree, possession of child pornography in the first
20 degree, possession of child pornography in the second degree,
21 furnishing child pornography to a minor, furnishing pornographic
22 materials to minors, or coercing acceptance of obscene material;
23 and

24 (5) Mortgage fraud as defined in section 570.310.

25 6. A person whose license was revoked under subsection 5 of
26 this section may appeal such revocation to the administrative
27 hearing commission. Notice of such appeal must be received by
28 the administrative hearing commission within ninety days of

1 mailing, by certified mail, the notice of revocation. Failure of
2 a person whose license was revoked to notify the administrative
3 hearing commission of his or her intent to appeal waives all
4 rights to appeal the revocation. Upon notice of such person's
5 intent to appeal, a hearing shall be held before the
6 administrative hearing commission.

7 339.511. 1. There shall be six classes of licensure for
8 individuals including:

- 9 (1) State-licensed appraiser trainee;
- 10 (2) State-licensed real estate appraiser;
- 11 (3) State-certified residential appraiser trainee;
- 12 (4) State-certified residential real estate appraiser;
- 13 (5) State-certified general appraiser trainee; and
- 14 (6) State-certified general real estate appraiser.

15 2. There shall be one class of license for appraisal
16 management companies.

17 3. Persons desiring to obtain licensure as a state-licensed
18 appraiser trainee, state-licensed real estate appraiser,
19 state-certified residential appraiser trainee, certification as a
20 state-certified residential real estate appraiser,
21 state-certified general appraiser trainee, or state-certified
22 general real estate appraiser shall make written application to
23 the commission on such forms as are prescribed by the commission
24 setting forth the applicant's qualifications for licensure or
25 certification ~~[and present to the commission satisfactory proof~~
26 ~~that the person is of good moral character and bears a good~~
27 ~~reputation for honesty, integrity and fair dealing]~~.

28 4. Each applicant for licensure as a state-licensed

1 appraiser trainee, state-licensed real estate appraiser, a
2 state-certified residential appraiser trainee, a state-certified
3 residential real estate appraiser, a state-certified general
4 appraiser trainee, or a state-certified general real estate
5 appraiser shall have demonstrated the knowledge and competence
6 necessary to perform appraisals of residential and other real
7 estate as the commission may prescribe by rule not inconsistent
8 with any requirements imposed by the appraiser qualifications
9 board. The commission shall prescribe by rule procedures for
10 obtaining and maintaining approved courses of instruction. The
11 commission shall, also, prescribe the hours of training in real
12 estate appraisal practices and the minimum level of experience
13 acceptable for licensure or certification.

14 5. Persons who receive certification after March 30, 1991,
15 or who have a state license or certificate to engage in business
16 as a real estate appraiser issued by the commission, shall
17 receive the same license or certificate from the commission as
18 such persons are currently holding without further education,
19 experience, examination or application fee, but shall be required
20 to meet all continuing education requirements prescribed by the
21 commission.

22 6. Appraisal management companies desiring to obtain
23 licensure shall:

24 (1) Make application to the commission on such forms as are
25 prescribed by the commission setting forth the applicant's
26 qualifications for licensure;

27 (2) Remit the fee or fees as established by rule; and

28 (3) Post with the commission and maintain on renewal a

1 surety bond in the amount of twenty thousand dollars as further
2 promulgated by rule[, and

3 ~~(4) Submit to the commission satisfactory proof that any~~
4 ~~controlling person, defined in section 339.503, is of good moral~~
5 ~~character and bears a good reputation for honesty, integrity, and~~
6 ~~fair dealing].~~

7 339.532. 1. The commission may refuse to issue or renew
8 any certificate or license issued pursuant to sections 339.500 to
9 339.549 for one or any combination of causes stated in subsection
10 2 of this section. The commission shall notify the applicant in
11 writing of the reasons for the refusal and shall advise the
12 applicant of the right to file a complaint with the
13 administrative hearing commission as provided by chapter 621.

14 2. The commission may cause a complaint to be filed with
15 the administrative hearing commission as provided by chapter 621
16 against any state-certified real estate appraiser, state-licensed
17 real estate appraiser, state-licensed appraiser trainee,
18 state-certified residential appraiser trainee, state-certified
19 general appraiser trainee, state-licensed appraisal management
20 company that is a legal entity other than a natural person, any
21 person who is a controlling person as defined in this chapter, or
22 any person who has failed to renew or has surrendered his or her
23 certificate or license for any one or any combination of the
24 following causes:

25 (1) Procuring or attempting to procure a certificate or
26 license pursuant to section 339.513 by knowingly making a false
27 statement, submitting false information, refusing to provide
28 complete information in response to a question in an application

1 for certification or licensure, or through any form of fraud or
2 misrepresentation;

3 (2) Failing to meet the minimum qualifications for
4 certification or licensure or renewal established by sections
5 339.500 to 339.549;

6 (3) Paying money or other valuable consideration, other
7 than as provided for by section 339.513, to any member or
8 employee of the commission to procure a certificate or license
9 pursuant to sections 339.500 to 339.549;

10 (4) The person has been finally adjudicated and found
11 guilty, or entered a plea of guilty or nolo contendere, in a
12 criminal prosecution under the laws of any state ~~[or]~~, of the
13 United States, or of any country, for any offense ~~[reasonably]~~
14 directly related to the ~~[qualifications, functions or]~~ duties ~~[of~~
15 ~~any profession licensed or regulated pursuant to sections 339.500~~
16 ~~to 339.549 for any offense of which an essential element is~~
17 ~~fraud, dishonesty or an act of violence, or for any offense~~
18 ~~involving moral turpitude,~~ and responsibilities of the
19 occupation, as set forth in section 324.012, regardless of
20 whether or not sentence is imposed;

21 (5) Incompetency, misconduct, gross negligence, dishonesty,
22 fraud, or misrepresentation in the performance of the functions
23 or duties of any profession licensed or regulated by sections
24 339.500 to 339.549;

25 (6) Violation of any of the standards for the development
26 or communication of real estate appraisals as provided in or
27 pursuant to sections 339.500 to 339.549;

28 (7) Failure to comply with the Uniform Standards of

1 Professional Appraisal Practice promulgated by the appraisal
2 standards board of the appraisal foundation;

3 (8) Failure or refusal without good cause to exercise
4 reasonable diligence in developing an appraisal, preparing an
5 appraisal report, or communicating an appraisal;

6 (9) Negligence or incompetence in developing an appraisal,
7 in preparing an appraisal report, or in communicating an
8 appraisal;

9 (10) Violating, assisting or enabling any person to
10 willfully disregard any of the provisions of sections 339.500 to
11 339.549 or the regulations of the commission for the
12 administration and enforcement of the provisions of sections
13 339.500 to 339.549;

14 (11) Accepting an appraisal assignment when the employment
15 itself is contingent upon the appraiser's reporting a
16 predetermined analysis or opinion or where the fee to be paid for
17 the performance of the appraisal assignment is contingent upon
18 the opinion, conclusion, or valuation reached or upon the
19 consequences resulting from the appraisal assignment;

20 (12) Violating the confidential nature of governmental
21 records to which the person gained access through employment or
22 engagement to perform an appraisal assignment or specialized
23 appraisal services for a governmental agency;

24 (13) Violating any term or condition of a certificate or
25 license issued by the commission pursuant to the authority of
26 sections 339.500 to 339.549;

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

28 (15) Obtaining or attempting to obtain any fee, charge,

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

3 (16) Assisting or enabling any person to practice or offer
4 to practice any profession licensed or regulated by sections
5 339.500 to 339.549 who is not licensed or certified and currently
6 eligible to practice pursuant to sections 339.500 to 339.549;

7 (17) 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 (18) Disciplinary action against the holder of a license,
11 certificate or other right to practice any profession regulated
12 pursuant to sections 339.500 to 339.549, imposed by another
13 state, territory, federal agency or country upon grounds for
14 which revocation or suspension is authorized in this state;

15 (19) Making any material misstatement, misrepresentation,
16 or omission with regard to any application for licensure or
17 certification, or for license or certification renewal. As used
18 in this section, "material" means important information about
19 which the commission should be informed and which may influence a
20 licensing decision;

21 (20) Engaging in or committing, or assisting any person in
22 engaging in or committing, any practice or act of mortgage fraud,
23 as defined in section 443.930;

24 (21) Influencing or attempting to influence the
25 development, reporting, or review of an appraisal through
26 coercion, extortion, collusion, compensation, instruction,
27 inducement, intimidation, or bribery.

28 3. 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 2 of this section, for
4 disciplinary action are met, the commission may, singly or in
5 combination, publicly censure or place the person named in the
6 complaint on probation on such terms and conditions as the
7 commission deems appropriate for a period not to exceed five
8 years, or may suspend, for a period not to exceed three years, or
9 revoke, the certificate or license. The holder of a certificate
10 or license, or the legal entity and any controlling person in the
11 case of an appraisal management company, revoked pursuant to this
12 section may not obtain certification as a state-certified real
13 estate appraiser, licensure as a state-licensed real estate
14 appraiser, or licensure as an appraisal management company for at
15 least five years after the date of revocation.

16 4. Notwithstanding other provisions of this section, a real
17 estate appraiser license or certification or an appraisal
18 management company license shall be revoked, or in the case of an
19 applicant, shall not be issued, if the licensee or applicant, or
20 any controlling person in the case of an appraisal management
21 company, has ~~[pleaded guilty to,]~~ been finally adjudicated and
22 found guilty, or has entered a plea of nolo contendere ~~[to, or~~
23 ~~been found guilty of mortgage fraud as defined in section~~
24 570.310], in a criminal prosecution under the laws of any state,
25 of the United States, or of any country, for any offense directly
26 related to the duties and responsibilities of the occupation, as
27 set forth in section 324.012, regardless of whether or not
28 sentence is imposed. The commission shall notify the individual

1 or legal entity of the reasons for the revocation in writing, by
2 certified mail.

3 5. A person, or the legal entity or controlling person in
4 the case of an appraisal management company, whose license is
5 revoked under subsection 4 of this section may appeal such
6 revocation to the administrative hearing commission, as provided
7 by chapter 621, within ninety days from the time the commission
8 mails the notice of revocation. A person who fails to do so
9 waives all rights to appeal the revocation.

10 6. A certification of a state-certified real estate
11 appraiser, a license of a state-licensed real estate appraiser,
12 or a license of an appraisal management company that has been
13 suspended as a result of disciplinary action by the commission
14 shall not be reinstated, and a person, controlling person, or
15 legal entity may not obtain certification as a state-certified
16 real estate appraiser, licensure as a state-licensed real estate
17 appraiser, or licensure as an appraisal management company
18 subsequent to revocation, unless the applicant presents evidence
19 of completion of the continuing education required by section
20 339.530 during the period of suspension or revocation as well as
21 fulfillment of any other conditions imposed by the commission.
22 Applicants for recertification, relicensure or reinstatement also
23 shall be required to successfully complete the examination for
24 original certification or licensure required by section 339.515
25 as a condition to reinstatement of certification or licensure, or
26 recertification or relicensure subsequent to revocation.

27 344.030. 1. An applicant for an initial license shall file
28 a completed application with the board on a form provided by the

1 board, accompanied by an application fee as provided by rule
2 payable to the department of health and senior services.
3 Information provided in the application shall be attested by
4 signature to be true and correct to the best of the applicant's
5 knowledge and belief.

6 2. No initial license shall be issued to a person as a
7 nursing home administrator unless:

8 (1) The applicant provides the board satisfactory proof
9 that the applicant is ~~[of good moral character and]~~ a high school
10 graduate or equivalent;

11 (2) The applicant provides the board satisfactory proof
12 that the applicant has had a minimum of three years' experience
13 in health care administration or two years of postsecondary
14 education in health care administration or has satisfactorily
15 completed a course of instruction and training prescribed by the
16 board, which includes instruction in the needs properly to be
17 served by nursing homes, the protection of the interests of
18 residents therein, and the elements of good nursing home
19 administration, or has presented evidence satisfactory to the
20 board of sufficient education, training, or experience in the
21 foregoing fields to administer, supervise and manage a nursing
22 home; and

23 (3) The applicant passes the examinations administered by
24 the board. If an applicant fails to make a passing grade on
25 either of the examinations such applicant may make application
26 for reexamination on a form furnished by the board and may be
27 retested. If an applicant fails either of the examinations a
28 third time, the applicant shall be required to complete a course

1 of instruction prescribed and approved by the board. After
2 completion of the board-prescribed course of instruction, the
3 applicant may reapply for examination. With regard to the
4 national examination required for licensure, no examination
5 scores from other states shall be recognized by the board after
6 the applicant has failed his or her third attempt at the national
7 examination. There shall be a separate, nonrefundable fee for
8 each examination. The board shall set the amount of the fee for
9 examination by rules and regulations promulgated pursuant to
10 section 536.021. The fee shall be set at a level to produce
11 revenue which shall not substantially exceed the cost and expense
12 of administering the examination.

13 3. Nothing in sections 344.010 to 344.108, or the rules or
14 regulations thereunder shall be construed to require an applicant
15 for a license as a nursing home administrator, who is employed by
16 an institution listed and certified by the Commission for
17 Accreditation of Christian Science Nursing
18 Organizations/Facilities, Inc., to administer institutions
19 certified by such commission for the care and treatment of the
20 sick in accordance with the creed or tenets of a recognized
21 church or religious denomination, to demonstrate proficiency in
22 any techniques or to meet any educational qualifications or
23 standards not in accord with the remedial care and treatment
24 provided in such institutions. The applicant's license shall be
25 endorsed to confine the applicant's practice to such
26 institutions.

27 4. The board may issue a temporary emergency license for a
28 period not to exceed ninety days to a person twenty-one years of

1 age or over [~~, of good moral character~~] and a high school graduate
2 or equivalent to serve as an acting nursing home administrator,
3 provided such person is replacing a licensed nursing home
4 administrator who has died, has been removed or has vacated the
5 nursing home administrator's position. No temporary emergency
6 license may be issued to a person who has had a nursing home
7 administrator's license denied, suspended or revoked. A
8 temporary emergency license may be renewed for one additional
9 ninety-day period upon a showing that the person seeking the
10 renewal of a temporary emergency license meets the qualifications
11 for licensure and has filed an application for a regular license,
12 accompanied by the application fee, and the applicant has taken
13 the examination or examinations but the results have not been
14 received by the board. No temporary emergency license may be
15 renewed more than one time.

16 344.050. 1. The board may refuse to issue or renew any
17 certificate of registration or authority, permit or license
18 required pursuant to this chapter for one or any combination of
19 causes stated in subsection 2 of this section. The board shall
20 notify the applicant in writing of the reasons for the refusal
21 and shall advise the applicant of his or her right to file a
22 complaint with the administrative hearing commission as provided
23 by chapter 621. As an alternative to refusal to issue or renew
24 any certificate, registration or authority, permit or license,
25 the board may, at its discretion, issue a license which is
26 subject to probation for any one or any combination of causes
27 stated in subsection 2 of this section. The board's order of
28 probation shall contain a statement of the discipline imposed,

1 the basis therefor, the date such action shall become effective,
2 and a statement that the applicant has thirty days to request in
3 writing a hearing before the administrative hearing commission.
4 If the board issues a probationary license to an applicant for
5 licensure, the applicant may file a written petition with the
6 administrative hearing commission within thirty days of the
7 effective date of the probationary license seeking review of
8 whether cause exists to discipline the licensee under subsection
9 2 of this section. If no written request for a hearing is
10 received by the administrative hearing commission within the
11 thirty-day period, the right to seek review of the board's
12 decision shall be waived.

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

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

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

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

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

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

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

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

17 (14) Knowingly failing to report abuse or neglect of a
18 resident in a long-term care facility, as required by section
19 198.070, of which he or she has actual knowledge that it is abuse
20 or neglect;

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

22 (16) Having served as the administrator, operator, or any
23 principal involved in the operation of a facility licensed under
24 chapter 198 and during such time the facility has had its license
25 revoked under section 198.036, has entered into a consent
26 agreement to obtain a probationary license under subsection 5 of
27 section 198.026, has had a license denied under subsection 2 of
28 section 198.022, or has surrendered its license while under

1 investigation.

2 3. The administrative hearing commission shall have no
3 authority to require issuance of a license, pending a final
4 determination by the commission, in any case in which an
5 applicant is seeking initial licensure.

6 4. No license may be suspended or revoked and no
7 application for renewal of a license may be denied under this
8 section until the licensee has been afforded an opportunity for
9 hearing after due notice as provided in sections 621.015 to
10 621.205.

11 5. Upon a finding by the administrative hearing commission
12 that the grounds, provided in subsection 2 of this section, for
13 disciplinary action are met, the board may, singly or in
14 combination, censure or place the person named in the complaint
15 on probation on such terms as the board deems appropriate, or may
16 suspend or revoke the certificate, permit or license. The board
17 may exclude any application for up to five years for any person
18 who has had his or her license revoked by the board or has
19 surrendered his or her license to the board.

20 345.015. As used in sections 345.010 to 345.080, the
21 following terms mean:

22 (1) "Audiologist", a person who is licensed as an
23 audiologist pursuant to sections 345.010 to 345.080 to practice
24 audiology;

25 (2) "Audiology aide", a person who is registered as an
26 audiology aide by the board, who does not act independently but
27 works under the direction and supervision of a licensed
28 audiologist. Such person assists the audiologist with activities

1 which require an understanding of audiology but do not require
2 formal training in the relevant academics. To be eligible for
3 registration by the board, each applicant shall submit a
4 registration fee [~~, be of good moral and ethical character;~~] and:

5 (a) Be at least eighteen years of age;

6 (b) Furnish evidence of the person's educational
7 qualifications which shall be at a minimum:

8 a. Certification of graduation from an accredited high
9 school or its equivalent; and

10 b. On-the-job training;

11 (c) Be employed in a setting in which direct and indirect
12 supervision are provided on a regular and systematic basis by a
13 licensed audiologist.

14
15 However, the aide shall not administer or interpret hearing
16 screening or diagnostic tests, fit or dispense hearing
17 instruments, make ear impressions, make diagnostic statements,
18 determine case selection, present written reports to anyone other
19 than the supervisor without the signature of the supervisor, make
20 referrals to other professionals or agencies, use a title other
21 than audiology aide, develop or modify treatment plans, discharge
22 clients from treatment or terminate treatment, disclose clinical
23 information, either orally or in writing, to anyone other than
24 the supervising audiologist, or perform any procedure for which
25 he or she is not qualified, has not been adequately trained or
26 both;

27 (3) "Board", the state board of registration for the
28 healing arts;

1 (4) "Commission", the advisory commission for
2 speech-language pathologists and audiologists;

3 (5) "Hearing instrument" or "hearing aid", any wearable
4 device or instrument designed for or offered for the purpose of
5 aiding or compensating for impaired human hearing and any parts,
6 attachments or accessories, including ear molds, but excluding
7 batteries, cords, receivers and repairs;

8 (6) "Person", any individual, organization, or corporate
9 body, except that only individuals may be licensed pursuant to
10 sections 345.010 to 345.080;

11 (7) "Practice of audiology":

12 (a) The application of accepted audiologic principles,
13 methods and procedures for the measurement, testing,
14 interpretation, appraisal and prediction related to disorders of
15 the auditory system, balance system or related structures and
16 systems;

17 (b) Provides consultation or counseling to the patient,
18 client, student, their family or interested parties;

19 (c) Provides academic, social and medical referrals when
20 appropriate;

21 (d) Provides for establishing goals, implementing
22 strategies, methods and techniques, for habilitation,
23 rehabilitation or aural rehabilitation, related to disorders of
24 the auditory system, balance system or related structures and
25 systems;

26 (e) Provides for involvement in related research, teaching
27 or public education;

28 (f) Provides for rendering of services or participates in

1 the planning, directing or conducting of programs which are
2 designed to modify audition, communicative, balance or cognitive
3 disorder, which may involve speech and language or education
4 issues;

5 (g) Provides and interprets behavioral and neurophysiologic
6 measurements of auditory balance, cognitive processing and
7 related functions, including intraoperative monitoring;

8 (h) Provides involvement in any tasks, procedures, acts or
9 practices that are necessary for evaluation of audition, hearing,
10 training in the use of amplification or assistive listening
11 devices;

12 (i) Provides selection, assessment, fitting, programming,
13 and dispensing of hearing instruments, assistive listening
14 devices, and other amplification systems;

15 (j) Provides for taking impressions of the ear, making
16 custom ear molds, ear plugs, swim molds and industrial noise
17 protectors;

18 (k) Provides assessment of external ear and cerumen
19 management;

20 (l) Provides advising, fitting, mapping assessment of
21 implantable devices such as cochlear or auditory brain stem
22 devices;

23 (m) Provides information in noise control and hearing
24 conservation including education, equipment selection, equipment
25 calibration, site evaluation and employee evaluation;

26 (n) Provides performing basic speech-language screening
27 test;

28 (o) Provides involvement in social aspects of

1 communication, including challenging behavior and ineffective
2 social skills, lack of communication opportunities;

3 (p) Provides support and training of family members and
4 other communication partners for the individual with auditory
5 balance, cognitive and communication disorders;

6 (q) Provides aural rehabilitation and related services to
7 individuals with hearing loss and their families;

8 (r) Evaluates, collaborates and manages audition problems
9 in the assessment of the central auditory processing disorders
10 and providing intervention for individuals with central auditory
11 processing disorders;

12 (s) Develops and manages academic and clinical problems in
13 communication sciences and disorders;

14 (t) Conducts, disseminates and applies research in
15 communication sciences and disorders;

16 (8) "Practice of speech-language pathology":

17 (a) Provides screening, identification, assessment,
18 diagnosis, treatment, intervention, including but not limited to
19 prevention, restoration, amelioration and compensation, and
20 follow-up services for disorders of:

21 a. Speech: articulation, fluency, voice, including
22 respiration, phonation and resonance;

23 b. Language, involving the parameters of phonology,
24 morphology, syntax, semantics and pragmatic; and including
25 disorders of receptive and expressive communication in oral,
26 written, graphic and manual modalities;

27 c. Oral, pharyngeal, cervical esophageal and related
28 functions, such as dysphagia, including disorders of swallowing

1 and oral functions for feeding; orofacial myofunctional
2 disorders;

3 d. Cognitive aspects of communication, including
4 communication disability and other functional disabilities
5 associated with cognitive impairment;

6 e. Social aspects of communication, including challenging
7 behavior, ineffective social skills, lack of communication
8 opportunities;

9 (b) Provides consultation and counseling and makes
10 referrals when appropriate;

11 (c) Trains and supports family members and other
12 communication partners of individuals with speech, voice,
13 language, communication and swallowing disabilities;

14 (d) Develops and establishes effective augmentative and
15 alternative communication techniques and strategies, including
16 selecting, prescribing and dispensing of augmentative aids and
17 devices; and the training of individuals, their families and
18 other communication partners in their use;

19 (e) Selects, fits and establishes effective use of
20 appropriate prosthetic/adaptive devices for speaking and
21 swallowing, such as tracheoesophageal valves, electrolarynges, or
22 speaking valves;

23 (f) Uses instrumental technology to diagnose and treat
24 disorders of communication and swallowing, such as
25 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

26 (g) Provides aural rehabilitative and related counseling
27 services to individuals with hearing loss and to their families;

28 (h) Collaborates in the assessment of central auditory

1 processing disorders in cases in which there is evidence of
2 speech, language or other cognitive communication disorders;
3 provides intervention for individuals with central auditory
4 processing disorders;

5 (i) Conducts pure-tone air conduction hearing screening and
6 screening tympanometry for the purpose of the initial
7 identification or referral;

8 (j) Enhances speech and language proficiency and
9 communication effectiveness, including but not limited to accent
10 reduction, collaboration with teachers of English as a second
11 language and improvement of voice, performance and singing;

12 (k) Trains and supervises support personnel;

13 (l) Develops and manages academic and clinical programs in
14 communication sciences and disorders;

15 (m) Conducts, disseminates and applies research in
16 communication sciences and disorders;

17 (n) Measures outcomes of treatment and conducts continuous
18 evaluation of the effectiveness of practices and programs to
19 improve and maintain quality of services;

20 (9) "Speech-language pathologist", a person who is licensed
21 as a speech-language pathologist pursuant to sections 345.010 to
22 345.080; who engages in the practice of speech-language pathology
23 as defined in sections 345.010 to 345.080;

24 (10) "Speech-language pathology aide", a person who is
25 registered as a speech-language aide by the board, who does not
26 act independently but works under the direction and supervision
27 of a licensed speech-language pathologist. Such person assists
28 the speech-language pathologist with activities which require an

1 understanding of speech-language pathology but do not require
2 formal training in the relevant academics. To be eligible for
3 registration by the board, each applicant shall submit a
4 registration fee [~~, be of good moral and ethical character;~~] and:

5 (a) Be at least eighteen years of age;

6 (b) Furnish evidence of the person's educational
7 qualifications which shall be at a minimum:

8 a. Certification of graduation from an accredited high
9 school or its equivalent; and

10 b. On-the-job training;

11 (c) Be employed in a setting in which direct and indirect
12 supervision is provided on a regular and systematic basis by a
13 licensed speech-language pathologist.

14
15 However, the aide shall not administer or interpret hearing
16 screening or diagnostic tests, fit or dispense hearing
17 instruments, make ear impressions, make diagnostic statements,
18 determine case selection, present written reports to anyone other
19 than the supervisor without the signature of the supervisor, make
20 referrals to other professionals or agencies, use a title other
21 than speech-language pathology aide, develop or modify treatment
22 plans, discharge clients from treatment or terminate treatment,
23 disclose clinical information, either orally or in writing, to
24 anyone other than the supervising speech-language pathologist, or
25 perform any procedure for which he or she is not qualified, has
26 not been adequately trained or both;

27 (11) "Speech-language pathology assistant", a person who is
28 registered as a speech-language pathology assistant by the board,

1 who does not act independently but works under the direction and
2 supervision of a licensed speech-language pathologist practicing
3 for at least one year or speech-language pathologist practicing
4 under subdivision (1) or (6) of subsection 1 of section 345.025
5 for at least one year and whose activities require both academic
6 and practical training in the field of speech-language pathology
7 although less training than those established by sections 345.010
8 to 345.080 as necessary for licensing as a speech-language
9 pathologist. To be eligible for registration by the board, each
10 applicant shall submit the registration fee, supervising
11 speech-language pathologist information if employment is
12 confirmed, if not such information shall be provided after
13 registration, ~~[be of good moral character]~~ and furnish evidence
14 of the person's educational qualifications which meet the
15 following:

16 (a) Hold a bachelor's level degree from an institution
17 accredited or approved by a regional accrediting body recognized
18 by the United States Department of Education or its equivalent;
19 and

20 (b) Submit official transcripts from one or more accredited
21 colleges or universities presenting evidence of the completion of
22 bachelor's level course work and requirements in the field of
23 speech-language pathology as established by the board through
24 rules and regulations;

25 (c) Submit proof of completion of the number and type of
26 clinical hours as established by the board through rules and
27 regulations.

28 345.050. 1. To be eligible for licensure by the board by

1 examination, each applicant shall submit the application fee and
2 shall furnish evidence of such person's ~~[good moral and ethical~~
3 ~~character,]~~ current competence and shall:

4 (1) Hold a master's or a doctoral degree from a program
5 accredited by the Council on Academic Accreditation of the
6 American Speech-Language-Hearing Association or other accrediting
7 agency approved by the board in the area in which licensure is
8 sought;

9 (2) Submit official transcripts from one or more accredited
10 colleges or universities presenting evidence of the completion of
11 course work and clinical practicum requirements equivalent to
12 that required by the Council on Academic Accreditation of the
13 American Speech-Language-Hearing Association or other accrediting
14 agency approved by the board; and

15 (3) Pass an examination promulgated or approved by the
16 board. The board shall determine the subject and scope of the
17 examinations.

18 2. To be eligible for licensure by the board without
19 examination, each applicant shall make application on forms
20 prescribed by the board, submit the application fee ~~[and shall be~~
21 ~~of good moral and ethical character]~~, submit an activity
22 statement and meet one of the following requirements:

23 (1) The board shall issue a license to any speech-language
24 pathologist or audiologist who is licensed in another country and
25 who has had no violations, suspension or revocations of a license
26 to practice speech-language pathology or audiology in any
27 jurisdiction; provided that, such person is licensed in a country
28 whose requirements are substantially equal to, or greater than,

1 Missouri at the time the applicant applies for licensure; or

2 (2) Hold the certificate of clinical competence issued by
3 the American Speech-Language-Hearing Association in the area in
4 which licensure is sought.

5 345.065. 1. The board may refuse to issue any certificate
6 of registration or authority, permit or license required pursuant
7 to sections 345.010 to 345.080 for one or any combination of
8 causes stated in subsection 2 of this section. The board shall
9 notify the applicant in writing of the reasons for the refusal
10 and shall advise the applicant of the applicant's right to file a
11 complaint with the administrative hearing commission as provided
12 by chapter 621. As an alternative to a refusal to issue or renew
13 any certificate, registration or authority, the board may, at its
14 discretion, issue a license or registration which is subject to
15 probation, restriction or limitation to an applicant for
16 licensure or registration for any one or any combination of
17 causes stated in subsection 2 of this section. The board's order
18 of probation, limitation or restriction shall contain a statement
19 of the discipline imposed, the basis therefor, the date such
20 action shall become effective and a statement that the applicant
21 has thirty days to request in writing a hearing before the
22 administrative hearing commission. If the board issues a
23 probationary, limited or restricted license or registration to an
24 applicant for licensure or registration, either party may file a
25 written petition with the administrative hearing commission
26 within thirty days of the effective date of the probationary,
27 limited or restricted license or registration seeking review of
28 the board's determination. If no written request for a hearing

1 is received by the administrative hearing commission within the
2 thirty-day period, the right to seek review of the board's
3 decision shall be considered as waived.

4 2. The board may cause a complaint to be filed with the
5 administrative hearing commission as provided by chapter 621
6 against any holder of any certificate of registration or
7 authority, permit or license required by sections 345.010 to
8 345.080 or any person who has failed to renew or has surrendered
9 the person's certificate of registration or authority, permit or
10 license for any one or any combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter
12 195, or alcoholic beverage to an extent that such use impairs a
13 person's ability to perform the work of any profession licensed
14 or regulated by sections 345.010 to 345.080;

15 (2) The person has been finally adjudicated and found
16 guilty, or entered a plea of guilty or nolo contendere, in a
17 criminal prosecution under the laws of any state ~~[or]~~, of the
18 United States, or of any country, for any offense ~~[reasonably]~~
19 directly related to the ~~[qualifications, functions or]~~ duties ~~[of~~
20 ~~any profession licensed or regulated pursuant to sections 345.010~~
21 ~~to 345.080, for any offense an essential element of which is~~
22 ~~fraud, dishonesty or an act of violence, or for any offense~~
23 ~~involving moral turpitude,]~~ and responsibilities of the
24 occupation, as set forth in section 324.012, regardless of
25 whether or not sentence is imposed;

26 (3) Use of fraud, deception, misrepresentation or bribery
27 in securing any certificate of registration or authority, permit
28 or license issued pursuant to sections 345.010 to 345.080 or in

1 obtaining permission to take any examination given or required
2 pursuant to sections 345.010 to 345.080;

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

6 (5) Incompetency, misconduct, gross negligence, fraud,
7 misrepresentation or dishonesty in the performance of the
8 functions or duties of any profession licensed or regulated by
9 sections 345.010 to 345.080;

10 (6) Violation of, or assisting or enabling any person to
11 violate, any provision of sections 345.010 to 345.080, or of any
12 lawful rule or regulation adopted pursuant to sections 345.010 to
13 345.080;

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

18 (8) Disciplinary action against the holder of a license or
19 other right to practice any profession regulated by sections
20 345.010 to 345.080 granted by another state, territory, federal
21 agency or country upon grounds for which revocation or suspension
22 is authorized in this state;

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

25 (10) Assisting or enabling any person to practice or offer
26 to practice any profession licensed or regulated by sections
27 345.010 to 345.080 who is not registered and currently eligible
28 to practice pursuant to sections 345.010 to 345.080;

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 sections 345.010 to 345.080 or any rule
6 promulgated pursuant to sections 345.010 to 345.080;

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

8 (14) Fraudulently or deceptively using a license,
9 provisional license or registration;

10 (15) Altering a license, provisional license or
11 registration;

12 (16) Willfully making or filing a false report or record in
13 the practice of speech-language pathology or audiology;

14 (17) Using or promoting or causing the use of any
15 misleading, deceiving, improbable or untruthful advertising
16 matter, promotional literature, testimonial, guarantee, warranty,
17 label, brand, insignia or any other representation;

18 (18) Falsely representing the use or availability of
19 services or advice of a physician;

20 (19) Misrepresenting the applicant, licensee or holder by
21 using the word doctor or any similar word, abbreviation or symbol
22 if the use is not accurate or if the degree was not obtained from
23 a regionally accredited institution;

24 (20) Committing any act of dishonorable, immoral or
25 unprofessional conduct while engaging in the practice of
26 speech-language pathology or audiology;

27 (21) Providing services or promoting the sale of devices,
28 appliances or products to a person who cannot reasonably be

1 expected to benefit from such services, devices, appliances or
2 products.

3 3. 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 the grounds, provided in subsection 2 of this section, for
7 disciplinary action are met, the board 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 board deems
10 appropriate for a period not to exceed ten years, or may suspend,
11 for a period not to exceed three years, or restrict or limit the
12 person's ability to practice for an indefinite period of time, or
13 revoke the license or registration.

14 4. The board may apply for relief by injunction, without
15 bond, to restrain any person, partnership or corporation from
16 engaging in any act or practice which constitutes an offense
17 pursuant to sections 345.010 to 345.080. The board does not need
18 to allege and prove that there is no adequate remedy at law to
19 obtain an injunction. The members of the board and the advisory
20 commission shall not be individually liable for applying for such
21 relief.

22 346.055. 1. An applicant may obtain a license provided the
23 applicant:

24 (1) Is at least eighteen years of age; and

25 (2) ~~Is of good moral character; and~~

26 ~~—(3)]~~ Successfully passes a qualifying examination as
27 described under sections 346.010 to 346.250; and

28 ~~[(4)]~~ (3) (a) Holds an associate's degree or higher, from

1 a state or regionally accredited institution of higher education,
2 in hearing instrument sciences; or

3 (b) Holds an associate's level degree or higher, from a
4 state or regionally accredited institution of higher education
5 and submits proof of completion of the International Hearing
6 Society's Distance Learning for Professionals in Hearing Health
7 Sciences Course; or

8 (c) Holds a master's or doctoral degree in audiology from a
9 state or regionally accredited institution; or

10 (d) Holds a current, unsuspended, unrevoked license from
11 another country if the standards for licensing in such country,
12 as determined by the board, are substantially equivalent to or
13 exceed those required in paragraph (a) or (b) of this
14 subdivision; or

15 (e) Holds a current, unsuspended, unrevoked license from
16 another country, has been actively practicing as a licensed
17 hearing aid fitter or dispenser in another country for no less
18 than forty-eight of the last seventy-two months, and submits
19 proof of completion of advance certification from either the
20 International Hearing Society or the National Board for
21 Certification in Hearing Instrument Sciences.

22 2. The provisions of subsection 1 of this section shall not
23 apply to any person holding a valid Missouri hearing instrument
24 specialist license under this chapter when applying for the
25 renewal of that license. These provisions shall apply to any
26 person holding a hearing instrument specialist-in-training permit
27 at the time of their application for licensure or renewal of said
28 permit.

1 3. (1) The board shall promulgate reasonable standards and
2 rules for the evaluation of applicants for purposes of
3 determining the course of instruction and training required of
4 each applicant for a hearing instrument specialist license under
5 the requirement of subdivision (4) of subsection 1 of this
6 section.

7 (2) Any rule or portion of a rule, as that term is defined
8 in section 536.010, that is created under the authority delegated
9 in this section shall become effective only if it complies with
10 and is subject to all of the provisions of chapter 536 and, if
11 applicable, section 536.028. This section and chapter 536 are
12 nonseverable and if any of the powers vested with the general
13 assembly pursuant to chapter 536 to review, to delay the
14 effective date, or to disapprove and annul a rule are
15 subsequently held unconstitutional, then the grant of rulemaking
16 authority and any rule proposed or adopted after August 28, 2013,
17 shall be invalid and void.

18 346.105. 1. The board may refuse to issue any certificate
19 of registration or authority, permit or license required pursuant
20 to this chapter, upon recommendation of the board, for one or any
21 combination of causes stated in subsection 2 of this section.
22 The board shall notify the applicant in writing of the reasons
23 for the refusal and shall advise the applicant of the applicant's
24 right to file a complaint with the administrative hearing
25 commission as provided by chapter 621.

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

1 authority, permit or license required by this chapter or against
2 any person who has failed to renew or has surrendered such
3 person's certificate of registration or authority, permit or
4 license for any one or 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 ~~[qualification, 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

1 functions or duties of any profession licensed or regulated by
2 this chapter;

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

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

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

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

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

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

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

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

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

1 to whom the advertisement or solicitation is primarily directed;

2 (15) Representing that the service or advice of a person
3 licensed as a physician pursuant to chapter 334 will be used or
4 made available in the selection, fitting, adjustment, maintenance
5 or repair of hearing instruments when that is not true, or using
6 the words "doctor", "clinic", "clinical audiologist",
7 "state-licensed clinic", "state registered", "state certified",
8 or "state approved" or any other term, abbreviation, or symbol
9 when it would falsely give the impression that service is being
10 provided by physicians licensed pursuant to chapter 334, or by
11 audiologists licensed pursuant to chapter 345, or that the
12 licensee's service has been recommended by the state when such is
13 not the case.

14 436.230. 1. Except as otherwise provided in subsection 2
15 of this section, the director shall issue a certificate of
16 registration to an individual who complies with section 436.227.

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

23 (1) Been ~~convicted of a crime that if committed in this~~
24 ~~state would be a felony or other crime involving moral turpitude]~~
25 finally adjudicated and found guilty, or entered a plea of guilty
26 or nolo contendere, in a criminal prosecution under the laws of
27 any state, of the United States, or of any country, for any
28 offense directly related to the duties and responsibilities of

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

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

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

8 (4) Engaged in conduct prohibited by section 436.254;

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

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

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

19 3. In making a determination under subsection 3 of this
20 section, the director shall consider:

21 (1) How recently the conduct occurred;

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

24 (3) Any other relevant conduct of the applicant.

25 4. An athlete agent may apply to renew a registration by
26 submitting an application for renewal in a form prescribed by the
27 director. The application for renewal must be signed by the
28 applicant under penalty of perjury under section 575.040 and

1 shall contain current information on all matters required in an
2 original registration.

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

5 ~~§324.009. 1. For purposes of this section, the~~
6 ~~following terms mean:~~

7 ~~(1) "License", a license, certificate,~~
8 ~~registration, permit, or accreditation that enables a~~
9 ~~person to legally practice an occupation or profession~~
10 ~~in a particular jurisdiction; except that "license"~~
11 ~~shall not include a certificate of license to teach in~~
12 ~~public schools under section 168.021;~~

13 ~~(2) "Nonresident military spouse", a nonresident~~
14 ~~spouse of an active duty member of the Armed Forces of~~
15 ~~the United States who has been transferred or is~~
16 ~~scheduled to be transferred to the state of Missouri,~~
17 ~~or who has been transferred or is scheduled to be~~
18 ~~transferred to an adjacent state and is or will be~~
19 ~~domiciled in the state of Missouri, or has moved to~~
20 ~~the state of Missouri on a permanent change-of-station~~
21 ~~basis;~~

22 ~~(3) "Oversight body", any board, department,~~
23 ~~agency, or office of a jurisdiction that issues~~
24 ~~licenses; except, for the purposes of this section,~~
25 ~~oversight body shall not include the state board of~~
26 ~~registration for the healing arts, the state board of~~
27 ~~nursing, the board of pharmacy, the state committee of~~
28 ~~psychologists, the Missouri dental board, the Missouri~~
29 ~~board for architects, professional engineers,~~
30 ~~professional land surveyors and professional landscape~~
31 ~~architects, the state board of optometry, or the~~
32 ~~Missouri veterinary medical board;~~

33 ~~(4) "Resident military spouse", a spouse of an~~
34 ~~active duty member of the Armed Forces of the United~~
35 ~~States who has been transferred or is scheduled to be~~
36 ~~transferred to the state of Missouri or an adjacent~~
37 ~~state and who is a permanent resident of the state of~~
38 ~~Missouri, who is domiciled in the state of Missouri, or~~
39 ~~who has Missouri as his or her home of record.~~

40 ~~2. Any person who is a resident of Missouri, a~~
41 ~~resident military spouse, or a nonresident military~~
42 ~~spouse and who holds a valid current license issued by~~
43 ~~another state, territory of the United States, or the~~
44 ~~District of Columbia may submit an application for a~~
45 ~~license in Missouri in the same occupation or~~
46 ~~profession for which he or she holds the current~~
47 ~~license, along with proof of current licensure in [the]~~

1 ~~all other [jurisdiction] jurisdictions, to the relevant~~
2 ~~oversight body in this state.~~

3 ~~3. The oversight body in this state shall[,];~~

4 ~~(1) Within six months of receiving an application~~
5 ~~described in subsection 2 of this section from a~~
6 ~~resident of Missouri, waive any examination,~~
7 ~~educational, or experience requirements for licensure~~
8 ~~in this state for the applicant if it determines that~~
9 ~~the licensing requirements in the jurisdiction that~~
10 ~~issued the applicant's license are substantially~~
11 ~~similar to or more stringent than the licensing~~
12 ~~requirements in Missouri for the same occupation or~~
13 ~~profession and shall issue such applicant a license~~
14 ~~under this section if such applicant otherwise meets~~
15 ~~the requirements of this section; or~~

16 ~~(2) Within thirty days of receiving an~~
17 ~~application described in subsection 2 of this section~~
18 ~~from a nonresident military spouse or a resident~~
19 ~~military spouse, waive any examination, educational, or~~
20 ~~experience requirements for licensure in this state for~~
21 ~~the applicant and issue such applicant a license under~~
22 ~~this section if such applicant otherwise meets the~~
23 ~~requirements of this section.~~

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

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

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

41 ~~7. This section shall not be construed to waive~~
42 ~~any requirement for an applicant to pay any fees, post~~
43 ~~any bonds or surety bonds, or submit proof of insurance~~
44 ~~associated with the license the applicant seeks.~~

45 ~~8. This section shall not apply to business,~~
46 ~~professional, or occupational licenses issued or~~
47 ~~required by political subdivisions.~~

48 ~~9. The provisions of this section shall not be~~
49 ~~construed to alter the authority granted by, or any~~
50 ~~requirements promulgated pursuant to, any~~
51 ~~interjurisdictional or interstate compacts adopted by~~

1 ~~Missouri statute or any reciprocity agreements with~~
2 ~~other states [in effect on August 28, 2018, and~~
3 ~~whenever possible this section shall be interpreted so~~
4 ~~as to imply no conflict between it and any compact, or~~
5 ~~any reciprocity agreements with other states in effect~~
6 ~~on August 28, 2018]. If any conflict arises between~~
7 ~~the provisions of this section and the provisions of~~
8 ~~any interjurisdictional or interstate compact or~~
9 ~~reciprocity agreement, the provisions of such compact~~
10 ~~or agreement shall prevail. If a conflict arises~~
11 ~~between the provisions of this section and any federal~~
12 ~~law or rule, the provisions of the federal law or rule~~
13 ~~shall prevail.~~

14 ~~10. For the purposes of this section, resident~~
15 ~~military spouses and nonresident military spouses shall~~
16 ~~be eligible to apply for a license with any board,~~
17 ~~department, agency, or office of a jurisdiction that~~
18 ~~issues licenses including, but not limited to, the~~
19 ~~state board of registration for the healing arts; the~~
20 ~~state board of nursing; the board of pharmacy; the~~
21 ~~state committee of psychologists; the Missouri dental~~
22 ~~board; the Missouri board for architects, professional~~
23 ~~engineers, professional land surveyors, and~~
24 ~~professional landscape architects; the state board of~~
25 ~~optometry; and the Missouri veterinary medical board.]~~

26
27 ~~[334.719. Any person who is a resident of this~~
28 ~~state and who was actively engaged as an athletic~~
29 ~~trainer on September 28, 1983, shall be entitled to~~
30 ~~continue to practice as such but, within six months of~~
31 ~~that date, comply with the provisions of section~~
32 ~~334.708 to 334.715. For the purposes of this section a~~
33 ~~person is actively engaged as an athletic trainer if he~~
34 ~~is employed on a salary basis by an educational~~
35 ~~institution, a professional athletic organization, or~~
36 ~~any other bona fide athletic organization for the~~
37 ~~duration of the institutional year or the athletic~~
38 ~~organization's season, and one of his job~~
39 ~~responsibilities requires him to perform the duties of~~
40 ~~an athletic trainer.]~~
41

✓

Representative Derek Grier

Senator Mike Bernskoetter

