

FIRST REGULAR SESSION

HOUSE BILL NO. 1063

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GUEST.

2319L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

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

Section A. Chapter 324, RSMo, is amended by adding thereto sixteen new sections, to
2 be known as sections 324.1300, 324.1303, 324.1306, 324.1309, 324.1312, 324.1315, 324.1318,
3 324.1321, 324.1324, 324.1326, 324.1328, 324.1332, 324.1334, 324.1336, 324.1338, and
4 324.1340, to read as follows:

324.1300. Sections 324.1300 to 324.1340 shall be known and may be cited as the
2 **"Clinical Laboratory Science Practice Act".**

324.1303. As used in sections 324.1300 to 324.1340, the following terms, unless
2 **otherwise indicated within the context, shall mean:**

3 (1) **"Approved national certification examination", a competency based**
4 **certification examination that is administered by a national nonprofit credentialing agency**
5 **approved by the board;**

6 (2) **"Board", the Missouri clinical laboratory science board appointed by the**
7 **governor;**

8 (3) **"Categorical laboratory scientist", an individual eligible under sections**
9 **324.1300 to 324.1340, with oversight by the laboratory director, to perform the functions**
10 **of a clinical laboratory scientist in one or more categories of laboratory testing, such as**
11 **microbiology, virology, clinical chemistry, immunology, hematology, immunoematology,**
12 **molecular diagnostics, or other areas specified by the board;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (4) "CLIA", refers to the final regulations promulgated by the United States
14 Department of Health and Human Services implementing the Clinical Laboratory
15 Improvement Amendments of 1988, P.L. 100-578, and 42 CFR 493;

16 (5) "Clinical laboratory" or "laboratory", any site or location in which clinical
17 laboratory tests or examinations are performed;

18 (6) "Clinical laboratory assistant", an individual responsible for obtaining a blood
19 specimen by venipuncture or capillary puncture according to established and approved
20 protocols and also qualified to perform waived or point-of-care testing under the direction
21 of a clinical laboratory scientist, clinical laboratory technician, laboratory supervisor, or
22 laboratory director;

23 (7) "Clinical laboratory scientist", an individual eligible under sections 324.1300
24 to 324.1340, to perform any clinical laboratory test including those that require the exercise
25 of independent judgment. In addition, this individual is responsible for, with oversight by
26 the laboratory director, the establishment and implementation of protocols, quality
27 assessment, method development and selection, equipment selection and maintenance, and
28 all activities related to the preanalytic, analytic, and post-analytic phases of testing. The
29 clinical laboratory scientist may also direct, supervise, consult, educate, and perform
30 research functions;

31 (8) "Clinical laboratory technician", an individual eligible under sections 324.1300
32 to 324.1340, who is qualified to perform clinical laboratory tests in accordance with
33 established and approved protocols which require limited exercise of independent
34 judgment and which are performed with oversight from a clinical laboratory scientist,
35 laboratory supervisor, or laboratory director;

36 (9) "Clinical laboratory test" or "laboratory test", a microbiological, serological,
37 molecular, chemical, biological, hematological, immunological, immuno-hematological,
38 biophysical, or any other test or procedure performed on material derived from or present
39 within a human body which provides information for the diagnosis, prevention, or
40 monitoring treatment of a clinical condition. Clinical laboratory testing encompasses the
41 preanalytical, analytical, and post-analytical phases of testing;

42 (10) "Department", the Missouri department of insurance, financial institutions
43 and professional registration;

44 (11) "Director", the director of the Missouri division of professional registration;

45 (12) "Laboratory director", an individual eligible under CLIA and licensed in this
46 state or board certified by a credentialing agency approved by the board. A laboratory
47 director is responsible for all aspects of laboratory operation and administration including
48 appointing personnel who are competent to perform test procedures and record and report

49 test results promptly, accurately, and proficiently; and assuring compliance with the
50 applicable regulations. A laboratory director may delegate his or her duties to qualified
51 individuals, but shall remain responsible for ensuring that all duties are properly
52 performed. The laboratory director shall be accessible, but is not required to be on-site
53 when laboratory testing is performed;

54 (13) "Point-of-care testing", clinical laboratory testing that is critical to patient care
55 and must be performed immediately at the patient's location. Tests which meet this
56 definition provide clinically relevant information which determines the patient's therapy,
57 are limited to procedures that produce accurate data within a short period of time, meet
58 the current standards of quality in clinical laboratory science, and comply with all
59 standards of accrediting agencies. Point-of-care testing must be under the direction,
60 authority, jurisdiction, and responsibility of a person licensed under sections 324.1300 to
61 324.1340;

62 (14) "Trainee" or "student", an individual who has not fulfilled the educational
63 requirements to take an approved nationally recognized certification examination or who
64 needs to obtain full-time comprehensive experience under supervision;

65 (15) "Waived", "provider performed microscopy", "moderate complexity", and
66 "high complexity", the categories of clinical laboratory test complexity as defined by
67 CLIA.

324.1306. Sections 324.1300 to 324.1340 do not apply to:

2 (1) Licensed health care professionals whose scope of practice includes blood
3 collection or the performance of waived or provider performed microscopy testing as
4 defined by CLIA;

5 (2) Individuals holding a doctorate in chemical, physical, or biological sciences or
6 medicine and board certified as defined by CLIA;

7 (3) Clinical laboratory practitioners employed by the United States government or
8 any bureau, division, or agency thereof, while in the discharge of the employee's official
9 duties;

10 (4) Clinical laboratory science professionals engaged in teaching or research,
11 provided that the results of any examination performed are not used in health
12 maintenance, diagnosis or treatment of disease;

13 (5) Students or trainees enrolled in an accredited clinical laboratory science
14 education program provided that their activities constitute a part of a planned course in
15 the program, that the individuals are designated by title as intern, trainee, or student, and
16 the individuals work under the direct supervision of a duly licensed clinical laboratory
17 practitioner who is responsible for reporting test results.

324.1309. 1. Any person who holds a license under sections 324.1300 to 324.1340 may use the titles "clinical laboratory scientist", "categorical laboratory scientist", "clinical laboratory technician", or "clinical laboratory assistant". No other person may use such titles or shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a clinical laboratory scientist, categorical laboratory scientist, clinical laboratory technician, or a clinical laboratory assistant.

2. No person shall practice or offer to practice within the scope of practice of licensees under sections 324.1300 to 324.1340 for compensation or use any title, sign, abbreviation, card, or device to indicate that such person is practicing unless he or she has been duly licensed under the provisions of sections 324.1300 to 324.1340.

324.1312. 1. There is hereby created within the division of professional registration, the "Clinical Laboratory Science Board" which shall guide, advise, and make recommendations to the division and fulfill other responsibilities designated by sections 324.1300 to 324.1340. The board shall approve the examinations required by and shall assist the division in carrying out the provisions of sections 324.1300 to 324.1340.

2. The board shall consist of seven voting members, including one public member, appointed by the governor with the advice and consent of the senate. Each member of the board shall be a citizen of the United States, a resident of this state for at least one year and a registered voter. Except for the public member, board membership shall consist of one licensed physician who is certified by the American Board of Pathology or American Osteopathic Board of Pathology, one nonphysician laboratory director, one licensed physician who is not a laboratory director or pathologist, two clinical laboratory scientists, and one clinical laboratory technician. Members shall serve on the board until a successor is appointed by the governor.

3. Beginning with the appointments made after August 28, 2009, three voting members shall be appointed for four years, two voting members shall be appointed for three years and two voting members shall be appointed for two years. Thereafter, all voting members shall be appointed to serve four-year terms. The membership of the board shall reflect the differences in work experience and the professional affiliations with consideration being given to race, gender, and ethnic origins.

4. A vacancy in the office of a member shall be filled by appointment by the governor for the remainder of the unexpired term.

5. The board shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The board may hold such additional

25 meetings as may be required in the performance of its duties. A quorum of the board shall
26 consist of a majority of its voting members.

27 **6. The governor may remove a board member for misconduct, incompetence or**
28 **neglect of official duties after giving the board member written notice of the charges and**
29 **allowing the board member an opportunity to be heard. Members can also be terminated**
30 **for the following reasons: change of legal residence by moving out of the state; missing**
31 **three consecutive meetings; or having the professional license revoked or suspended.**

32 **7. The public member shall at the time of appointment, not have been a member**
33 **of any profession licensed or regulated under sections 324.1300 to 324.1340 or an**
34 **immediate family member of such a person; and may not have had a material financial**
35 **interest in either the providing of any service governed by sections 324.1300 to 324.1340**
36 **or in an activity or organization directly related to any profession licensed or regulated by**
37 **sections 324.1300 to 324.1340. The duties of the public member shall not include any**
38 **determination of the technical requirements to be met for licensure, whether a candidate**
39 **for licensure meets such technical requirements, or of the technical competence or technical**
40 **judgment of a licensee or a candidate for licensure.**

41 **8. Notwithstanding any other provision of law to the contrary, any appointed**
42 **member of the board shall receive as compensation an amount established by the director**
43 **of the division of professional registration not to exceed seventy dollars per day for**
44 **commission business plus actual and necessary expenses.**

45 **9. No licensing activity or other statutory requirements shall become effective until**
46 **expenditures or personnel are specifically appropriated for the purpose of conducting the**
47 **business as required to administer the provisions of sections 324.1300 to 324.1340 and the**
48 **initial rules filed have become effective.**

49 **10. The board shall keep records of its official acts, and certified copies of any such**
50 **records attested by a designee of the board shall be received as evidence in all courts to the**
51 **same extent as the board's original records would be received.**

52 **11. All funds received by the board under the provisions of sections 324.1300 to**
53 **324.1340 shall be collected by the director who shall transmit the funds to the department**
54 **of revenue for deposit in the state treasury to the credit of the "Clinical Laboratory Science**
55 **Fund" which is hereby created. The state treasurer shall be custodian of the fund and**
56 **shall approve disbursements from the fund in accordance with sections 30.170 and 30.180,**
57 **RSMo. Upon appropriation, money in the fund shall be used solely for the administration**
58 **of sections 324.1300 to 324.1340. Notwithstanding the provisions of section 33.080, RSMo,**
59 **to the contrary, money in this fund shall not be transferred and placed to the credit of**
60 **general revenue until the amount in the fund at the end of the biennium exceeds three**

61 times the amount of the appropriation from the fund for the preceding fiscal year. The
62 state treasurer shall invest moneys in the fund in the same manner as other funds are
63 invested. Any interest and moneys earned on such investments shall be credited to the
64 fund.

324.1315. 1. The board is authorized to promulgate rules and regulations
2 regarding:

3 (1) The content of license applications and the procedures for filing an application
4 for an initial or renewal license in this state;

5 (2) The content, conduct, and administration of the licensing examinations required
6 by sections 324.1300 to 324.1340;

7 (3) Educational or experience requirements for licensure;

8 (4) The standards and methods to be used in assessing competency as a clinical
9 laboratory scientist, categorical laboratory scientist, clinical laboratory technician, or a
10 clinical laboratory assistant;

11 (5) All applicable fees, set at a level to produce revenue which shall not exceed the
12 cost and expense of administering the provisions of sections 324.1300 to 324.1340;

13 (6) Establishment of procedures for granting reciprocity with other states.

14 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
15 that is created under the authority delegated in this section shall become effective only if
16 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
17 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
18 and if any of the powers vested with the general assembly under chapter 536, RSMo, to
19 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
20 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
21 after August 28, 2009, shall be invalid and void.

324.1318. The division shall:

2 (1) Employ, within the funds appropriated, any such employees, as defined in
3 section 620.010, RSMo, that are necessary to carry out the provisions of sections 324.1300
4 to 324.1340; and

5 (2) Exercise all budgeting, purchasing, reporting, and other related management
6 functions.

324.1321. 1. Any applicant for a license under sections 324.1300 to 324.1340 shall
2 authorize the board to conduct a criminal background check.

3 2. The cost of such background check shall be paid by the applicant.

324.1324. 1. Applications for licensure as a clinical laboratory scientist, categorical
2 laboratory scientist, clinical laboratory technician, and clinical laboratory assistant shall

3 be in writing, submitted on forms prescribed by the board and furnished to the applicant.
4 Each application shall contain a statement that it is made under oath or affirmation and
5 that the information contained therein is true and correct to the best knowledge and belief
6 of the applicant, subject to the penalties provided for the making of a false affidavit or
7 declaration. Each application shall be accompanied by the fees required by the board.

8 2. An applicant for licensure under subsection 1 of this section shall be at least
9 eighteen years of age.

10 3. Each applicant shall furnish evidence to the board of the applicant's education,
11 experience, and such other information as the board may require.

12 4. Licenses shall be awarded to applicants as follows:

13 (1) The board shall issue a clinical laboratory scientist's license to an individual
14 who possesses a baccalaureate degree from a regionally accredited college or university,
15 has acceptable clinical laboratory experience or training, and passes a nationally
16 recognized certification examination authorized by the board;

17 (2) The board shall issue a categorical clinical laboratory scientist's license to an
18 individual who possesses a baccalaureate degree from a regionally accredited college or
19 university, has acceptable clinical laboratory experience or training, and passes a
20 nationally recognized certification examination in a recognized discipline of laboratory
21 science authorized by the board. The laboratory discipline will be specified on the license;

22 (3) The board shall issue a clinical laboratory technician's license to an individual
23 who possesses an associate degree from a regionally accredited college or university, has
24 acceptable laboratory experience or training, and passes a nationally recognized
25 certification examination authorized by the board;

26 (4) The board shall issue a clinical laboratory assistant's license to an individual
27 who possesses a high school diploma or equivalent, has acceptable experience or training,
28 and passes a nationally recognized certification examination authorized by the board, if
29 applicable.

30 5. The board shall issue a temporary license to practice without examination to an
31 applicant who has duly become licensed in any profession to practice within the scope of
32 practice of licensees under sections 324.1300 to 324.1340 under the laws of another state,
33 territory, or foreign country, if the applicant meets the qualifications required of such
34 licensee in this state at the time the applicant was originally licensed in the other state,
35 territory, or foreign country. Temporary license shall be issued to an applicant eligible to
36 sit for and registered to take the next scheduled certification examination, who has taken
37 the examination and is awaiting the results, or is seeking to qualify for the certification
38 examination by completing the supervised clinical laboratory experience required if the

39 applicant meets the education requirements for licensure. Upon application, the board
40 shall issue a temporary license to an applicant who has made a prima facie showing that
41 the applicant meets all of the requirements for such a license. The temporary license shall
42 be effective only until the board shall have had the opportunity to investigate the
43 applicant's qualifications for licensure under subsection 1 of this section and to notify the
44 applicant that his or her application for a license has been either granted or rejected. In
45 no event shall such temporary license be in effect for more than twelve months after the
46 date of its issuance nor shall such temporary license be renewed or reissued to the same
47 applicant. The holder of a temporary license which has not expired, or been suspended or
48 revoked, shall be deemed to be the holder of a license issued under sections 324.1300 to
49 324.1340 until such temporary license expires, is terminated or is suspended or revoked.

50 6. Any person licensed to practice in this state who has retired or may hereafter
51 retire such practice shall not be required to register as required under sections 324.1300
52 to 324.1340, provided such person shall file with the board an affidavit which states the
53 date on which the person retired from the practice and such other facts as shall tend to
54 verify the person's retirement as the board deems necessary; provided, however, that if
55 such person thereafter reengages in practice regulated under sections 324.1300 to 324.1340,
56 the person shall reapply with the board as provided by subsections 1 to 3 of this section.
57 The retired applicant shall and will be required to submit evidence of satisfactory
58 completion of the applicable continuing education requirements as well as submitting the
59 current renewal fee as established by the board.

324.1326. 1. All persons collecting blood specimens, processing laboratory
2 specimens, performing, or reporting laboratory tests or consulting regarding clinical
3 laboratory tests, or currently practicing as clinical laboratory practitioners on December
4 26, 2009, who are certified by or eligible for certification by an agency acceptable to the
5 board, and who have applied to the board on or before December 26, 2009, and have
6 complied with all necessary requirements for such application may continue to perform
7 the duties until the expiration of twelve months after the filing of such application, the
8 denial of the application by the board, or the withdrawal of the application, whichever
9 occurs first.

10 2. Persons not meeting the education, training, and experience qualifications for
11 any license described in sections 324.1300 to 324.1332 prior to August 28, 2011, shall be
12 considered to have met the qualifications provided they have three years of acceptable
13 experience at the professional level for which licensure is sought during the seven-year
14 period immediately prior to August 28, 2011, and submit to the board the job description
15 of the position which the applicant has most recently performed, attested to by his or her

16 employer. The board shall determine the type of license for which the applicant is eligible.
17 Prior to August 28, 2011, applicants who have not met the experience requirements of this
18 subsection may be granted a temporary license in order to achieve the experience
19 requirements.

20 3. Effective August 28, 2011, no initial license shall be issued until an applicant
21 meets all of the requirements under sections 324.1300 to 324.1340 and successfully passes
22 a board approved certification examination. This section does not apply to temporary
23 licenses.

324.1328. 1. The division shall mail a renewal notice to the last known address of
2 each licensee prior to the renewal date. Failure to receive this notice does not relieve the
3 licensee of the obligation to renew the license to practice.

4 2. A new license to replace any license lost, destroyed or mutilated may be issued
5 subject to the rules of the board upon payment of a fee.

324.1332. 1. A licensee may choose not to renew his or her license and thereby
2 allow such license to lapse, or may ask to be put on inactive status, provided such person
3 does not practice during such period that the license is lapsed or the practitioner is on
4 inactive status. If a person with a lapsed license desires to resume professional practice,
5 the person shall apply for licensure under the licensing requirements in effect at the time
6 the person applies to resume practice and pay the required fee and meet the continuing
7 education requirement as established by the board. If the person desires to maintain such
8 license on an inactive status and in order to avoid lapsing of such license, the person shall
9 pay the required fee as established by the board for maintaining an inactive license. An
10 inactive license shall be renewed biennially. An inactive license may be reactivated by the
11 board as provided by rule.

12 2. Any person who practices as a clinical laboratory scientist, categorical laboratory
13 scientist, clinical laboratory technician, or a clinical laboratory assistant during the time
14 his or her license is inactive or lapsed shall be considered an illegal practitioner and shall
15 be subject to the penalties for violation of sections 324.1300 to 324.1340.

324.1334. 1. The board may refuse to issue any license or renew any license
2 required by the provisions of sections 324.1300 to 324.1340 for one or any combination of
3 reasons stated in subsection 2 of this section. The board shall notify the applicant in
4 writing of the reasons for the refusal and shall advise the applicant of the right to file a
5 complaint with the administrative hearing commission as provided in chapter 621, RSMo.

6 2. The board may cause a complaint to be filed with the administrative hearing
7 commission as provided in chapter 621, RSMo, against the holder of any license required

- 8 by sections 324.1300 to 324.1340 or any person who has failed to renew or has surrendered
9 the person's license for anyone or any combination of the following causes:
- 10 (1) Use of fraud, deception, misrepresentation or bribery in securing a license
11 issued under the provisions of sections 324.1300 to 324.1340 or in obtaining permission to
12 take any examination required under sections 324.1300 to 324.1340;
- 13 (2) Impersonation of any person holding a license or allowing any person to use his
14 or her license or diploma from any school;
- 15 (3) Disciplinary action against the holder of a license or other right to practice any
16 profession within the scope of practice of licensees under sections 324.1300 to 324.1340 by
17 another state, territory, federal agency or country upon grounds for which revocation or
18 suspension is authorized in this state;
- 19 (4) Issuance of a license based upon a material mistake of fact;
- 20 (5) The person has committed any criminal offense, whether or not a criminal
21 charge has been filed:
- 22 (a) For any offense committed during the course of the practice of the profession;
23 or
- 24 (b) For any offense reasonably related to the qualifications, functions or duties of
25 the profession; or
- 26 (c) For any offense an essential element of which is fraud, dishonesty or act of
27 violence; or
- 28 (d) For any offense involving moral turpitude;
- 29 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation or
30 dishonesty in the performance of the functions or duties of the profession that is regulated
31 by sections 324.1300 to 324.1340;
- 32 (7) Violation of, or assisting or enabling any person to violate, any provision of
33 sections 324.1300 to 324.1340, or any lawful rule or regulation adopted under such
34 sections;
- 35 (8) A person is finally adjudged insane or incompetent by a court of competent
36 jurisdiction;
- 37 (9) Use of any advertisement or solicitation that is false, misleading or deceptive to
38 the general public or persons to whom the advertisement or solicitation is primarily
39 directed;
- 40 (10) Obtaining or attempting to obtain any fee, charge, tuition or other
41 compensation by fraud, deception or misrepresentation;
- 42 (11) Unlawful use or unlawful possession of any controlled substance, as defined
43 in chapter 195, RSMo, or use of alcoholic beverages to an extent that such use impairs a

44 person's ability to perform the work of any profession that is licensed or regulated by
45 sections 324.1300 to 324.1340;

46 (12) Violation of any professional trust or confidence.

47 3. Any person, organization, association or corporation who reports or provides
48 information to the board in compliance with the provisions of sections 324.1300 to 324.1340
49 and who does so in good faith shall not be subject to an action for civil damages as a result
50 thereof.

51 4. After the filing of a complaint under subsection 2 of this section, the proceedings
52 shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a
53 finding by the administrative hearing commission that the grounds, provided in subsection
54 2 of this section, for disciplinary action are met, the board may, singly or in combination,
55 censure or place the person named in the complaint on probation on such terms and
56 conditions as the board deems appropriate for a period not to exceed five years, or may
57 suspend, for a period not to exceed three years, or revoke the license of the person. An
58 individual whose license has been revoked shall wait three years from the date of
59 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after
60 compliance with all requirements of sections 324.1300 to 324.1340 relative to the licensing
61 of an applicant for the first time.

62 5. The board shall maintain an information file containing each complaint filed
63 with the board relating to a holder of a license.

64 6. The board shall recommend for prosecution violations of sections 324.1300 to
65 324.1340 to an appropriate prosecuting or circuit attorney.

324.1336. 1. Upon proper application by the board, a court of competent
2 jurisdiction may grant an injunction, restraining order, or other order as may be
3 appropriate to enjoin a person from:

4 (1) Offering to engage or engaging in the performance of any acts or practices for
5 which a certificate of registration or authority, permit or license is required by sections
6 324.1300 to 324.1340 upon a showing that such acts or practices were performed or offered
7 to be performed without a certificate of registration or authority, permit or license; or

8 (2) Engaging in any practice or business authorized by a certificate of registration
9 or authority, permit or license issued under sections 324.1300 to 324.1340 upon a showing
10 that the holder presents a probability of serious danger to the health, safety or welfare of
11 any resident of the state or client or patient.

12 2. Any such actions shall be commenced either in the county in which such conduct
13 occurred or in the county in which defendant resides.

14 **3. Any action brought under this section shall be in addition and not in lieu of any**
15 **penalty provided by law and may be brought concurrently with other actions to enforce**
16 **sections 324.1300 to 324.1340.**

324.1338. After twenty-four months following August 28, 2009, any person who
2 **violates any provision of sections 324.1300 to 324.1340 shall be guilty of a class A**
3 **misdemeanor.**

324.1340. 1. The chairperson of the board may administer oaths, issue subpoenas
2 **duces tecum and require production of documents and records. Subpoenas duces tecum**
3 **shall be served by a person authorized to serve subpoenas of courts of record. In lieu of**
4 **requiring attendance of a person to produce original documents in response to a subpoena**
5 **duces tecum, the board may require sworn copies of such documents to be filed with it or**
6 **delivered to its designated representative.**

7 **2. The board may enforce its subpoenas duces tecum by applying to a circuit court**
8 **of Cole County, the county of the investigation, hearing or proceeding, or any county**
9 **where the person resides or may be found, for an order upon any person who shall fail to**
10 **comply with a subpoena duces tecum to show cause why such subpoena should not be**
11 **enforced, which such order and a copy of the application therefore shall be served upon**
12 **the person in the same manner as a summons in a civil action, and if the circuit court shall,**
13 **after a hearing, determine that the subpoena duces tecum should be sustained and**
14 **enforced, such court shall proceed to enforce the subpoena duces tecum in the same**
15 **manner as though the subpoena duces tecum had been issued in a civil case in the circuit**
16 **court.**

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