

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend Senate Bill No. 1083, Page 1, Section TITLE, Line 3,

2 by striking "respiratory therapists" and inserting in lieu
 3 thereof the following: "professional licensing, with
 4 penalty provisions and an effective date for certain
 5 sections"; and

6 Further amend said bill and page, section A, line 3, by
 7 inserting after all of said line the following:

8 "324.001. 1. For the purposes of this section, the
 9 following terms mean:

10 (1) "Department", the department of commerce and
 11 insurance;

12 (2) "Director", the director of the division of
 13 professional registration; and

14 (3) "Division", the division of professional
 15 registration.

16 2. There is hereby established a "Division of
 17 Professional Registration" assigned to the department of
 18 commerce and insurance as a type III transfer, headed by a
 19 director appointed by the governor with the advice and
 20 consent of the senate. All of the general provisions,
 21 definitions and powers enumerated in section 1 of the
 22 Omnibus State Reorganization Act of 1974 and Executive Order
 23 06-04 shall apply to this department and its divisions,
 24 agencies, and personnel.

25 3. The director of the division of professional
26 registration shall promulgate rules and regulations which
27 designate for each board or commission assigned to the
28 division the renewal date for licenses or certificates.
29 After the initial establishment of renewal dates, no
30 director of the division shall promulgate a rule or
31 regulation which would change the renewal date for licenses
32 or certificates if such change in renewal date would occur
33 prior to the date on which the renewal date in effect at the
34 time such new renewal date is specified next occurs. Each
35 board or commission shall by rule or regulation establish
36 licensing periods of one, two, or three years. Registration
37 fees set by a board or commission shall be effective for the
38 entire licensing period involved, and shall not be increased
39 during any current licensing period. Persons who are
40 required to pay their first registration fees shall be
41 allowed to pay the pro rata share of such fees for the
42 remainder of the period remaining at the time the fees are
43 paid. Each board or commission shall provide the necessary
44 forms for initial registration, and thereafter the director
45 may prescribe standard forms for renewal of licenses and
46 certificates. Each board or commission shall by rule and
47 regulation require each applicant to provide the information
48 which is required to keep the board's records current. Each
49 board or commission shall have the authority to collect and
50 analyze information required to support workforce planning
51 and policy development. Such information shall not be
52 publicly disclosed so as to identify a specific health care
53 provider, as defined in section 376.1350. Each board or
54 commission shall issue the original license or certificate.

55 4. The division shall provide clerical and other staff
56 services relating to the issuance and renewal of licenses
57 for all the professional licensing and regulating boards and

58 commissions assigned to the division. The division shall
59 perform the financial management and clerical functions as
60 they each relate to issuance and renewal of licenses and
61 certificates. "Issuance and renewal of licenses and
62 certificates" means the ministerial function of preparing
63 and delivering licenses or certificates, and obtaining
64 material and information for the board or commission in
65 connection with the renewal thereof to include verifying if
66 the applicant has submitted all required documentation and
67 that the documentation is legible. It does not include any
68 discretionary authority with regard to the original review
69 of an applicant's qualifications for licensure or
70 certification, or the subsequent review of licensee's or
71 certificate holder's qualifications, or any disciplinary
72 action contemplated against the licensee or certificate
73 holder. The division may develop and implement microfilming
74 systems and automated or manual management information
75 systems.

76 5. The director of the division shall maintain a
77 system of accounting and budgeting, in cooperation with the
78 director of the department, the office of administration,
79 and the state auditor's office, to ensure proper charges are
80 made to the various boards for services rendered to them.
81 The general assembly shall appropriate to the division and
82 other state agencies from each board's funds moneys
83 sufficient to reimburse the division and other state
84 agencies for all services rendered and all facilities and
85 supplies furnished to that board.

86 6. For accounting purposes, the appropriation to the
87 division and to the office of administration for the payment
88 of rent for quarters provided for the division shall be made
89 from the "Professional Registration Fees Fund", which is
90 hereby created, and is to be used solely for the purpose

91 defined in subsection 5 of this section. The fund shall
92 consist of moneys deposited into it from each board's fund.
93 Each board shall contribute a prorated amount necessary to
94 fund the division for services rendered and rent based upon
95 the system of accounting and budgeting established by the
96 director of the division as provided in subsection 5 of this
97 section. Transfers of funds to the professional
98 registration fees fund shall be made by each board on July
99 first of each year; provided, however, that the director of
100 the division may establish an alternative date or dates of
101 transfers at the request of any board. Such transfers shall
102 be made until they equal the prorated amount for services
103 rendered and rent by the division. The provisions of
104 section 33.080 to the contrary notwithstanding, money in
105 this fund shall not be transferred and placed to the credit
106 of general revenue.

107 7. The director of the division shall be responsible
108 for collecting and accounting for all moneys received by the
109 division or its component agencies. Any money received by a
110 board or commission shall be promptly given, identified by
111 type and source, to the director. The director shall keep a
112 record by board and state accounting system classification
113 of the amount of revenue the director receives. The
114 director shall promptly transmit all receipts to the
115 department of revenue for deposit in the state treasury to
116 the credit of the appropriate fund. The director shall
117 provide each board with all relevant financial information
118 in a timely fashion. Each board shall cooperate with the
119 director by providing necessary information.

120 8. All educational transcripts, test scores,
121 complaints, investigatory reports, and information
122 pertaining to any person who is an applicant or licensee of
123 any agency assigned to the division of professional

124 registration by statute or by the department are
125 confidential and may not be disclosed to the public or any
126 member of the public, except with the written consent of the
127 person whose records are involved. The agency which
128 possesses the records or information shall disclose the
129 records or information if the person whose records or
130 information is involved has consented to the disclosure.
131 Each agency is entitled to the attorney-client privilege and
132 work-product privilege to the same extent as any other
133 person. Provided, however, that any board may disclose
134 confidential information without the consent of the person
135 involved in the course of voluntary interstate exchange of
136 information, or in the course of any litigation concerning
137 that person, or pursuant to a lawful request, or to other
138 administrative or law enforcement agencies acting within the
139 scope of their statutory authority. Information regarding
140 identity, including names and addresses, registration, and
141 currency of the license of the persons possessing licenses
142 to engage in a professional occupation and the names and
143 addresses of applicants for such licenses is not
144 confidential information.

145 9. Any deliberations conducted and votes taken in
146 rendering a final decision after a hearing before an agency
147 assigned to the division shall be closed to the parties and
148 the public. Once a final decision is rendered, that
149 decision shall be made available to the parties and the
150 public.

151 10. A compelling governmental interest shall be deemed
152 to exist for the purposes of section 536.025 for licensure
153 fees to be reduced by emergency rule, if the projected fund
154 balance of any agency assigned to the division of
155 professional registration is reasonably expected to exceed

156 an amount that would require transfer from that fund to
157 general revenue.

158 11. (1) The following boards and commissions are
159 assigned by specific type transfers to the division of
160 professional registration: Missouri state board of
161 accountancy, chapter 326; board of cosmetology and barber
162 examiners, chapters 328 and 329; Missouri board for
163 architects, professional engineers, professional land
164 surveyors [and], professional landscape architects, and
165 licensed interior designers, chapter 327; Missouri state
166 board of chiropractic examiners, chapter 331; state board of
167 registration for the healing arts, chapter 334; Missouri
168 dental board, chapter 332; state board of embalmers and
169 funeral directors, chapter 333; state board of optometry,
170 chapter 336; Missouri state board of nursing, chapter 335;
171 board of pharmacy, chapter 338; state board of podiatric
172 medicine, chapter 330; Missouri real estate appraisers
173 commission, chapter 339; and Missouri veterinary medical
174 board, chapter 340. The governor shall appoint members of
175 these boards by and with the advice and consent of the
176 senate.

177 (2) The boards and commissions assigned to the
178 division shall exercise all their respective statutory
179 duties and powers, except those clerical and other staff
180 services involving collecting and accounting for moneys and
181 financial management relating to the issuance and renewal of
182 licenses, which services shall be provided by the division,
183 within the appropriation therefor. Nothing herein shall
184 prohibit employment of professional examining or testing
185 services from professional associations or others as
186 required by the boards or commissions on contract. Nothing
187 herein shall be construed to affect the power of a board or
188 commission to expend its funds as appropriated. However,

189 the division shall review the expense vouchers of each
190 board. The results of such review shall be submitted to the
191 board reviewed and to the house and senate appropriations
192 committees annually.

193 (3) Notwithstanding any other provisions of law, the
194 director of the division shall exercise only those
195 management functions of the boards and commissions
196 specifically provided in the Reorganization Act of 1974, and
197 those relating to the allocation and assignment of space,
198 personnel other than board personnel, and equipment.

199 (4) "Board personnel", as used in this section or
200 chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334,
201 335, 336, 337, 338, 339, 340, and 345, shall mean personnel
202 whose functions and responsibilities are in areas not
203 related to the clerical duties involving the issuance and
204 renewal of licenses, to the collecting and accounting for
205 moneys, or to financial management relating to issuance and
206 renewal of licenses; specifically included are executive
207 secretaries (or comparable positions), consultants,
208 inspectors, investigators, counsel, and secretarial support
209 staff for these positions; and such other positions as are
210 established and authorized by statute for a particular board
211 or commission. Boards and commissions may employ legal
212 counsel, if authorized by law, and temporary personnel if
213 the board is unable to meet its responsibilities with the
214 employees authorized above. Any board or commission which
215 hires temporary employees shall annually provide the
216 division director and the appropriation committees of the
217 general assembly with a complete list of all persons
218 employed in the previous year, the length of their
219 employment, the amount of their remuneration, and a
220 description of their responsibilities.

221 (5) Board personnel for each board or commission shall
222 be employed by and serve at the pleasure of the board or
223 commission, shall be supervised as the board or commission
224 designates, and shall have their duties and compensation
225 prescribed by the board or commission, within appropriations
226 for that purpose, except that compensation for board
227 personnel shall not exceed that established for comparable
228 positions as determined by the board or commission pursuant
229 to the job and pay plan of the department of commerce and
230 insurance. Nothing herein shall be construed to permit
231 salaries for any board personnel to be lowered except by
232 board action.

233 12. All the powers, duties, and functions of the
234 division of athletics, chapter 317, and others, are assigned
235 by type I transfer to the division of professional
236 registration.

237 13. Wherever the laws, rules, or regulations of this
238 state make reference to the division of professional
239 registration of the department of economic development, such
240 references shall be deemed to refer to the division of
241 professional registration.

242 14. (1) The state board of nursing, board of
243 pharmacy, Missouri dental board, state committee of
244 psychologists, state board of chiropractic examiners, state
245 board of optometry, Missouri board of occupational therapy,
246 or state board of registration for the healing arts may
247 individually or collectively enter into a contractual
248 agreement with the department of health and senior services,
249 a public institution of higher education, or a nonprofit
250 entity for the purpose of collecting and analyzing workforce
251 data from its licensees, registrants, or permit holders for
252 future workforce planning and to assess the accessibility
253 and availability of qualified health care services and

254 practitioners in Missouri. The boards shall work
255 collaboratively with other state governmental entities to
256 ensure coordination and avoid duplication of efforts.

257 (2) The boards may expend appropriated funds necessary
258 for operational expenses of the program formed under this
259 subsection. Each board is authorized to accept grants to
260 fund the collection or analysis authorized in this
261 subsection. Any such funds shall be deposited in the
262 respective board's fund.

263 (3) Data collection shall be controlled and approved
264 by the applicable state board conducting or requesting the
265 collection. Notwithstanding the provisions of sections
266 324.010 and 334.001, the boards may release identifying data
267 to the contractor to facilitate data analysis of the health
268 care workforce including, but not limited to, geographic,
269 demographic, and practice or professional characteristics of
270 licensees. The state board shall not request or be
271 authorized to collect income or other financial earnings
272 data.

273 (4) Data collected under this subsection shall be
274 deemed the property of the state board requesting the data.
275 Data shall be maintained by the state board in accordance
276 with chapter 610, provided that any information deemed
277 closed or confidential under subsection 8 of this section or
278 any other provision of state law shall not be disclosed
279 without consent of the applicable licensee or entity or as
280 otherwise authorized by law. Data shall only be released in
281 an aggregate form by geography, profession or professional
282 specialization, or population characteristic in a manner
283 that cannot be used to identify a specific individual or
284 entity. Data suppression standards shall be addressed and
285 established in the contractual agreement.

286 (5) Contractors shall maintain the security and
287 confidentiality of data received or collected under this
288 subsection and shall not use, disclose, or release any data
289 without approval of the applicable state board. The
290 contractual agreement between the applicable state board and
291 contractor shall establish a data release and research
292 review policy to include legal and institutional review
293 board, or agency-equivalent, approval.

294 (6) Each board may promulgate rules subject to the
295 provisions of this subsection and chapter 536 to effectuate
296 and implement the workforce data collection and analysis
297 authorized by this subsection. Any rule or portion of a
298 rule, as that term is defined in section 536.010, that is
299 created under the authority delegated in this section shall
300 become effective only if it complies with and is subject to
301 all of the provisions of chapter 536 and, if applicable,
302 section 536.028. This section and chapter 536 are
303 nonseverable and if any of the powers vested with the
304 general assembly under chapter 536 to review, to delay the
305 effective date, or to disapprove and annul a rule are
306 subsequently held unconstitutional, then the grant of
307 rulemaking authority and any rule proposed or adopted after
308 August 28, 2016, shall be invalid and void.

309 324.028. Any member authorized under the provisions of
310 sections 256.459, 324.063, 324.177, 324.203, 324.243,
311 [324.406,] 324.478, 326.259, 327.031, 329.015, 330.110,
312 331.090, 332.021, 333.151, 334.120, 334.430, 334.625,
313 334.717, 334.749, 334.830, 335.021, 336.130, 337.050,
314 337.305, 337.535, 337.622, 337.739, 338.110, 339.120,
315 340.202, 345.080, and 346.120 who misses three consecutive
316 regularly scheduled meetings of the board or council on
317 which he or she serves shall forfeit his or her membership
318 on that board or council. A new member shall be appointed

319 to the respective board or council by the governor with the
320 advice and consent of the senate.

321 324.263. 1. The board may apply to the administrative
322 hearing commission for an emergency suspension or
323 restriction of a license issued under sections 324.240 to
324 324.275 if:

325 (1) The holder of the license is the subject of a
326 pending criminal indictment, criminal information, or other
327 criminal charge related to the duties and responsibilities
328 of the licensed occupation; and

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

332 2. The board shall submit to the administrative
333 hearing commission supporting affidavits and certified court
334 records, together with a complaint alleging the facts in
335 support of the board's request for an emergency suspension
336 or restriction of a license, and shall supply the
337 administrative hearing commission with the last home or
338 business addresses on file with the board for the licensee.
339 Within one business day of the filing of the complaint, the
340 administrative hearing commission shall return a service
341 packet to the board. The service packet shall include the
342 board's complaint and any affidavits or records the board
343 intends to rely on that have been filed with the
344 administrative hearing commission. The service packet may
345 contain other information in the discretion of the
346 administrative hearing commission. Within twenty-four hours
347 of receiving the packet, the board shall either personally
348 serve the licensee the service packet or leave a copy of the
349 service packet at all of the licensee's current addresses on
350 file with the board.

351 3. Within five days of the board's filing of the
352 complaint, the administrative hearing commission shall
353 review the information submitted by the board and shall
354 issue its findings of fact and conclusions of law. If the
355 administrative hearing commission finds that there is
356 reasonable cause for the board to believe that the public
357 health, safety, or welfare is at imminent risk of harm from
358 the holder of the license, the administrative hearing
359 commission shall enter the order requested by the board.
360 The order shall be effective upon personal service or by
361 leaving a copy at all of the licensee's current addresses on
362 file with the board.

363 4. (1) The administrative hearing commission shall
364 hold an evidentiary hearing on the record within forty-five
365 days of the board's filing of the complaint, or upon final
366 adjudication of any criminal charges filed against the
367 licensee, as appropriate, to determine if cause for
368 discipline exists under the provisions of sections 324.240
369 to 324.275 and to determine whether the initial order
370 entered by the commission shall continue in effect. Prior
371 to the hearing, the licensee may file affidavits and
372 certified court records for consideration by the
373 administrative hearing commission. The administrative
374 hearing commission may grant a request for a continuance but
375 shall in any event hold the hearing within one hundred
376 twenty days of the board's initial filing. The board shall
377 be granted leave to amend its complaint if it is more than
378 thirty days prior to the hearing, or within thirty days
379 prior to the hearing upon a showing of good cause.

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

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

385 (3) If the administrative hearing commission finds
386 cause for discipline following an evidentiary hearing, the
387 commission shall issue findings of fact and conclusions of
388 law and order the emergency suspension or restriction to
389 remain in full force and effect pending a disciplinary
390 hearing before the board. The board shall hold a hearing
391 following the certification of the record by the
392 administrative hearing commission and may impose discipline
393 otherwise authorized by state law.

394 5. Any action under this section shall be in addition
395 to and not in lieu of any discipline otherwise in the
396 board's power to impose and may be brought concurrently with
397 other actions.

398 6. If the administrative hearing commission does not
399 grant an initial order imposing an emergency suspension or
400 restriction of the license as described in subsection 3 of
401 this section, the board shall remove all reference to such
402 emergency suspension or restriction from its public records.

403 327.011. As used in this chapter, the following words
404 and terms shall have the meanings indicated:

405 (1) "Accredited degree program from a school of
406 architecture", a degree from any school or other institution
407 which teaches architecture and whose curricula for the
408 degree in question have been, at the time in question,
409 certified as accredited by the National Architectural
410 Accrediting Board;

411 (2) "Accredited degree program from a school of
412 interior design", a degree from any school or other
413 institution which teaches interior design and whose
414 curricula for the degree in question have been, at the time
415 in question, certified as accredited by the Council for

416 Interior Design Accreditation or an accreditation body
417 recognized by the United States Department of Education;

418 (3) "Accredited school of engineering", any school or
419 other institution which teaches engineering and whose
420 curricula on the subjects in question are or have been, at
421 the time in question certified as accredited by the
422 engineering accreditation commission of the accreditation
423 board for engineering and technology or its successor
424 organization;

425 [(3)] (4) "Accredited school of landscape
426 architecture", any school or other institution which teaches
427 landscape architecture and whose curricula on the subjects
428 in question are or have been at the times in question
429 certified as accredited by the Landscape Architecture
430 Accreditation Board of the American Society of Landscape
431 Architects;

432 [(4)] (5) "Architect", any person authorized pursuant
433 to the provisions of this chapter to practice architecture
434 in Missouri, as the practice of architecture is defined in
435 section 327.091;

436 [(5)] (6) "Board", the Missouri board for architects,
437 professional engineers, professional land surveyors [and],
438 professional landscape architects, and licensed interior
439 designers;

440 [(6)] (7) "Corporation", any general business
441 corporation, professional corporation or limited liability
442 company;

443 [(7)] (8) "Design coordination", the review and
444 coordination of technical submissions prepared by others
445 including, as appropriate and without limitation,
446 architects, professional engineers, professional land
447 surveyors, professional landscape architects, licensed
448 interior designers, and other consultants;

449 [(8)] (9) "Design survey", a survey which includes all
450 activities required to gather information to support the
451 sound conception, planning, design, construction,
452 maintenance, and operation of design projects, but excludes
453 the surveying of real property for the establishment of land
454 boundaries, rights-of-way, easements, and the dependent or
455 independent surveys or resurveys of the public land survey
456 system;

457 [(9)] (10) "Incidental practice", the performance of
458 other professional services licensed under this chapter that
459 are related to a licensee's professional service, but are
460 secondary and substantially less in scope and magnitude when
461 compared to the professional services usually and normally
462 performed by the licensee practicing in their licensed
463 profession. This incidental professional service shall be
464 safely and competently performed by the licensee without
465 jeopardizing the health, safety, and welfare of the public.
466 The licensee shall be qualified by education, training, and
467 experience as determined by the board and in sections
468 327.091, 327.181, 327.272, [and] 327.600, and 327.700 and
469 applicable board rules to perform such incidental
470 professional service;

471 (11) "Licensed interior designer", any person
472 authorized pursuant to the provisions of this chapter to
473 practice as a licensed interior designer in Missouri, as the
474 practice of licensed interior design is defined in section
475 327.700;

476 [(10)] (12) "Licensee", a person licensed to practice
477 any profession regulated under this chapter or a corporation
478 authorized to practice any such profession;

479 [(11)] (13) "Partnership", any partnership or limited
480 liability partnership;

481 [(12)] (14) "Person", any individual, corporation,
 482 firm, partnership, association or other entity authorized to
 483 do business;

484 [(13)] (15) "Professional engineer", any person
 485 authorized pursuant to the provisions of this chapter to
 486 practice as a professional engineer in Missouri, as the
 487 practice of engineering is defined in section 327.181;

488 [(14)] (16) "Professional land surveyor", any person
 489 authorized pursuant to the provisions of this chapter to
 490 practice as a professional land surveyor in Missouri as the
 491 practice of land surveying is defined in section 327.272;

492 [(15)] (17) "Professional landscape architect", any
 493 person authorized pursuant to the provisions of this chapter
 494 to practice as a professional landscape architect in
 495 Missouri as the practice of professional landscape
 496 architecture is defined in section 327.600;

497 [(16)] (18) "Responsible charge", the independent
 498 direct control of a licensee's work and personal supervision
 499 of such work pertaining to the practice of architecture,
 500 engineering, land surveying, [or] landscape architecture, or
 501 interior design.

502 327.031. 1. The "Missouri Board for Architects,
 503 Professional Engineers, Professional Land Surveyors [and],
 504 Professional Landscape Architects, and Licensed Interior
 505 Designers" is hereby established and shall consist of
 506 [fifteen] seventeen members: a chairperson, who may be
 507 either an architect, a professional engineer, a professional
 508 land surveyor, [or] a professional landscape architect, or a
 509 licensed interior designer; three architects, who shall
 510 constitute the architectural division of the board; four
 511 professional engineers, who shall constitute its
 512 professional engineering division; three professional land
 513 surveyors, who shall constitute its professional land

514 surveying division; three professional landscape architects,
515 who shall constitute its professional landscape
516 architectural division; two licensed interior designers, who
517 shall constitute its licensed interior design division; and
518 a voting public member.

519 2. After receiving his or her commission and before
520 entering upon the discharge of his or her official duties,
521 each member of the board shall take, subscribe to and file
522 in the office of the secretary of state the official oath
523 required by the constitution.

524 3. The chairperson shall be the administrative and
525 executive officer of the board, and it shall be his or her
526 duty to supervise and expedite the work of the board and its
527 divisions, and, at his or her election, when a tie exists
528 between the divisions of the board, to break the tie by
529 recording his or her vote for or against the action upon
530 which the divisions are in disagreement. Each member of the
531 architectural division shall have one vote when voting on an
532 action pending before the board; each member of the
533 professional engineering division shall have one vote when
534 voting on an action pending before the board; each member of
535 the professional land surveying division shall have one vote
536 when voting on an action pending before the board; [and]
537 each member of the professional landscape architectural
538 division shall have one vote when voting on an action
539 pending before the board; and each member of the licensed
540 interior design division shall have one vote when voting on
541 an action pending before the board. Every motion or
542 proposed action upon which the divisions of the board are
543 tied shall be deemed lost, and the chairperson shall so
544 declare, unless the chairperson shall elect to break the tie
545 as provided in this section. [Eight] Nine voting members of
546 the board, including at least one member of each division,

547 shall constitute a quorum, respectively, for the transaction
548 of board business.

549 4. Each division of the board shall, at its first
550 meeting in each even-numbered year, elect one of its members
551 as division chairperson for a term of two years. Two voting
552 members of each division of the board shall constitute a
553 quorum for the transaction of division business. The
554 chairpersons of the architectural division, professional
555 engineering division, professional land surveying division,
556 [and] professional landscape architectural division, and
557 licensed interior design division so elected shall be vice
558 chairpersons of the board[, and]. When the chairperson of
559 the board is an architect, the chairperson of the
560 architectural division shall be the ranking vice
561 chairperson[, and]; when the chairperson of the board is a
562 professional engineer, the chairperson of the professional
563 engineering division shall be the ranking vice
564 chairperson[,]; when the chairperson of the board is a
565 professional land surveyor, the chairperson of the
566 professional land surveying division shall be the ranking
567 vice chairperson[, and]; when the chairperson of the board
568 is a professional landscape architect, the chairperson of
569 the professional landscape architectural division shall be
570 the ranking vice chairperson; and when the chairperson of
571 the board is a licensed interior designer, the chairperson
572 of the licensed interior design division shall be the
573 ranking vice chairperson. The chairperson of each division
574 shall be the administrative and executive officer of his or
575 her division, and it shall be his or her duty to supervise
576 and expedite the work of the division, and, in case of a tie
577 vote on any matter, the chairperson shall, at his or her
578 election, break the tie by his or her vote. Every motion or
579 question pending before the division upon which a tie exists

580 shall be deemed lost, and so declared by the chairperson of
581 the division, unless the chairperson shall elect to break
582 such tie by his or her vote.

583 5. (1) Any person appointed to the board, except a
584 public member, shall be a currently licensed architect,
585 licensed professional engineer, licensed professional land
586 surveyor [or], licensed professional landscape architect, or
587 licensed interior designer in Missouri, as the vacancy on
588 the board may require, who has been a resident of Missouri
589 for at least five years, who has been engaged in active
590 practice as an architect, professional engineer,
591 professional land surveyor [or], professional landscape
592 architect, or licensed interior designer, as the case may
593 be, for at least ten consecutive years as a Missouri
594 licensee immediately preceding such person's appointment,
595 and who is and has been a citizen of the United States for
596 at least five years immediately preceding such person's
597 appointment.

598 (2) (a) Active service as a faculty member while
599 holding the rank of assistant professor or higher in an
600 accredited school of engineering shall be regarded as active
601 practice of engineering, for the purposes of this chapter.

602 (b) Active service as a faculty member, after meeting
603 the qualifications required by section 327.314, while
604 holding the rank of assistant professor or higher in an
605 accredited school of engineering and teaching land surveying
606 courses shall be regarded as active practice of land
607 surveying for the purposes of this chapter.

608 (c) Active service as a faculty member while holding
609 the rank of assistant professor or higher in an accredited
610 school of landscape architecture shall be regarded as active
611 practice of landscape architecture, for the purposes of this
612 chapter.

613 (d) Active service as a faculty member while holding
614 the rank of assistant professor or higher in an accredited
615 school of architecture shall be regarded as active practice
616 of architecture for the purposes of this chapter; provided,
617 however, that no faculty member of an accredited school of
618 architecture shall be eligible for appointment to the board
619 unless such person has had at least three years' experience
620 in the active practice of architecture other than in
621 teaching.

622 (e) Active service as a faculty member while holding
623 the rank of assistant professor or higher in an accredited
624 school of interior design shall be regarded as active
625 practice of licensed interior design for the purposes of
626 this chapter, provided that no faculty member of an
627 accredited school of interior design shall be eligible for
628 appointment to the board unless such person has had at least
629 three years of experience in the active practice of licensed
630 interior design other than in teaching.

631 (3) The public member shall be, at the time of
632 appointment, a citizen of the United States; a resident of
633 this state for a period of one year and a registered voter;
634 a person who is not and never was a member of any profession
635 licensed or regulated pursuant to this chapter or the spouse
636 of such person; and a person who does not have and never has
637 had a material, financial interest in either the providing
638 of the professional services regulated by this chapter, or
639 an activity or organization directly related to any
640 profession licensed or regulated pursuant to this chapter.
641 All members, including public members, shall be chosen from
642 lists submitted by the director of the division of
643 professional registration. The duties of the public member
644 shall not include the determination of the technical
645 requirements to be met for licensure or whether any person

646 meets such technical requirements or of the technical
647 competence or technical judgment of a licensee or a
648 candidate for licensure.

649 6. The governor shall appoint the chairperson and the
650 other members of the board when a vacancy occurs either by
651 the expiration of a term or otherwise, and each board member
652 shall serve until such member's successor is appointed and
653 has qualified. The position of chairperson shall rotate
654 sequentially with an architect, then professional engineer,
655 then professional land surveyor, then licensed interior
656 designer, and then professional landscape architect, and
657 shall be a licensee who has previously served as a member of
658 the board. The appointment of the chairperson shall be for
659 a term of four years which shall be deemed to have begun on
660 the date of his or her appointment and shall end upon the
661 appointment of the chairperson's successor. The chairperson
662 shall not serve more than one term. All other appointments,
663 except to fill an unexpired term, shall be for terms of four
664 years; but no person shall serve on the board for more than
665 two consecutive four-year terms, and each four-year term
666 shall be deemed to have begun on the date of the expiration
667 of the term of the board member who is being replaced or
668 reappointed, as the case may be. Any appointment to the
669 board which is made when the senate is not in session shall
670 be submitted to the senate for its advice and consent at its
671 next session following the date of the appointment.

672 7. In the event that a vacancy is to occur on the
673 board because of the expiration of a term, then ninety days
674 prior to the expiration, or as soon as feasible after a
675 vacancy otherwise occurs, the president of the American
676 Institute of Architects/Missouri if the vacancy to be filled
677 requires the appointment of an architect, the president of
678 the Missouri Society of Professional Engineers if the

679 vacancy to be filled requires the appointment of a
680 professional engineer, the president of the Missouri Society
681 of Professional Surveyors if the vacancy to be filled
682 requires the appointment of a professional land surveyor,
683 [and] the president of the Missouri Association of Landscape
684 Architects if the vacancy to be filled requires the
685 appointment of a professional landscape architect, and the
686 president or other chief executive of any Missouri chapter
687 of the International Interior Design Association if the
688 vacancy to be filled requires the appointment of a licensed
689 interior designer, shall submit to the director of the
690 division of professional registration a list of five
691 architects [or], five professional engineers, [or] five
692 professional land surveyors, [or] five professional
693 landscape architects, or five licensed interior designers,
694 as the case may require, qualified and willing to fill the
695 vacancy in question, with the recommendation that the
696 governor appoint one of the five persons so listed; and with
697 the list of names so submitted, the president or other chief
698 executive of the appropriate organization shall include in a
699 letter of transmittal a description of the method by which
700 the names were chosen. This subsection shall not apply to
701 public member vacancies.

702 8. The board may sue and be sued as the Missouri board
703 for architects, professional engineers, professional land
704 surveyors [and], professional landscape architects, and
705 licensed interior designers, and its members need not be
706 named as parties. Members of the board shall not be
707 personally liable either jointly or severally for any act or
708 acts committed in the performance of their official duties
709 as board members, nor shall any board member be personally
710 liable for any court costs which accrue in any action by or
711 against the board.

712 9. Upon appointment by the governor and confirmation
713 by the senate of the two licensed interior designers to be
714 first appointed to the interior design division of the
715 board, the interior design council shall be abolished and
716 all of its powers, duties, and responsibilities shall be
717 transferred and imposed upon the board pursuant to this
718 section. Every act performed by or under the authority of
719 the board shall be deemed to have the same force and effect
720 as if performed by the interior design council pursuant to
721 the authority granted to the interior design council prior
722 to August 28, 2026. All rules of the interior design
723 council shall continue in effect and shall be deemed to be
724 duly adopted by the board until such rules are revised,
725 amended, or repealed by the board as provided by law, of
726 which such action shall be taken by the board on or before
727 January 1, 2027.

728 327.041. 1. The board shall have the duty and the
729 power to carry out the purposes and to enforce and
730 administer the provisions of this chapter, to require, by
731 summons or subpoena, with the vote of two-thirds of the
732 voting board members, the attendance and testimony of
733 witnesses, and the production of drawings, plans, plats,
734 specifications, books, papers or any document representing
735 any matter under hearing or investigation, pertaining to the
736 issuance, probation, suspension or revocation of
737 certificates of registration or certificates of authority
738 provided for in this chapter, or pertaining to the unlawful
739 practice of architecture, professional engineering,
740 professional land surveying [or], professional landscape
741 architecture, or licensed interior design.

742 2. The board shall, within the scope and purview of
743 the provisions of this chapter, prescribe the duties of its
744 officers and employees and adopt, publish and enforce the

745 rules and regulations of professional conduct which shall
746 establish and maintain appropriate standards of competence
747 and integrity in the professions of architecture,
748 professional engineering, professional land surveying [and],
749 professional landscape architecture, and licensed interior
750 design, and adopt, publish and enforce procedural rules and
751 regulations as may be considered by the board to be
752 necessary or proper for the conduct of the board's business
753 and the management of its affairs, and for the effective
754 administration and interpretation of the provisions of this
755 chapter. Any rule or portion of a rule, as that term is
756 defined in section 536.010, that is created under the
757 authority delegated in this chapter shall become effective
758 only if it complies with and is subject to all of the
759 provisions of chapter 536 and, if applicable, section
760 536.028. This section and chapter 536 are nonseverable and
761 if any of the powers vested with the general assembly
762 pursuant to chapter 536 to review, to delay the effective
763 date or to disapprove and annul a rule are subsequently held
764 unconstitutional, then the grant of rulemaking authority and
765 any rule proposed or adopted after August 28, 2001, shall be
766 invalid and void.

767 3. Rules promulgated by the board pursuant to sections
768 327.272 to 327.635 shall be consistent with and shall not
769 supersede the rules promulgated by the department of natural
770 resources pursuant to chapter 60.

771 327.081. 1. All funds received pursuant to the
772 provisions of this chapter shall be deposited in the state
773 treasury to the credit of the "State Board for Architects,
774 Professional Engineers, Professional Land Surveyors [and],
775 Professional Landscape Architects, and Licensed Interior
776 Designers Fund" which is hereby established. All
777 expenditures authorized by this chapter shall be paid from

778 funds appropriated to the board by the general assembly from
779 this fund.

780 2. The provisions of section 33.080 to the contrary
781 notwithstanding, money in this fund shall not be transferred
782 and placed to the credit of general revenue until the amount
783 in the fund at the end of the biennium exceeds two times the
784 amount of the appropriation from the board's funds for the
785 preceding fiscal year or, if the board requires by rule
786 permit renewal less frequently than yearly, then three times
787 the appropriation from the board's funds for the preceding
788 fiscal year. The amount, if any, in the fund which shall
789 lapse is that amount in the fund which exceeds the
790 appropriate multiple of the appropriations from the board's
791 funds for the preceding fiscal year.

792 3. Upon appointment by the governor and confirmation
793 by the senate of the two licensed interior designers to be
794 first appointed to the interior design division of the
795 board, all moneys in the interior designer council fund
796 shall be transferred to the state board for architects,
797 professional engineers, professional land surveyors,
798 professional landscape architects, and licensed interior
799 designers fund. The interior designer council fund shall be
800 abolished upon the transfer of all moneys in the fund to the
801 state board for architects, professional engineers,
802 professional land surveyors, professional landscape
803 architects, and licensed interior designers fund.

804 327.381. The board may license, in its discretion, any
805 architect, professional engineer, professional land
806 surveyor, or professional landscape architect who is
807 licensed, or any interior designer who is licensed,
808 certified, or registered, in another state or territory of
809 the United States, province of Canada, or in another
810 country, when such applicant has qualifications which are at

811 least equivalent to the requirements for licensure as an
812 architect, professional engineer, professional land
813 surveyor, [or] professional landscape architect, or licensed
814 interior designer in this state, and provided further that
815 the board may establish by rule the conditions under which
816 it shall require any such applicant to take any examination
817 it considers necessary, and provided further that any such
818 application is accompanied by the required fee.

819 327.411. 1. Each architect and each professional
820 engineer and each professional land surveyor and each
821 professional landscape architect and each licensed interior
822 designer shall have a personal seal in a form prescribed by
823 the board, and he or she shall affix the seal to all final
824 technical submissions. Technical submissions shall include,
825 but are not limited to, drawings, specifications, plats,
826 surveys, exhibits, reports, and certifications of
827 construction prepared by the licensee, or under such
828 licensee's immediate personal supervision. Such licensee
829 shall either prepare or personally supervise the preparation
830 of all documents sealed by the licensee, and such licensee
831 shall be held personally responsible for the contents of all
832 such documents sealed by such licensee, whether prepared or
833 drafted by another licensee or not.

834 2. The personal seal of an architect or professional
835 engineer or professional land surveyor or professional
836 landscape architect or licensed interior designer shall be
837 the legal equivalent of the licensee's signature whenever
838 and wherever used, and the owner of the seal shall be
839 responsible for the architectural, engineering, land
840 surveying, [or] landscape architectural, or interior design
841 documents, as the case may be, when the licensee places his
842 or her personal seal on such technical submissions to be
843 used in connection with, any architectural or engineering

844 project, survey, [or] landscape architectural project, or
845 interior alteration or construction project, as such term is
846 defined in section 327.700. Licensees shall undertake to
847 perform architectural, professional engineering,
848 professional land surveying [and], professional landscape
849 architectural, and licensed interior design services only
850 when they are qualified by education, training, and
851 experience in the specific technical areas involved.

852 3. Notwithstanding any provision of this section, any
853 architect, professional engineer, professional land
854 surveyor, [or] professional landscape architect, or licensed
855 interior designer may, but is not required to, attach a
856 statement over his or her signature, authenticated by his or
857 her personal seal, specifying the particular technical
858 submissions, or portions thereof, intended to be
859 authenticated by the seal, and disclaiming any
860 responsibility for all other technical submissions relating
861 to or intended to be used for any part or parts of the
862 architectural or engineering project [or], survey [or],
863 landscape architectural project, or interior alteration or
864 construction project, as such term is defined in section
865 327.700.

866 4. Nothing in this section, or any rule or regulation
867 of the board shall require any professional to seal
868 preliminary or incomplete documents.

869 327.442. 1. At such time as the final trial
870 proceedings are concluded whereby a licensee, or any person
871 who has failed to renew or has surrendered his or her
872 certificate of licensure or authority, has been finally
873 adjudicated and found guilty, or has entered a plea of
874 guilty or nolo contendere, in a [felony] criminal
875 prosecution pursuant to the laws of [this] any state, [the
876 laws of any other state, territory, or the laws] of the

877 United States [~~of America~~], or of any country for any
878 offense [~~reasonably~~] directly related to the
879 [~~qualifications, functions, or~~] duties [~~of a licensee~~
880 pursuant to this chapter or any felony offense, an essential
881 element of which is fraud, dishonesty, or an act of
882 violence, or for any felony offense involving moral
883 turpitude,] and responsibilities of the occupation, as set
884 forth in section 324.012, regardless of whether or not
885 sentence is imposed, the board for architects, professional
886 engineers, professional land surveyors [~~and~~], professional
887 landscape architects, and licensed interior designers may
888 hold a disciplinary hearing to singly or in combination
889 censure or place the licensee named in the complaint on
890 probation on such terms and conditions as the board deems
891 appropriate for a period not to exceed five years, or may
892 suspend, for a period not to exceed three years, or revoke
893 the license or certificate.

894 2. Anyone who has been revoked or denied a license or
895 certificate to practice in another state may automatically
896 be denied a license or certificate to practice in this
897 state. However, the board for architects, professional
898 engineers, professional land surveyors [~~and~~], professional
899 landscape architects, and licensed interior designers may
900 establish other qualifications by which a person may
901 ultimately be qualified and licensed to practice in Missouri.

902 327.451. 1. Any person who believes that an architect
903 or a professional engineer or a professional land surveyor
904 or a professional landscape architect or a licensed interior
905 designer has acted or failed to act so that his or her
906 license or certificate of authority should, pursuant to the
907 provisions of this chapter, be suspended or revoked, or who
908 believes that any applicant for a license or certificate of
909 authority pursuant to the provisions of this chapter is not

910 entitled to a license or a certificate of authority, may
911 file a written affidavit with the executive director of the
912 board which the affiant shall sign and swear to and in which
913 the affiant shall clearly set forth the reasons for the
914 affiant's charge or charges that the license or certificate
915 of authority of an architect or professional engineer or
916 professional land surveyor or professional landscape
917 architect or licensed interior designer should be suspended
918 or revoked or not renewed or that a license or certificate
919 of authority should not be issued to an applicant.

920 2. If the affidavit so filed does not contain
921 statements of fact which if true would authorize, pursuant
922 to the provisions of this chapter, suspension or revocation
923 of the accused's license or certificate of authority, or
924 does not contain statements of fact which if true would
925 authorize, pursuant to the provisions of this chapter, the
926 refusal of the renewal of an existing license or certificate
927 of authority or the refusal of a license or certificate of
928 authority to an applicant, the board shall either dismiss
929 the charge or charges or, within its discretion, cause an
930 investigation to be made of the charges contained in the
931 affidavit, after which investigation the board shall either
932 dismiss the charge or charges or proceed against the accused
933 by written complaint as provided in subsection 3 of this
934 section.

935 3. If the affidavit contains statements of fact which
936 if true would authorize pursuant to the provisions of this
937 chapter the revocation or suspension of an accused's license
938 or certificate of authority, the board shall cause an
939 investigation to be made of the charge or charges contained
940 in the affidavit and unless the investigation discloses the
941 falsity of the facts upon which the charge or charges in the
942 affidavit are based, the board shall file with and in the

943 administrative hearing commission a written complaint
944 against the accused setting forth the cause or causes for
945 which the accused's license or certificate of authority
946 should be suspended or revoked. Thereafter, the board shall
947 be governed by and shall proceed in accordance with the
948 provisions of chapter 621.

949 4. If the charges contained in the affidavit filed
950 with the board would constitute a cause or causes for which
951 pursuant to the provisions of this chapter an accused's
952 license or certificate of authority should not be renewed or
953 a cause or causes for which pursuant to the provisions of
954 this chapter a certificate should not be issued, the board
955 shall cause an investigation to be made of the charge or
956 charges and unless the investigation discloses the falsity
957 of the facts upon which the charge or charges contained in
958 the affidavit are based, the board shall refuse to permit an
959 applicant to be examined upon the applicant's qualifications
960 for licensure or shall refuse to issue or renew a license or
961 certificate of authority, as the case may require.

962 5. The provisions of this section shall not be so
963 construed as to prevent the board on its own initiative from
964 instituting and conducting investigations and based thereon
965 to make written complaints in and to the administrative
966 hearing commission.

967 6. If for any reason the provisions of chapter 621
968 become inapplicable to the board, then, and in that event,
969 the board shall proceed to charge, adjudicate and otherwise
970 act in accordance with the provisions of chapter 536.

971 [324.400.] 327.700. As used in sections [324.400 to
972 324.439] 327.700 to 327.750, the following terms mean:

973 (1) ["Council", the interior design council created in
974 section 324.406;

975 (2) "Division", the division of professional
976 registration;

977 (3) "Registered interior designer", a design
978 professional who provides services including preparation of
979 documents and specifications relative to nonload-bearing
980 interior construction, furniture, finishes, fixtures and
981 equipment and who meets the criteria of education,
982 experience and examination as provided in sections 324.400
983 to 324.439] "Building equipment", any mechanical, plumbing,
984 electrical, or structural components, including a
985 conveyance, designed for or located in a building or
986 structure;

987 (2) "Conveyance", an elevator, dumbwaiter, vertical
988 reciprocating conveyor, escalator, or other motorized
989 vertical transportation system;

990 (3) "Interior alteration or construction project", a
991 project, including construction, modification, renovation,
992 rehabilitation, or historic preservation, for an interior
993 space or area within a proposed or existing building or
994 structure that involves changing or altering:

995 (a) The design function or layout of a room; or

996 (b) The state of permanent fixtures or equipment;

997 (4) "Interior nonstructural element", an interior
998 design element that does not require structural bracing and
999 that is not load-bearing according to any applicable
1000 building codes;

1001 (5) "Interior technical submission", the designs,
1002 drawings, and specifications that establish the scope of the
1003 interior alteration or construction project, the standard of
1004 quality for any materials, workmanship, equipment, and
1005 construction systems of an interior alteration or
1006 construction project, and the studies and other technical

1007 reports and calculations prepared in the course of the
1008 practice of licensed interior design;

1009 (6) "Practice of licensed interior design", the design
1010 of interior spaces as a part of an interior alteration or
1011 construction project in conformity with public health,
1012 safety, and welfare requirements, including the preparation
1013 of documents relating to building code descriptions, project
1014 egress plans that require no increase in the capacity of
1015 exits in the space affected, space planning, and finish
1016 materials, and the preparation of documents and interior
1017 technical submissions relating to an interior alteration or
1018 construction project. The term "practice of licensed
1019 interior design":

1020 (a) Shall include:

1021 a. The programming, planning, pre-design analysis, and
1022 conceptual design of any interior nonstructural elements
1023 including, but not limited to, the selection of materials,
1024 except for building equipment;

1025 b. The alteration or construction of any interior
1026 nonstructural elements and any interior technical
1027 submissions related to such alteration or construction;

1028 c. The preparation of a physical plan of space within
1029 a proposed or existing building or structure, including:

1030 (i) Determinations of circulation systems or patterns;

1031 (ii) Determinations of the location of exit

1032 requirements based on occupancy loads; and

1033 (iii) Assessments and analyses of any interior safety
1034 factors to comply with applicable building codes related to
1035 interior nonstructural elements;

1036 d. The rendering of designs, plans, drawings,
1037 specifications, contract documents, or other interior
1038 technical submissions; and

1039 e. The administration of the construction of interior
1040 nonstructural elements and contracts relating to interior
1041 nonstructural elements in the interior alteration or
1042 construction of a proposed or existing building or
1043 structure; and

1044 (b) Shall not include:

1045 a. Services or work that constitute the practice of
1046 architecture, as provided in section 327.091, except as
1047 otherwise provided for in this chapter;

1048 b. Services or work that constitute the practice of
1049 professional engineering, as provided in section 327.181;

1050 c. Services or work that constitute the practice of
1051 professional land surveying, as provided in section 327.272;

1052 d. Services or work that constitute the practice of
1053 professional landscape architecture, as defined in section
1054 327.600;

1055 e. Altering or affecting the structural system and
1056 seismic system of a building, including changing the
1057 building's live or dead load on the structural system;

1058 f. Changes to the building envelope, including
1059 exterior walls, exterior wall coverings, exterior wall
1060 openings, exterior windows or doors, architectural trim,
1061 balconies and similar projections, bay or oriel windows,
1062 roof assemblies and rooftop structures, and glass and
1063 glazing for exterior use in both vertical, horizontal, and
1064 sloped applications in buildings and structures;

1065 g. Altering or affecting the mechanical, plumbing,
1066 heating, air conditioning, ventilation, electrical, vertical
1067 transportation, fire sprinkler, or fire alarm systems, and
1068 any building elements, spaces, or areas that are for the
1069 purpose of containing such systems;

1070 h. Changes beyond the exit access component of a means
1071 of egress system;

1072 i. Construction that materially affects any life
1073 safety systems pertaining to fire safety or fire protection
1074 of structural elements, smoke evacuation and
1075 compartmentalization systems, or fire-rated vertical shafts
1076 in multi-story structures;

1077 j. Changes to the existing use group for an occupancy;

1078 k. Changes to the construction classification of the
1079 building or structure according to any applicable building
1080 codes;

1081 l. Creating or modifying any atriums, floor openings,
1082 community spaces, or vertical openings; or

1083 m. Any person who renders services within the practice
1084 of licensed interior design in connection with the
1085 construction, remodeling, or repairing of any privately
1086 owned building described in item (i), (ii), or (iii) of this
1087 subparagraph, and who indicates on any drawings,
1088 specifications, estimates, reports, or other documents
1089 furnished in connection with the services within the
1090 practice of licensed interior design that the person is not
1091 a licensed interior designer:

1092 (i) A dwelling house;

1093 (ii) A multiple family dwelling house, flat, or
1094 apartment containing not more than two families; or

1095 (iii) Any one building or structure, except for those
1096 buildings or structures used exclusively for agricultural
1097 purposes, which provides for the employment, assembly,
1098 housing, sleeping, or eating of not more than nine persons,
1099 contains less than two thousand square feet, and is not part
1100 of another building or structure.

1101 [324.402.] 327.705. The state or any county,
1102 municipality, or other political subdivision shall not
1103 require the use of a [registered] licensed interior designer
1104 for any residential building, residential remodeling,

1105 residential rehabilitation, or residential construction
1106 purposes.

1107 [324.403.] 327.710. 1. No person may use the name or
1108 title, [registered] licensed interior designer, in this
1109 state unless that person is [registered] licensed as
1110 required by sections [324.400 to 324.439] 327.700 to 327.750.

1111 2. A licensed interior designer shall undertake to
1112 perform services within the practice of licensed interior
1113 design only when he or she is qualified by education,
1114 training, and experience in the specific technical areas
1115 involved.

1116 3. Licensed interior designers shall be in responsible
1117 charge of interior design technical submissions that can
1118 affect the health, safety, and welfare of the public within
1119 their scope of practice. Licensed interior designers shall
1120 not take responsible charge over interior technical
1121 submissions prepared by another person unless the licensed
1122 interior designer reviewing such interior technical
1123 submissions actually exercises personal supervision and
1124 direct control over the interior technical submissions.

1125 Nothing in [sections 324.400 to 324.439] this chapter shall
1126 be construed as limiting or preventing the practice of a
1127 person's interior design profession or restricting a person
1128 from providing [interior design] services within the
1129 practice of licensed interior design, provided such person
1130 does not indicate to the public that such person is
1131 [registered] licensed as an interior designer pursuant to
1132 the provisions of sections [324.400 to 324.439] 327.700 to
1133 327.750.

1134 4. Nothing in this chapter shall be construed as in
1135 any way precluding an architect from performing any of the
1136 services included within the practice of licensed interior
1137 design.

1138 [324.409.] 327.720. 1. To be a [registered] licensed
1139 interior designer, a person:

1140 (1) Shall take and pass or have passed the examination
1141 administered by the [National] Council for Interior Design
1142 Qualification or an equivalent examination approved by the
1143 [division] board. In addition to proof of passage of the
1144 examination, the application shall provide substantial
1145 evidence to the [division] board that the applicant:

1146 (a) Is a graduate of a five-year or four-year
1147 accredited degree program from a school of interior design
1148 [program from an accredited institution] and has completed
1149 at least two years of diversified and appropriate interior
1150 design experience; or

1151 (b) [Has completed at least three years of an interior
1152 design curriculum from an accredited institution and has
1153 completed at least three years of diversified and
1154 appropriate interior design experience; or

1155 (c)] Is a graduate of a two-year accredited degree
1156 program from a school of interior design [program from an
1157 accredited institution] and has completed at least four
1158 years of diversified and appropriate interior design
1159 experience; or

1160 (2) May qualify who is currently [registered] licensed
1161 pursuant to sections 327.091 to 327.171, and section 327.401
1162 pertaining to the practice of architecture [and registered
1163 with the division. Such applicant shall give authorization
1164 to the division in order to verify current registration with
1165 sections 327.091 to 327.171 and section 327.401 pertaining
1166 to the practice of architecture].

1167 2. An applicant whose curriculum or transcript has
1168 been approved by the board shall be exempt from the
1169 requirement to provide substantial evidence that the

1170 applicant meets the requirements of paragraph (a) or (b) of
1171 subdivision (1) of subsection 1 of this section.

1172 3. The [division] board shall verify if an applicant
1173 has complied with the provisions of this section and has
1174 paid the required fees, then the [division] board shall
1175 recommend such applicant be [registered] licensed as a
1176 [registered] licensed interior designer by the [division]
1177 board.

1178 [324.415.] 327.725. Applications for [registration]
1179 licensure as a [registered] licensed interior designer shall
1180 be typewritten on forms prescribed by the [division] board
1181 and furnished to the applicant. The application shall
1182 contain the applicant's statements showing the applicant's
1183 education, experience, results of previous interior design
1184 certification, registration, or licensing examinations, if
1185 any, and such other pertinent information as the [division]
1186 board may require, or architect's license or registration
1187 number and such other pertinent information as the
1188 [division] board may require. Each application shall
1189 contain a statement that is made under oath or affirmation
1190 and that the representations are true and correct to the
1191 best knowledge and belief of the person signing the
1192 application. The person shall be subject to the penalties
1193 for making a false affidavit or declaration and shall be
1194 accompanied by the required fee.

1195 [324.418.] 327.730. 1. The [certificate of
1196 registration] license issued biennially to a [registered]
1197 licensed interior designer pursuant to sections [324.400 to
1198 324.439] 327.700 to 327.750 shall be renewed on or before
1199 the [certificate] license renewal date accompanied by the
1200 required fee. The [certificate of registration] license of
1201 a [registered] licensed interior designer which is not
1202 renewed within three months after the [certificate] license

1203 renewal date shall be suspended automatically, subject to
1204 the right of the holder to have the suspended [certificate
1205 of registration] license reinstated within nine months of
1206 the date of suspension if the person pays the required
1207 reinstatement fee. Any [certificate of registration]
1208 license suspended and not reinstated within nine months of
1209 the suspension date shall expire and be void and the holder
1210 of such [certificate] license shall have no rights or
1211 privileges provided to holders of valid [certificates]
1212 licenses. Any person whose [certificate of registration]
1213 license has expired may, upon demonstration of current
1214 qualifications and payment of required fees, be
1215 [reregistered] relicensed or reauthorized under the person's
1216 original [certificate of registration] license number.

1217 2. Each application for the renewal or reinstatement
1218 of a [registration] license shall be on a form furnished to
1219 the applicant and shall be accompanied by the required fees
1220 [and proof of current completion of at least one unit every
1221 two years of approved or verifiable continuing education in
1222 interior design or architecture, immediately prior to such
1223 renewal or reinstatement. Ten contact hours constitutes one
1224 continuing education unit. Five contact hours of teaching
1225 in interior design or architecture constitutes one
1226 continuing education unit. One college course credit in
1227 interior design or architecture constitutes one continuing
1228 education unit].

1229 3. The board shall establish, by rule, continuing
1230 education requirements as a condition to renewing or
1231 reinstating the license of an interior designer that are
1232 substantially equivalent to the continuing education
1233 requirements for architects.

1234 [324.427.] 327.735. It is unlawful for any person to
1235 advertise or indicate to the public that the person is a

1236 [registered] licensed interior designer in this state,
1237 unless such person is [registered] licensed as a
1238 [registered] licensed interior designer by the [division]
1239 board and is in good standing pursuant to sections [324.400
1240 to 324.439] 327.700 to 327.750.

1241 [324.430.] 327.740. No person may use the designation
1242 [registered] licensed interior designer in Missouri, unless
1243 the [division] board has issued a current [certificate of
1244 registration] license certifying that the person has been
1245 duly [registered] licensed as a [registered] licensed
1246 interior designer in Missouri and unless such [registration]
1247 license has been renewed or reinstated as provided in
1248 section [324.418] 327.730.

1249 [324.433.] 327.745. The right to use the title of
1250 [registered] licensed interior designer shall be deemed a
1251 personal right, based upon the qualifications of the
1252 individual, evidenced by the person's current [certificate
1253 of registration] license and such [certificate] license is
1254 not transferable; except that, a [registered] licensed
1255 interior designer may perform the [interior designer's
1256 profession] practice of licensed interior design through, or
1257 as a member of, or as an employee of, a partnership or
1258 corporation.

1259 [324.439.] 327.750. [After twenty-four months after
1260 August 28, 1998,] Any person who violates any provision of
1261 sections [324.400 to 324.439] 327.700 to 327.750 shall be
1262 guilty of a class A misdemeanor.

1263 331.084. 1. The board may apply to the administrative
1264 hearing commission for an emergency suspension or
1265 restriction of a license issued under this chapter if:

1266 (1) The holder of the license is the subject of a
1267 pending criminal indictment, criminal information, or other

1268 criminal charge related to the duties and responsibilities
1269 of the licensed occupation; and

1270 (2) There is reasonable cause for the board to believe
1271 that the public health, safety, or welfare is at imminent
1272 risk of harm from the holder of the license.

1273 2. The board shall submit to the administrative
1274 hearing commission supporting affidavits and certified court
1275 records, together with a complaint alleging the facts in
1276 support of the board's request for an emergency suspension
1277 or restriction of a license, and shall supply the
1278 administrative hearing commission with the last home or
1279 business addresses on file with the board for the licensee.
1280 Within one business day of the filing of the complaint, the
1281 administrative hearing commission shall return a service
1282 packet to the board. The service packet shall include the
1283 board's complaint and any affidavits or records the board
1284 intends to rely on that have been filed with the
1285 administrative hearing commission. The service packet may
1286 contain other information in the discretion of the
1287 administrative hearing commission. Within twenty-four hours
1288 of receiving the packet, the board shall either personally
1289 serve the licensee the service packet or leave a copy of the
1290 service packet at all of the licensee's current addresses on
1291 file with the board.

1292 3. Within five days of the board's filing of the
1293 complaint, the administrative hearing commission shall
1294 review the information submitted by the board and shall
1295 issue its findings of fact and conclusions of law. If the
1296 administrative hearing commission finds that there is
1297 reasonable cause for the board to believe that the public
1298 health, safety, or welfare is at imminent risk of harm from
1299 the holder of the license, the administrative hearing
1300 commission shall enter the order requested by the board.

1301 The order shall be effective upon personal service or by
1302 leaving a copy at all of the licensee's current addresses on
1303 file with the board.

1304 4. (1) The administrative hearing commission shall
1305 hold an evidentiary hearing on the record within forty-five
1306 days of the board's filing of the complaint, or upon final
1307 adjudication of any criminal charges filed against the
1308 licensee, as appropriate, to determine if cause for
1309 discipline exists under the provisions of this chapter and
1310 to determine whether the initial order entered by the
1311 commission shall continue in effect. Prior to the hearing,
1312 the licensee may file affidavits and certified court records
1313 for consideration by the administrative hearing commission.
1314 The administrative hearing commission may grant a request
1315 for a continuance but shall in any event hold the hearing
1316 within one hundred twenty days of the board's initial
1317 filing. The board shall be granted leave to amend its
1318 complaint if it is more than thirty days prior to the
1319 hearing, or within thirty days prior to the hearing upon a
1320 showing of good cause.

1321 (2) If no cause for discipline is found following an
1322 evidentiary hearing, the administrative hearing commission
1323 shall issue findings of fact, conclusions of law, and an
1324 order terminating the commission's initial order imposing an
1325 emergency suspension or restriction of the license.

1326 (3) If the administrative hearing commission finds
1327 cause for discipline following an evidentiary hearing, the
1328 commission shall issue findings of fact and conclusions of
1329 law and order the emergency suspension or restriction to
1330 remain in full force and effect pending a disciplinary
1331 hearing before the board. The board shall hold a hearing
1332 following the certification of the record by the

1333 administrative hearing commission and may impose discipline
1334 otherwise authorized by state law.

1335 5. Any action under this section shall be in addition
1336 to and not in lieu of any discipline otherwise in the
1337 board's power to impose and may be brought concurrently with
1338 other actions.

1339 6. If the administrative hearing commission does not
1340 grant an initial order imposing an emergency suspension or
1341 restriction of the license as described in subsection 3 of
1342 this section, the board shall remove all reference to such
1343 emergency suspension or restriction from its public
1344 records."; and

1345 Further amend said bill, page 4, section 334.880, line
1346 31, by inserting after all of said line the following:

1347 "345.050. To be eligible for licensure by the board by
1348 examination, each applicant shall submit the application fee
1349 and shall furnish evidence of such person's current
1350 competence and shall:

1351 (1) Hold a master's or a doctoral degree from a
1352 program that was awarded "accreditation candidate" status or
1353 is accredited by the Council on Academic Accreditation of
1354 the American Speech-Language-Hearing Association or other
1355 accrediting agency approved by the board in the area in
1356 which licensure is sought;

1357 (2) Submit official transcripts from one or more
1358 accredited colleges or universities presenting evidence of
1359 the completion of course work and clinical practicum
1360 requirements equivalent to that required by the Council on
1361 Academic Accreditation of the American Speech-Language-
1362 Hearing Association or other accrediting agency approved by
1363 the board;

1364 (3) Present written evidence of completion of a
1365 clinical fellowship from supervisors. The experience

1366 required by this subdivision shall follow the completion of
1367 the requirements of subdivisions (1) and (2) of this
1368 section. This period of employment shall be under the
1369 direct supervision of a [person who is licensed by the state
1370 of Missouri in the profession in which the applicant seeks
1371 to be] licensed speech-language pathologist in good
1372 standing. Persons applying with an audiology clinical
1373 doctoral degree are exempt from this provision; and

1374 (4) Pass an examination promulgated or approved by the
1375 board. The board shall determine the subject and scope of
1376 the examinations.

1377 537.033. 1. As used in this section, unless the
1378 context clearly indicates otherwise, the following words and
1379 terms shall have the meanings indicated:

1380 (1) "Design professional", an architect, landscape
1381 architect, professional land surveyor, [or] professional
1382 engineer, or licensed interior designer licensed under the
1383 provisions of chapter 327 or any corporation authorized to
1384 practice architecture, landscape architecture, land
1385 surveying, or engineering under section 327.401 while acting
1386 within their scope of practice;

1387 (2) "Lessons learned", internal meetings, classes,
1388 publications in any medium, presentations, lectures, or
1389 other means of teaching and communicating after substantial
1390 completion of the project which are conducted solely and
1391 exclusively by and with the employees, partners, and
1392 coworkers of the design professional who prepared the
1393 project's design for the purpose of learning best practices
1394 and reducing errors and omissions in design documents and
1395 procedures. Lessons learned shall not include
1396 presentations, lectures, teaching, or communication made to
1397 or by third parties who are not employees, partners, and

1398 coworkers of the design professional whose work is being
1399 evaluated and discussed;

1400 (3) "Peer review process", a process through which
1401 design professionals evaluate, maintain, or monitor the
1402 quality and utilization of architectural, landscape
1403 architectural, land surveying, [or] engineering, or interior
1404 design services, prepare internal lessons learned, or
1405 exercise any combination of such responsibilities;

1406 (4) "Substantial completion", the construction of the
1407 project covered by the design professional's design
1408 documents has reached substantial completion, as that term
1409 is defined in section 436.327.

1410 2. A peer review process shall only be performed by a
1411 design professional licensed in any jurisdiction in the
1412 United States in the same profession as would be required
1413 under chapter 327 to prepare the design documents being
1414 reviewed, or in a case requiring multiple professions, by a
1415 person or persons holding the proper licenses. A peer
1416 review process may be performed by one or more design
1417 professionals appointed by the partners, shareholders, board
1418 of directors, chief executive officer, quality control
1419 director, or employed design professionals of a partnership
1420 or of a corporation authorized under section 327.401 to
1421 practice architecture, landscape architecture, land
1422 surveying, or engineering, or by the owner of a sole
1423 proprietorship engaged in one or more of such professions.
1424 Any individual identified in this subsection and performing
1425 a peer review shall be deemed a peer reviewer.

1426 3. Each peer reviewer described in this subsection
1427 shall be immune from civil liability for such acts so long
1428 as the acts are performed in good faith, without malice, and
1429 are reasonably related to the scope of inquiry of the peer
1430 review process. The immunity in this subsection is intended

1431 to cover only outside peer reviews by a third-party design
1432 professional who is not an employee, coworker, or partner of
1433 the design professional whose design is being peer reviewed
1434 before substantial completion of the project and who has no
1435 other role in the project besides performing the peer review.

1436 4. This section does not provide immunity to any in-
1437 house peer reviewer when performed by employees, coworkers,
1438 or partners of the design professional who prepares the
1439 design, nor are any such documents or peer review comments,
1440 other than lessons learned, inadmissible into evidence in
1441 any judicial or administrative action.

1442 5. Except for documents related to lessons learned,
1443 the interviews, memoranda, proceedings, findings,
1444 deliberations, reports, and minutes of the peer review
1445 process, or the existence of the same, concerning the
1446 professional services provided to a client or member of the
1447 public are subject to discovery, subpoena, or other means of
1448 legal compulsion for their release to any person or entity
1449 and shall be admissible into evidence in any judicial or
1450 administrative action for failure to provide appropriate
1451 architectural, landscape architectural, land surveying, [or]
1452 engineering, or interior design services, subject to
1453 applicable rules of the court or tribunal. Except as
1454 otherwise provided in this section, no person who was in
1455 attendance at, or participated in, any lessons learned
1456 process or proceedings shall be permitted or required to
1457 disclose any information acquired in connection with or in
1458 the course of such proceeding, or to disclose any opinion,
1459 recommendation, or evaluation made in a lessons learned
1460 process or proceeding; provided, however, that information
1461 otherwise discoverable or admissible from original sources
1462 is not to be construed as immune from discovery or use in
1463 any proceeding merely because it was presented during a

1464 lessons learned process or proceeding nor is a member,
1465 employee, or agent involved in any such process or
1466 proceeding, or other person appearing before a peer
1467 reviewer, to be prevented from testifying as to matters
1468 within his or her personal knowledge and in accordance with
1469 the other provisions of this section, but such witness
1470 cannot be questioned about a lessons learned process or
1471 proceeding or about opinions formed as a result of such
1472 process or proceeding. The disclosure of any memoranda,
1473 proceedings, reports, or minutes of a lessons learned
1474 proceeding to any person or entity, including but not
1475 limited to governmental agencies, professional accrediting
1476 agencies, or other design professionals, whether proper or
1477 improper, shall not waive or have any effect upon its
1478 confidentiality, nondiscoverability, or nonadmissibility.

1479 6. Nothing in this section shall limit authority
1480 otherwise provided by law of the Missouri board for
1481 architects, professional engineers, professional land
1482 surveyors, [and] professional landscape architects, and
1483 licensed interior designers to obtain information by
1484 subpoena or other authorized process from a peer reviewer or
1485 to require disclosure of otherwise confidential information
1486 relating to matters and investigations within the
1487 jurisdiction of such licensing board.

1488 621.045. 1. The administrative hearing commission
1489 shall conduct hearings and make findings of fact and
1490 conclusions of law in those cases when, under the law, a
1491 license issued by any of the following agencies may be
1492 revoked or suspended or when the licensee may be placed on
1493 probation or when an agency refuses to permit an applicant
1494 to be examined upon his or her qualifications or refuses to
1495 issue or renew a license of an applicant who has passed an

1496 examination for licensure or who possesses the
 1497 qualifications for licensure without examination:
 1498 Missouri State Board of Accountancy
 1499 Missouri State Board for Architects, Professional
 1500 Engineers, Professional Land Surveyors [and], Professional
 1501 Landscape Architects, and Licensed Interior Designers
 1502 Board of Barber Examiners
 1503 Board of Cosmetology
 1504 Board of Chiropody and Podiatry
 1505 Board of Chiropractic Examiners
 1506 Missouri Dental Board
 1507 Board of Embalmers and Funeral Directors
 1508 Board of Registration for the Healing Arts
 1509 Board of Nursing
 1510 Board of Optometry
 1511 Board of Pharmacy
 1512 Missouri Real Estate Commission
 1513 Missouri Veterinary Medical Board
 1514 Supervisor of Liquor Control
 1515 Department of Health and Senior Services
 1516 Department of Commerce and Insurance
 1517 Department of Mental Health
 1518 Board of Private Investigator Examiners.
 1519 2. If in the future there are created by law any new
 1520 or additional administrative agencies which have the power
 1521 to issue, revoke, suspend, or place on probation any
 1522 license, then those agencies are under the provisions of
 1523 this law.
 1524 3. The administrative hearing commission is authorized
 1525 to conduct hearings and make findings of fact and
 1526 conclusions of law in those cases brought by the Missouri
 1527 state board for architects, professional engineers,
 1528 professional land surveyors [and], professional landscape

1529 architects, and licensed interior designers against
1530 unlicensed persons under section 327.076.

1531 4. Notwithstanding any other provision of this section
1532 to the contrary, after August 28, 1995, in order to
1533 encourage settlement of disputes between any agency
1534 described in subsection 1 or 2 of this section and its
1535 licensees, any such agency shall:

1536 (1) Provide the licensee with a written description of
1537 the specific conduct for which discipline is sought and a
1538 citation to the law and rules allegedly violated, together
1539 with copies of any documents which are the basis thereof and
1540 the agency's initial settlement offer, or file a contested
1541 case against the licensee;

1542 (2) If no contested case has been filed against the
1543 licensee, allow the licensee at least sixty days, from the
1544 date of mailing, to consider the agency's initial settlement
1545 offer and to contact the agency to discuss the terms of such
1546 settlement offer;

1547 (3) If no contested case has been filed against the
1548 licensee, advise the licensee that the licensee may, either
1549 at the time the settlement agreement is signed by all
1550 parties, or within fifteen days thereafter, submit the
1551 agreement to the administrative hearing commission for
1552 determination that the facts agreed to by the parties to the
1553 settlement constitute grounds for denying or disciplining
1554 the license of the licensee; and

1555 (4) In any contact under this subsection by the agency
1556 or its counsel with a licensee who is not represented by
1557 counsel, advise the licensee that the licensee has the right
1558 to consult an attorney at the licensee's own expense.

1559 5. If the licensee desires review by the
1560 administrative hearing commission under subdivision (3) of
1561 subsection 4 of this section at any time prior to the

1562 settlement becoming final, the licensee may rescind and
1563 withdraw from the settlement and any admissions of fact or
1564 law in the agreement shall be deemed withdrawn and not
1565 admissible for any purposes under the law against the
1566 licensee. Any settlement submitted to the administrative
1567 hearing commission shall not be effective and final unless
1568 and until findings of fact and conclusions of law are
1569 entered by the administrative hearing commission that the
1570 facts agreed to by the parties to the settlement constitute
1571 grounds for denying or disciplining the license of the
1572 licensee.

1573 6. When a holder of a license, registration, permit,
1574 or certificate of authority issued by the division of
1575 professional registration or a board, commission, or
1576 committee of the division of professional registration
1577 against whom an affirmative decision is sought has failed to
1578 plead or otherwise respond in the contested case and
1579 adequate notice has been given under sections 536.067 and
1580 621.100 upon a properly pled writing filed to initiate the
1581 contested case under this chapter or chapter 536, a default
1582 decision shall be entered against the licensee without
1583 further proceedings. The default decision shall grant such
1584 relief as requested by the division of professional
1585 registration, board, committee, commission, or office in the
1586 writing initiating the contested case as allowed by law.
1587 Upon motion stating facts constituting a meritorious defense
1588 and for good cause shown, a default decision may be set
1589 aside. The motion shall be made within a reasonable time,
1590 not to exceed thirty days after entry of the default
1591 decision. "Good cause" includes a mistake or conduct that
1592 is not intentionally or recklessly designed to impede the
1593 administrative process.

1594 [324.406. 1. There is hereby created
1595 within the division of professional registration
1596 a council to be known as the "Interior Design
1597 Council". The council shall consist of four
1598 interior designers and one public member
1599 appointed by the director of the division. The
1600 director shall give due consideration to the
1601 recommendations by state organizations of the
1602 interior design profession for the appointment
1603 of the interior design members to the council.
1604 Council members shall be appointed to serve a
1605 term of four years; except that of the members
1606 first appointed, one interior design member and
1607 the public member shall be appointed for terms
1608 of four years, one member shall be appointed for
1609 a term of three years, one member shall be
1610 appointed for a term of two years and one member
1611 shall be appointed for a term of one year. No
1612 member of the council shall serve more than two
1613 terms.

1614 2. Each council member, other than the
1615 public member, shall be a citizen of the United
1616 States, a resident of the state of Missouri for
1617 at least one year, meet the qualifications for
1618 professional registration, practice interior
1619 design as the person's principal livelihood and,
1620 except for the first members appointed, be
1621 registered pursuant to sections 324.400 to
1622 324.439 as an interior designer.

1623 3. The public member shall be, at the time
1624 of such person's appointment, a citizen of the
1625 United States, a registered voter, a person who
1626 is not and never was a member of the profession
1627 regulated by sections 324.400 to 324.439 or the
1628 spouse of such a person and a person who does
1629 not have and never has had a material financial
1630 interest in the providing of the professional
1631 services regulated by sections 324.400 to
1632 324.439. The duties of the public member shall
1633 not include the determination of the technical
1634 requirements for the registration of persons as
1635 interior designers.

1636 4. The provisions of section 324.028
1637 pertaining to members of certain state boards

1638 and commissions shall apply to all members of
1639 the council.

1640 5. Members of the council may be removed
1641 from office for cause. Upon the death,
1642 resignation or removal from office of any member
1643 of the council, the appointment to fill the
1644 vacancy shall be for the unexpired portion of
1645 the term so vacated and shall be filled in the
1646 same manner as the first appointment and due
1647 notice be given to the state organizations of
1648 the interior design profession prior to the
1649 appointment.

1650 6. Each member of the council may receive
1651 as compensation an amount set by the division
1652 not to exceed fifty dollars per day and shall be
1653 reimbursed for the member's reasonable and
1654 necessary expenses incurred in the official
1655 performance of the member's duties as a member
1656 of the council. The director shall establish by
1657 rule guidelines for payment.

1658 7. The council shall meet at least twice
1659 each year and guide, advise, and make
1660 recommendations to the division on matters
1661 within the scope of sections 324.400 to
1662 324.439. The organization of the council shall
1663 be established by the members of the council.]

1664 [324.412. The division shall:

1665 (1) Employ, within the limits of the
1666 appropriations for that purpose, such employees
1667 as are necessary to carry out the provisions of
1668 sections 324.400 to 324.439;

1669 (2) Exercise all budgeting, purchasing,
1670 reporting and other related management functions;

1671 (3) Recommend prosecution for violations
1672 of sections 324.400 to 324.439 to the
1673 appropriate prosecuting or circuit attorney;

1674 (4) Promulgate such rules and regulations
1675 as are necessary to administer the provisions of
1676 sections 324.400 to 324.439. Any rule or
1677 portion of a rule, as that term is defined in
1678 section 536.010, that is promulgated to
1679 administer and enforce sections 324.400 to

1680 324.439, shall become effective only if the
1681 agency has fully complied with all of the
1682 requirements of chapter 536, including but not
1683 limited to, section 536.028, if applicable,
1684 after August 28, 1998. If the provisions of
1685 section 536.028 apply, the provisions of this
1686 section are nonseverable and if any of the
1687 powers vested with the general assembly pursuant
1688 to section 536.028 to review, to delay the
1689 effective date, or to disapprove and annul a
1690 rule or portion of a rule are held
1691 unconstitutional or invalid, the purported grant
1692 of rulemaking authority and any rule so proposed
1693 and contained in the order of rulemaking shall
1694 be invalid and void, except that nothing in this
1695 section shall affect the validity of any rule
1696 adopted and promulgated prior to August 28,
1697 1998.]

1698 [324.421. The division shall register
1699 without examination any interior designer
1700 certified, licensed or registered in a foreign
1701 country if the applicant has qualifications
1702 which are at least equivalent to the
1703 requirements for registration as a registered
1704 interior designer in this state and such
1705 applicant pays the required fees.]

1706 [324.424. 1. The division shall set the
1707 amount of the fees authorized by sections
1708 324.400 to 324.439 by rules and regulations.
1709 The fees shall be set at a level to produce
1710 revenue which shall not substantially exceed the
1711 cost and expense of administering sections
1712 324.400 to 324.439. All fees required pursuant
1713 to sections 324.400 to 324.439 shall be paid to
1714 and collected by the division of professional
1715 registration and transmitted to the department
1716 of revenue for deposit in the state treasury to
1717 the credit of the "Interior Designer Council
1718 Fund", which is hereby created.

1719 2. Notwithstanding the provisions of
1720 section 33.080 to the contrary, money in the
1721 fund shall not be transferred and placed to the
1722 credit of general revenue until the amount in
1723 the fund at the end of the biennium exceeds

1724 three times the amount of the appropriation to
1725 the council for the preceding fiscal year. The
1726 amount, if any, in the fund which shall lapse is
1727 the amount in the fund which exceeds the
1728 appropriate multiple of the appropriations to
1729 the council for the preceding fiscal year.]

1730 [324.436. 1. The division may refuse to
1731 issue any certificate required pursuant to
1732 sections 324.400 to 324.439, or renew or
1733 reinstate any such certificate, for any one or
1734 any combination of the reasons stated in
1735 subsection 2 of this section. The division
1736 shall notify the applicant in writing of the
1737 reasons for the refusal and shall advise the
1738 applicant of the person's right to file a
1739 complaint with the administrative hearing
1740 commission as provided in chapter 621.

1741 2. The division may cause a complaint to
1742 be filed with the administrative hearing
1743 commission as provided by chapter 621 against
1744 any holder of a certificate of registration
1745 required by sections 324.400 to 324.439 or any
1746 person who has failed to renew or has
1747 surrendered the person's certificate of
1748 registration for any one or combination of the
1749 following reasons:

1750 (1) The person has been finally
1751 adjudicated and found guilty, or entered a plea
1752 of guilty or nolo contendere, in a criminal
1753 prosecution under the laws of any state or of
1754 the United States, or of any country, for any
1755 offense directly related to the duties and
1756 responsibilities of the occupation, as set forth
1757 in section 324.012, regardless of whether or not
1758 sentence is imposed;

1759 (2) Use of fraud, deception,
1760 misrepresentation or bribery in securing any
1761 certificate of registration issued pursuant to
1762 sections 324.400 to 324.439 or in obtaining
1763 permission to take any examination given or
1764 required pursuant to sections 324.400 to 324.439;

1765 (3) Obtaining or attempting to obtain any
1766 fee, charge, tuition or other compensation by
1767 fraud, deception or misrepresentation;

1768 (4) Incompetency, misconduct, gross
1769 negligence, fraud, misrepresentation or
1770 dishonesty in the performance of the functions
1771 or duties of the profession regulated by
1772 sections 324.400 to 324.439;

1773 (5) Violation of, or assisting or enabling
1774 any person to violate, any provision of sections
1775 324.400 to 324.439, or of any lawful rule or
1776 regulation adopted pursuant to such sections;

1777 (6) Impersonation of any person holding a
1778 certificate of registration or authority, permit
1779 or license or allowing any person to use the
1780 person's certificate or diploma from any school;

1781 (7) Disciplinary action against the holder
1782 of a certificate of registration or other right
1783 to perform the profession regulated by sections
1784 324.400 to 324.439 granted by another state,
1785 territory, federal agency or country upon
1786 grounds for which revocation or suspension is
1787 authorized in this state;

1788 (8) A person is finally adjudged insane or
1789 incompetent by a court of competent jurisdiction;

1790 (9) Issuance of a certificate of
1791 registration based upon a material mistake of
1792 fact;

1793 (10) Use of any advertisement or
1794 solicitation which is false, misleading or
1795 deceptive to the general public or persons to
1796 whom the advertisement or solicitation is
1797 primarily directed, as it relates to the
1798 interior design profession.

1799 3. After the filing of a complaint
1800 pursuant to subsection 2 of this section, the
1801 proceedings shall be conducted in accordance
1802 with the provisions of chapter 536 and chapter
1803 621. Upon a finding by the administrative
1804 hearing commission that the grounds, provided in
1805 subsection 2 of this section, for disciplinary
1806 action are met, the division shall censure or
1807 place the person named in the complaint on
1808 probation for a period not to exceed five years
1809 or may suspend the person's certificate for a

1810 period not to exceed three years or may revoke
1811 the person's certificate of registration.]

1812 Section B. The repeal of sections 324.406 and 324.424
1813 shall become effective upon notification to the revisor from
1814 the director of the division of professional registration of
1815 the department of commerce and insurance of the appointment
1816 and confirmation of two members to the interior design
1817 division of the Missouri board for architects, professional
1818 engineers, professional land surveyors, professional
1819 landscape architects, and licensed interior designers."; and
1820 Further amend the title and enacting clause accordingly.