

SENATE BILL NO. 1647

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

5120S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 324 and 331, RSMo, by adding thereto two new sections relating to emergency restrictions of certain professional licenses by the administrative hearing commission.

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

Section A. Chapters 324 and 331, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 324.263
3 and 331.084, to read as follows:

**324.263. 1. The board may apply to the administrative
2 hearing commission for an emergency suspension or
3 restriction of a license issued under sections 324.240 to
4 324.275 if:**

5 (1) The holder of the license is the subject of a
6 pending criminal indictment, criminal information, or other
7 criminal charge related to the duties and responsibilities
8 of the licensed occupation; and

9 (2) There is reasonable cause for the board to believe
10 that the public health, safety, or welfare is at imminent
11 risk of harm from the holder of the license.

12 2. The board shall submit to the administrative
13 hearing commission supporting affidavits and certified court
14 records, together with a complaint alleging the facts in
15 support of the board's request for an emergency suspension
16 or restriction of a license, and shall supply the
17 administrative hearing commission with the last home or

18 business addresses on file with the board for the licensee.
19 Within one business day of the filing of the complaint, the
20 administrative hearing commission shall return a service
21 packet to the board. The service packet shall include the
22 board's complaint and any affidavits or records the board
23 intends to rely on that have been filed with the
24 administrative hearing commission. The service packet may
25 contain other information in the discretion of the
26 administrative hearing commission. Within twenty-four hours
27 of receiving the packet, the board shall either personally
28 serve the licensee the service packet or leave a copy of the
29 service packet at all of the licensee's current addresses on
30 file with the board.

31 3. Within five days of the board's filing of the
32 complaint, the administrative hearing commission shall
33 review the information submitted by the board and shall
34 issue its findings of fact and conclusions of law. If the
35 administrative hearing commission finds that there is
36 reasonable cause for the board to believe that the public
37 health, safety, or welfare is at imminent risk of harm from
38 the holder of the license, the administrative hearing
39 commission shall enter the order requested by the board.
40 The order shall be effective upon personal service or by
41 leaving a copy at all of the licensee's current addresses on
42 file with the board.

43 4. (1) The administrative hearing commission shall
44 hold an evidentiary hearing on the record within forty-five
45 days of the board's filing of the complaint, or upon final
46 adjudication of any criminal charges filed against the
47 licensee, as appropriate, to determine if cause for
48 discipline exists under the provisions of sections 324.240
49 to 324.275 and to determine whether the initial order

50 entered by the commission shall continue in effect. Prior
51 to the hearing, the licensee may file affidavits and
52 certified court records for consideration by the
53 administrative hearing commission. The administrative
54 hearing commission may grant a request for a continuance but
55 shall in any event hold the hearing within one hundred
56 twenty days of the board's initial filing. The board shall
57 be granted leave to amend its complaint if it is more than
58 thirty days prior to the hearing, or within thirty days
59 prior to the hearing upon a showing of good cause.

60 (2) If no cause for discipline is found following an
61 evidentiary hearing, the administrative hearing commission
62 shall issue findings of fact, conclusions of law, and an
63 order terminating the commission's initial order imposing an
64 emergency suspension or restriction of the license.

65 (3) If the administrative hearing commission finds
66 cause for discipline following an evidentiary hearing, the
67 commission shall issue findings of fact and conclusions of
68 law and order the emergency suspension or restriction to
69 remain in full force and effect pending a disciplinary
70 hearing before the board. The board shall hold a hearing
71 following the certification of the record by the
72 administrative hearing commission and may impose discipline
73 otherwise authorized by state law.

74 5. Any action under this section shall be in addition
75 to and not in lieu of any discipline otherwise in the
76 board's power to impose and may be brought concurrently with
77 other actions.

78 6. If the administrative hearing commission does not
79 grant an initial order imposing an emergency suspension or
80 restriction of the license as described in subsection 3 of

81 this section, the board shall remove all reference to such
82 emergency suspension or restriction from its public records.

331.084. 1. The board may apply to the administrative
2 hearing commission for an emergency suspension or
3 restriction of a license issued under this chapter if:

4 (1) The holder of the license is the subject of a
5 pending criminal indictment, criminal information, or other
6 criminal charge related to the duties and responsibilities
7 of the licensed occupation; and

8 (2) There is reasonable cause for the board to believe
9 that the public health, safety, or welfare is at imminent
10 risk of harm from the holder of the license.

11 2. The board shall submit to the administrative
12 hearing commission supporting affidavits and certified court
13 records, together with a complaint alleging the facts in
14 support of the board's request for an emergency suspension
15 or restriction of a license, and shall supply the
16 administrative hearing commission with the last home or
17 business addresses on file with the board for the licensee.
18 Within one business day of the filing of the complaint, the
19 administrative hearing commission shall return a service
20 packet to the board. The service packet shall include the
21 board's complaint and any affidavits or records the board
22 intends to rely on that have been filed with the
23 administrative hearing commission. The service packet may
24 contain other information in the discretion of the
25 administrative hearing commission. Within twenty-four hours
26 of receiving the packet, the board shall either personally
27 serve the licensee the service packet or leave a copy of the
28 service packet at all of the licensee's current addresses on
29 file with the board.

30 3. Within five days of the board's filing of the
31 complaint, the administrative hearing commission shall
32 review the information submitted by the board and shall
33 issue its findings of fact and conclusions of law. If the
34 administrative hearing commission finds that there is
35 reasonable cause for the board to believe that the public
36 health, safety, or welfare is at imminent risk of harm from
37 the holder of the license, the administrative hearing
38 commission shall enter the order requested by the board.
39 The order shall be effective upon personal service or by
40 leaving a copy at all of the licensee's current addresses on
41 file with the board.

42 4. (1) The administrative hearing commission shall
43 hold an evidentiary hearing on the record within forty-five
44 days of the board's filing of the complaint, or upon final
45 adjudication of any criminal charges filed against the
46 licensee, as appropriate, to determine if cause for
47 discipline exists under the provisions of this chapter and
48 to determine whether the initial order entered by the
49 commission shall continue in effect. Prior to the hearing,
50 the licensee may file affidavits and certified court records
51 for consideration by the administrative hearing commission.
52 The administrative hearing commission may grant a request
53 for a continuance but shall in any event hold the hearing
54 within one hundred twenty days of the board's initial
55 filing. The board shall be granted leave to amend its
56 complaint if it is more than thirty days prior to the
57 hearing, or within thirty days prior to the hearing upon a
58 showing of good cause.

59 (2) If no cause for discipline is found following an
60 evidentiary hearing, the administrative hearing commission
61 shall issue findings of fact, conclusions of law, and an

62 order terminating the commission's initial order imposing an
63 emergency suspension or restriction of the license.

64 (3) If the administrative hearing commission finds
65 cause for discipline following an evidentiary hearing, the
66 commission shall issue findings of fact and conclusions of
67 law and order the emergency suspension or restriction to
68 remain in full force and effect pending a disciplinary
69 hearing before the board. The board shall hold a hearing
70 following the certification of the record by the
71 administrative hearing commission and may impose discipline
72 otherwise authorized by state law.

73 5. Any action under this section shall be in addition
74 to and not in lieu of any discipline otherwise in the
75 board's power to impose and may be brought concurrently with
76 other actions.

77 6. If the administrative hearing commission does not
78 grant an initial order imposing an emergency suspension or
79 restriction of the license as described in subsection 3 of
80 this section, the board shall remove all reference to such
81 emergency suspension or restriction from its public records.

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