

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2131**  
**97TH GENERAL ASSEMBLY**

6392L.02C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 324.024, 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 327.392, 327.401, 327.411, 327.421, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.623, 327.629, 327.630, 327.631, 327.635, 334.613, 338.020, 338.059, 338.220, 338.270, and 338.347, RSMo, and to enact in lieu thereof sixty new sections relating to professional licensing, with a penalty provision.

---

---

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

Section A. Sections 324.024, 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 2 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181, 3 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 4 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 327.392, 327.401, 327.411, 5 327.421, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 6 327.619, 327.621, 327.622, 327.623, 327.629, 327.630, 327.631, 327.635, 334.613, 338.020, 7 338.059, 338.220, 338.270, and 338.347, RSMo, are repealed and sixty new sections enacted in 8 lieu thereof, to be known as sections 324.024, 327.011, 327.031, 327.041, 327.051, 327.076, 9 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 10 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 11 327.313, 327.314, 327.315, 327.321, 327.331, 327.341, 327.351, 327.381, 327.392, 327.401, 12 327.411, 327.421, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615,

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.

13 327.617, 327.619, 327.621, 327.622, 327.629, 327.630, 327.635, 334.613, 338.020, 338.059,  
14 338.165, 338.220, 338.270, and 338.347, to read as follows:

324.024. **1.** Notwithstanding any provision of law to the contrary, every application for  
2 a license, certificate, registration, or permit[, or renewal of a license, certificate, registration, or  
3 permit] issued in this state shall contain the Social Security number of the applicant. This  
4 provision shall not apply to an original application for a license, certificate, registration, or  
5 permit submitted by a citizen of a foreign country who has never been issued a Social Security  
6 number and who previously has not been licensed by any other state, United States territory, or  
7 federal agency. A citizen of a foreign country applying for licensure with the division of  
8 professional registration shall be required to submit his or her visa or passport identification  
9 number in lieu of the Social Security number.

10 **2.** Notwithstanding any provision of law to the contrary, every application for a  
11 renewal of a license, certificate, registration, or permit which did not originally contain the  
12 Social Security number of the applicant shall contain the Social Security number of the  
13 applicant at the first renewal of the license, certificate, registration, or permit.

14 **3.** Following initial application for licensure, certificate, registration, or permit as  
15 described in subsection 1 of this section or first renewal application for licensure,  
16 certificate, registration, or permit as described in subsection 2 of this section, all  
17 subsequent applications shall not contain the Social Security number of the licensee,  
18 certificate holder, registrant, or permit holder. All Social Security numbers collected for  
19 registered professionals may be maintained on file by the agency in compliance with  
20 federal law.

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

3 (1) "Accredited degree program from a school of architecture", a degree from any school  
4 or other institution which teaches architecture and whose curricula for the degree in question  
5 have been, at the time in question, certified as accredited by the National Architectural  
6 Accrediting Board;

7 (2) "Accredited school of engineering", any school or other institution which teaches  
8 engineering and whose curricula on the subjects in question are or have been, at the time in  
9 question certified as accredited by the engineering accreditation commission of the accreditation  
10 board for engineering and technology or its successor organization;

11 (3) "Accredited school of landscape architecture", any school or other institution which  
12 teaches landscape architecture and whose curricula on the subjects in question are or have been  
13 at the times in question certified as accredited by the Landscape Architecture Accreditation  
14 Board of the American Society of Landscape Architects;

- 15           (4) "Architect", any person authorized pursuant to the provisions of this chapter to  
16 practice architecture in Missouri, as the practice of architecture is defined in section 327.091;
- 17           (5) "Board", the Missouri board for architects, professional engineers, professional land  
18 surveyors and **professional** landscape architects;
- 19           (6) "Corporation", any general business corporation, professional corporation or limited  
20 liability company;
- 21           (7) ["Landscape architect", any person licensed pursuant to the provisions of sections  
22 327.600 to 327.635 who is qualified to practice landscape architecture by reason of special  
23 knowledge and the use of biological, physical, mathematical and social sciences and the  
24 principles and methods of analysis and design of the land, has demonstrated knowledge and  
25 ability in such areas, and has been duly licensed as a landscape architect by the board on the basis  
26 of professional education, examination and experience in landscape architecture] **"Design**  
27 **coordination"**, the review and coordination of technical submissions prepared by others  
28 including, as appropriate and without limitation, architects, professional engineers,  
29 professional land surveyors, professional landscape architects, and other consultants;
- 30           (8) **"Design survey"**, a survey which includes all activities required to gather  
31 information to support the sound conception, planning, design, construction, maintenance,  
32 and operation of design projects, but exclude the surveying of real property for the  
33 establishment of land boundaries, rights-of-way, easements, and the dependent or  
34 independent surveys or resurveys of the public land survey system;
- 35           (9) **"Incidental practice"**, the performance of other professional services licensed  
36 under chapter 327 that are related to a licensee's professional service, but are secondary  
37 and substantially less in scope and magnitude when compared to the professional services  
38 usually and normally performed by the licensee practicing in their licensed profession.  
39 This incidental professional service shall be safely and competently performed by the  
40 licensee without jeopardizing the health, safety, and welfare of the public. The licensee  
41 shall be qualified by education, training, and experience as determined by the board and  
42 in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform  
43 such incidental professional service;
- 44           [(8)] (10) "Licensee", a person licensed to practice any profession regulated under this  
45 chapter or a corporation authorized to practice any such profession;
- 46           [(9)] (11) "Partnership", any partnership or limited liability partnership;
- 47           [(10)] (12) "Person", any person, corporation, firm, partnership, association or other  
48 entity;

49        [(11)] **(13)** "Professional engineer", any person authorized pursuant to the provisions of  
50 this chapter to practice as a professional engineer in Missouri, as the practice of engineering is  
51 defined in section 327.181;

52        [(12)] **(14)** "Professional land surveyor", any person authorized pursuant to the  
53 provisions of this chapter to practice as a professional land surveyor in Missouri as the practice  
54 of land surveying is defined in section 327.272;

55        **(15) "Professional landscape architect", any person authorized pursuant to the**  
56 **provisions of this chapter to practice as a professional landscape architect in Missouri as**  
57 **the practice of landscape architecture is defined in section 327.600;**

58        **(16) "Responsible charge", the independent direct control of a licensee's work and**  
59 **personal supervision of such work pertaining to the practice of architecture, engineering,**  
60 **land surveying, or landscape architecture.**

327.031. 1. The "Missouri Board for Architects, Professional Engineers, Professional  
2 Land Surveyors and **Professional** Landscape Architects" is hereby established and shall consist  
3 of fifteen members: a chairperson, who may be either an architect, a professional engineer, a  
4 professional land surveyor, or a **professional** landscape architect; three architects, who shall  
5 constitute the architectural division of the board; four professional engineers, who shall  
6 constitute its professional engineering division; three professional land surveyors, who shall  
7 constitute its professional land surveying division; three **professional** landscape architects, who  
8 shall constitute its **professional** landscape architectural division; and a voting public member.

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

12        3. The chairperson shall be the administrative and executive officer of the board, and it  
13 shall be his or her duty to supervise and expedite the work of the board and its divisions, and,  
14 at his or her election, when a tie exists between the divisions of the board, to break the tie by  
15 recording his or her vote for or against the action upon which the divisions are in disagreement.  
16 Each member of the architectural division shall have one vote when voting on an action pending  
17 before the board; each member of the professional engineering division shall have one vote when  
18 voting on an action pending before the board; each member of the professional land surveying  
19 division shall have one vote when voting on an action pending before the board; and each  
20 member of the **professional** landscape architectural division shall have one vote when voting  
21 on an action pending before the board. Every motion or proposed action upon which the  
22 divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless  
23 the chairperson shall elect to break the tie as provided in this section. Eight voting members of

24 the board, including at least one member of each division, shall constitute a quorum,  
25 respectively, for the transaction of board business.

26 4. Each division of the board shall, at its first meeting in each even-numbered year, elect  
27 one of its members as division chairperson for a term of two years. Two voting members of each  
28 division of the board shall constitute a quorum for the transaction of division business. The  
29 chairpersons of the architectural division, professional engineering division, professional land  
30 surveying division, and **professional** landscape architectural division so elected shall be vice  
31 chairpersons of the board, and when the chairperson of the board is an architect, the chairperson  
32 of the architectural division shall be the ranking vice chairperson, and when the chairperson of  
33 the board is a professional engineer, the chairperson of the professional engineering division  
34 shall be the ranking vice chairperson, when the chairperson of the board is a professional land  
35 surveyor, the chairperson of the professional land surveying division shall be the ranking vice  
36 chairperson, and when the chairperson of the board is a **professional** landscape architect, the  
37 chairperson of the **professional** landscape architectural division shall be the ranking vice  
38 chairperson. The chairperson of each division shall be the administrative and executive officer  
39 of his or her division, and it shall be his or her duty to supervise and expedite the work of the  
40 division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election,  
41 break the tie by his or her vote. Every motion or question pending before the division upon  
42 which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless  
43 the chairperson shall elect to break such tie by his or her vote.

44 5. Any person appointed to the board, except a public member, shall be a currently  
45 licensed architect, licensed professional engineer, licensed professional land surveyor [or  
46 registered] or licensed **professional** landscape architect in Missouri, as the vacancy on the board  
47 may require, who has been a resident of Missouri for at least five years, who has been engaged  
48 in active practice as an architect, professional engineer, professional land surveyor or  
49 **professional** landscape architect, as the case may be, for at least ten consecutive years **as a**  
50 **Missouri licensee** immediately preceding such person's appointment, and who is and has been  
51 a citizen of the United States for at least five years immediately preceding such person's  
52 appointment. Active service as a faculty member while holding the rank of assistant professor  
53 or higher in an accredited school of engineering shall be regarded as active practice of  
54 engineering, for the purposes of this chapter. Active service as a faculty member, after meeting  
55 the qualifications required by section 327.314, while holding the rank of assistant professor or  
56 higher in an accredited school of engineering and teaching land surveying courses shall be  
57 regarded as active practice of land surveying for the purposes of this chapter. Active service as  
58 a faculty member while holding the rank of assistant professor or higher in an accredited school  
59 of landscape architecture shall be regarded as active practice of landscape architecture, for the

60 purposes of this chapter. Active service as a faculty member while holding the rank of assistant  
61 professor or higher in an accredited school of architecture shall be regarded as active practice of  
62 architecture for the purposes of this chapter; provided, however, that no faculty member of an  
63 accredited school of architecture shall be eligible for appointment to the board unless such  
64 person has had at least three years' experience in the active practice of architecture other than in  
65 teaching. The public member shall be, at the time of appointment, a citizen of the United States;  
66 a resident of this state for a period of one year and a registered voter; a person who is not and  
67 never was a member of any profession licensed or regulated pursuant to this chapter or the  
68 spouse of such person; and a person who does not have and never has had a material, financial  
69 interest in either the providing of the professional services regulated by this chapter, or an  
70 activity or organization directly related to any profession licensed or regulated pursuant to this  
71 chapter. All members, including public members, shall be chosen from lists submitted by the  
72 director of the division of professional registration. The duties of the public member shall not  
73 include the determination of the technical requirements to be met for licensure or whether any  
74 person meets such technical requirements or of the technical competence or technical judgment  
75 of a licensee or a candidate for licensure.

76         6. The governor shall appoint the chairperson and the other members of the board when  
77 a vacancy occurs either by the expiration of a term or otherwise, and each board member shall  
78 serve until such member's successor is appointed and has qualified. [Beginning August 28,  
79 2010,] The position of chairperson shall rotate sequentially with an architect, then professional  
80 engineer, then professional land surveyor, then **professional** landscape architect, and shall be a  
81 licensee who has previously served as a member of the board. The appointment of the  
82 chairperson shall be for a term of four years which shall be deemed to have begun on the date  
83 of his or her appointment and shall end upon the appointment of the chairperson's successor.  
84 The chairperson shall not serve more than one term. All other appointments, except to fill an  
85 unexpired term, shall be for terms of four years; but no person shall serve on the board for more  
86 than two consecutive four-year terms, and each four-year term shall be deemed to have begun  
87 on the date of the expiration of the term of the board member who is being replaced or  
88 reappointed, as the case may be. Any appointment to the board which is made when the senate  
89 is not in session shall be submitted to the senate for its advice and consent at its next session  
90 following the date of the appointment.

91         7. In the event that a vacancy is to occur on the board because of the expiration of a term,  
92 then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs,  
93 **the president of the American Institute of Architects/Missouri if the vacancy to be filled**  
94 **requires the appointment of an architect**, the president of the Missouri Society of Professional  
95 Engineers if the vacancy to be filled requires the appointment of [an] **a professional** engineer,

the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a **professional** land surveyor, and the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a **professional** landscape architect, shall submit to the director of the division of professional registration a list of five architects or five professional engineers, or five professional land surveyors, or five **professional** landscape architects as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

8. The board may sue and be sued as the Missouri board for architects, professional engineers, professional land surveyors and **professional** landscape architects, and its members need not be named as parties. Members of the board shall not be personally liable either jointly or severally for any act or acts committed in the performance of their official duties as board members, nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

[9. Upon appointment by the governor and confirmation by the senate of the landscape architectural division, the landscape architectural council is hereby abolished and all of its powers, duties and responsibilities are transferred to and imposed upon the Missouri board for architects, professional engineers, professional land surveyors and landscape architects established pursuant to this section. Every act performed by or under the authority of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects shall be deemed to have the same force and effect as if performed by the landscape architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the landscape architectural council shall continue in effect and shall be deemed to be duly adopted rules and regulations of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects until such rules and regulations are revised, amended or repealed by the board as provided by law, such action to be taken by the board on or before January 1, 2002.

10. Upon appointment by the governor and confirmation by the senate of the landscape architectural division, all moneys deposited in the landscape architectural council fund created in section 327.625 shall be transferred to the state board for architects, professional engineers, professional land surveyors and landscape architects fund created in section 327.081. The landscape architectural council fund shall be abolished upon the transfer of all moneys in it to the state board for architects, professional engineers, professional land surveyors and landscape architects.]

327.041. 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration or certificates of authority provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or **professional** landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and **professional** landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

327.051. 1. The board shall meet at least twice a year at such times and places as are fixed by the board.

2. The board may appoint and employ legal counsel and such board personnel, as defined in subdivision (4) of subsection 10 of section 324.001, as it deems necessary within the appropriation [therefor] **therefore**.

3. The board shall keep records of its official acts and decisions and certified copies of any such records attested by the executive director with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed [fifty] **seventy-five** dollars for each day devoted to the affairs of the board, and



11 shall be entitled to reimbursement of such member's expenses necessarily incurred in the  
12 discharge of such member's official duties.

327.076. 1. Any person who practices architecture, engineering, land surveying, or  
2 landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or  
3 herself out as able to practice such profession and who is not the holder of a currently valid  
4 license or certificate of authority in Missouri, and who is not exempt from holding such a license  
5 or certificate, is guilty of a class A misdemeanor. As used in this [section] **chapter**, "practice"  
6 shall not include the rendering of opinions or giving of testimony in a civil or criminal  
7 proceeding by a licensed professional.

8 2. The board may cause a complaint to be filed with the administrative hearing  
9 commission, as provided in chapter 621, against any unlicensed person who:

10 (1) Engages in or offers to render or engage in the practice of architecture, professional  
11 engineering, **professional** land surveying, or **professional** landscape architecture;

12 (2) Uses or employs titles defined and protected by this chapter, or implies authorization  
13 to provide or offer professional services, or otherwise uses or advertises any title, word, figure,  
14 sign, card, advertisement, or other symbol or description tending to convey the impression that  
15 the person is licensed or holds a certificate of authority to practice architecture, professional  
16 engineering, **professional** land surveying, or **professional** landscape architecture;

17 (3) Presents or attempts to use another person's license, seal, or certificate of authority  
18 as his or her own;

19 (4) Attempts to use an expired, suspended, revoked, or nonexistent license or certificate  
20 of authority;

21 (5) Affixes his or her or another architect's, **professional** engineer's, **professional** land  
22 surveyor's, or **professional** landscape architect's seal on any plans, drawings, specifications or  
23 reports which have not been prepared by such person or under such person's immediate personal  
24 supervision care;

25 (6) Gives false or forged evidence of any kind to the board or any member of the board  
26 in obtaining or attempting to obtain a certificate of licensure in this state or any other state or  
27 jurisdiction;

28 (7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any  
29 prohibited activity identified in this subsection;

30 (8) Violates any provision of the code of professional conduct or other rule adopted by  
31 the board; or

32 (9) Violates any provision of subsection 2 of section 327.441.

33 3. When reviewing complaints against unlicensed persons, the board may initiate an  
34 investigation and take all measures necessary to find the facts of any potential violation,

35 including issuing subpoenas to compel the attendance and testimony of witnesses and the  
36 disclosure of evidence, and may request the attorney general to bring an action to enforce the  
37 subpoena.

38 4. If the board files a complaint with the administrative hearing commission, the  
39 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding  
40 by the administrative hearing commission that the grounds provided in subsection 2 of this  
41 section for disciplinary action are met, the board may, either singularly or in combination with  
42 other provisions of this chapter, impose a civil penalty as provided for in section 327.077 against  
43 the person named in the complaint.

327.081. 1. All funds received pursuant to the provisions of this chapter shall be  
2 deposited in the state treasury to the credit of the "State Board for Architects, Professional  
3 Engineers, **Professional** Land Surveyors and **Professional** Landscape Architects Fund" which  
4 is hereby established. All expenditures authorized by this chapter shall be paid from funds  
5 appropriated to the board by the general assembly from this fund.

6 2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
7 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
8 at the end of the biennium exceeds two times the amount of the appropriation from the board's  
9 funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently  
10 than yearly, then three times the appropriation from the board's funds for the preceding fiscal  
11 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds  
12 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal  
13 year.

327.091. [Any person practices as an architect in Missouri who renders or offers to  
2 render or represents himself or herself as willing or able to render service or creative work which  
3 requires architectural education, training and experience, including services and work such as  
4 consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings,  
5 specifications and related documents, and the coordination of services furnished by structural,  
6 civil, mechanical and electrical engineers and other consultants as they relate to architectural  
7 work in connection with the construction or erection of any private or public building, building  
8 structure, building project or integral part or parts of buildings or of any additions or alterations  
9 thereto; or who uses the title "architect" or the terms "architect" or "architecture" or  
10 "architectural" alone or together with any words other than "landscape" that indicate or imply that  
11 such person is or holds himself or herself out to be an architect.] **1. The practice of  
12 architecture is the rendering or offering to render services in connection with the design  
13 and construction of public and private buildings, structures, and shelters, in whole or part  
14 and including any additions or alterations thereto, as well as to the spaces within and the**

15 site surrounding the building, which have as their principal purpose human occupancy or  
16 habitation. The services referred to include consultation, investigation, evaluation,  
17 feasibility studies, design surveys, planning, site planning, aesthetic and structural design,  
18 preliminary design, drawings, specifications, technical submissions and other instruments  
19 of service, the administration of construction contracts, construction observation and the  
20 inspection of construction for the purpose of compliance with drawings and specifications,  
21 and design coordination of other consultants as they relate to architectural work. A person  
22 shall be considered practicing architecture when they use the title "architect" or the terms  
23 "architect" or "architecture" or "architectural" alone or together with any words other  
24 than "landscape" to indicate or imply that such person is or holds himself or herself out  
25 to be an architect.

26 **2. Architects shall be in responsible charge of all architectural design of buildings**  
27 **and structures that can affect the health, safety, and welfare of the public within their**  
28 **scope of practice.**

327.101. No person shall practice architecture in Missouri as defined in section 327.091  
2 unless and until there is issued to the person a license or a certificate of authority certifying that  
3 the person has been duly licensed as an architect or authorized to practice architecture, in  
4 Missouri, and unless such license has been renewed as hereinafter specified; provided, however,  
5 that nothing in this chapter shall apply to the following persons:

6 (1) Any person who is an employee of a person holding a currently valid license as an  
7 architect or who is an employee of any person holding a currently valid certificate of authority  
8 pursuant to this chapter, and who performs architectural work under the direction and continuing  
9 supervision of and is checked by one holding a currently valid license as an architect pursuant  
10 to this chapter;

11 (2) Any person who is a regular full-time employee who performs architectural work for  
12 the person's employer if and only if all such work and service so performed is in connection with  
13 a facility owned or wholly operated by the employer and which is occupied by the employer of  
14 the employee performing such work or service, and if and only if such work and service so  
15 performed do not endanger the public health or safety;

16 (3) Any holder of a currently valid license **or certificate of authority** as a professional  
17 engineer who performs only such [architectural work] **architecture** as [is] incidental **practice**  
18 and necessary to the completion of [engineering work] **professional services** lawfully being  
19 performed by such licensed professional engineer;

20 (4) Any person who is a **professional** landscape architect, city planner or regional  
21 planner who performs work consisting only of consultations concerning and preparation of  
22 master plans for parks, land areas or communities, or the preparation of plans for and the

23 supervision of the planting and grading or the construction of walks and paving for parks or land  
24 areas and such other minor structural features as fences, steps, walls, small decorative pools and  
25 other construction not involving structural design or stability and which is usually and  
26 customarily included within the area of work of a **professional** landscape architect or planner;

27 (5) Any person who renders architectural services in connection with the construction,  
28 remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d),  
29 and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or  
30 other documents furnished in connection with such services that the person is not a licensed  
31 architect:

32 (a) A dwelling house; or

33 (b) A multiple family dwelling house, flat or apartment containing not more than two  
34 families; or

35 (c) A commercial or industrial building or structure which provides for the employment,  
36 assembly, housing, sleeping or eating of not more than nine persons; or

37 (d) Any one structure containing less than [twenty] **two** thousand [cubic] **square** feet,  
38 except as provided in (b) and (c) above, and which is not a part or a portion of a project which  
39 contains more than one structure; or

40 (e) A building or structure used exclusively for farm purposes;

41 (6) Any person who renders architectural services in connection with the remodeling or  
42 repairing of any privately owned [building described in paragraphs (a), (c), (d) and (e) of  
43 subdivision (5) of this section or for a] multiple family dwelling house, flat or apartment  
44 containing [not more than] **three or** four families, **provided that the alteration, renovation,**  
45 **or remodeling does not affect architectural or engineering safety features of the building**  
46 and who indicates on any drawings, specifications, estimates, reports or other documents  
47 furnished in connection with such services that the person is not a licensed architect;

48 (7) **Construction observation by persons customarily engaged in contracting work;**

49 (8) Any person or corporation who is offering, but not performing or rendering,  
50 architectural services if the person or corporation is licensed to practice architecture in the state  
51 or country of residence or principal place of business.

327.106. Notwithstanding any provisions of this chapter to the contrary, any applicant  
2 for a license to practice architecture who holds a valid license to practice architecture in Canada  
3 shall be licensed to practice architecture in this state, if such applicant holds certification  
4 pursuant to the terms of the [Inter-Recognition] **Mutual Recognition** Agreement between the  
5 National Council of Architectural Registration Boards (NCARB) and the Canadian Architectural  
6 [Councils] **Licensing Authorities** and provided the applicant meets all other qualifications for  
7 licensure as an architect as provided in this chapter.

327.131. [1.] Any person may apply to the board for [examination and license] **licensure** as an architect who is over the age of twenty-one, is of good moral character, [and is a graduate of and holds] **has acquired** an accredited degree from an accredited degree program from a school of architecture [and has acquired at least three years of satisfactory architectural experience] , **holds a certified Intern Development Program (IDP) record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.** [Prior to January 1, 2012, any applicant who possesses the age and character qualifications as provided in this subsection and who has acquired a combined total of twelve years of education, above the high school level, and satisfactory architectural experience may apply to the board for examination and licensure as an architect. Beginning January 1, 2012, all new applicants shall hold an accredited degree from an accredited degree program from a school of architecture.

2. The board shall provide by rule what shall constitute satisfactory architectural experience, based upon recognized education and training equivalents.

3. Beginning January 1, 2002, each applicant who has graduated with an accredited degree from an accredited degree program from a school of architecture shall complete the intern development program (IDP) as defined in the IDP Guidelines: Intern Development Program, 1994, as published by the National Council of Architectural Registration Boards, as amended. Completion of the intern development program shall be deemed to be satisfactory architectural experience.]

327.141. Applications for [examination and license] **licensure** as an architect shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.151. 1. After [the board] **it** has **been** determined [upon such inquiry and by such methods as it may consider proper] that [such] **an** applicant possesses the qualifications entitling [such] **the** applicant to be examined, each applicant for examination and [license] **licensure** as an architect shall appear before the board or its representatives for examination at the time and place specified [by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year].

7           2. The [written] examination or examinations shall be of such form, content and duration  
8 as determined by the architectural division of the board to thoroughly test the qualifications of  
9 each applicant to practice architecture in Missouri.

10           3. An applicant to be eligible for [license] **licensure** shall make a passing grade on each  
11 examination. The "passing grade" shall be fixed by the board but it shall never be higher than  
12 the current "passing grade" determined by the National Council of Architectural Registration  
13 Boards.

14           4. Any person who passes the examination or examinations prescribed by the board shall  
15 be entitled to be licensed as an architect in Missouri, subject to the other provisions of this  
16 chapter.

          327.161. If an applicant fails to make the grade specified in section 327.151, the  
2 applicant may apply for reexamination, by [section, on a form furnished to the applicant. If the  
3 application is approved, the applicant may take another examination, no sooner than six months  
4 after the date of the failed examination] **division, in accordance with the guidelines**  
5 **established by the National Council of Architectural Registration Boards or its successor.**

          327.171. 1. The professional license, issued to every architect in Missouri, including  
2 certificates of authority issued to corporations as provided in section 327.401, shall be renewed  
3 on or before the certificate renewal date, provided that the required fee is paid. The board may  
4 establish, by rule, continuing education requirements as a condition to renewing the license of  
5 an architect, provided that the board shall not require more professional development hours than  
6 that which is recommended by the American Institute of Architects or its successor organization,  
7 but not to exceed thirty such hours. The license of any architect or the certificate of authority  
8 issued to any corporation which is not renewed [within three months of] **by** the certificate  
9 renewal date shall [be suspended automatically, subject to the right of the holder of such  
10 suspended certificate to have the certificate reinstated within nine months of the date of  
11 suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and  
12 not reinstated within nine months of the suspension date, as provided in this section, shall] expire  
13 **on the renewal date** and be void and the holder of such expired certificate shall have no rights  
14 or privileges under such license or certificate; but any person or corporation whose certificate  
15 has expired as provided in this section may within **three months of the certificate renewal date**  
16 **or at** the discretion of the board, upon payment of the required fee, be **renewed**, relicensed, or  
17 reauthorized under such person's or such corporation's original license number.

18           2. Each application for the renewal of a license or of a certificate of authority shall be  
19 on a form furnished to the applicant and shall be accompanied by the required fee, but no  
20 renewal fee need be paid by any architect over the age of seventy-five.

327.172. 1. An architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice architecture within this state, but may continue to use the title "architect".

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of architecture as a condition of [reinstatement] **reactivation**.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting [reinstatement] **reactivation**, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the proficiency in current methods of architecture.

327.181. 1. Any person practices in Missouri as a professional engineer who renders or offers to render or holds himself or herself out as willing or able to render any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, [engineering] teaching of advanced engineering subjects or courses related thereto, [engineering] **design surveys and studies**, the **design** coordination of services furnished by [structural, civil, mechanical and electrical] engineers and other consultants as they relate to engineering work, **construction observation** and the inspection of construction for the purpose of compliance with drawings and specifications, any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems or projects and including such architectural work as is incidental to the practice of engineering; or who uses the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or who shall use any word or words, letters, figures, degrees, titles or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering.

19           **2. Professional engineers shall be in responsible charge of all engineering design of**  
20 **buildings, structures, products, machines, processes, and systems that can affect the health,**  
21 **safety, and welfare of the public within their scope of practice.**

22           **3.** Notwithstanding any provision of subsection 1 of this section, any person using the  
23 word "engineer", "engineers", or "engineering", alone or preceded by any word, or in  
24 combination with any words, may do so without being subject to disciplinary action by the board  
25 so long as such use is reflective of that person's profession or vocation and is clearly not  
26 indicating or implying that such person is holding himself or herself out as being a professional  
27 engineer or is willing or able to practice engineering as defined in this section.

          327.191. No person shall practice as a professional engineer in Missouri, as defined in  
2 section 327.181 unless and until there is issued to such person a professional license or a  
3 certificate of authority certifying that such person has been duly licensed as a professional  
4 engineer or authorized to practice engineering in Missouri, and unless such license or certificate  
5 has been renewed as provided in section 327.261; provided that section 327.181 shall not be  
6 construed to prevent the practice of engineering by the following persons:

7           (1) Any person who is an employee of a person holding a currently valid license as a  
8 professional engineer or who is an employee of a person holding a currently valid certificate of  
9 authority pursuant to this chapter, and who performs professional engineering work under the  
10 direction and continuing supervision of and is checked by one holding a currently valid license  
11 as a professional engineer pursuant to this chapter;

12           (2) Any person who is a regular full-time employee of a person or any former employee  
13 under contract to a person, who performs professional engineering work for such employer if and  
14 only if all such work and service so performed is done solely in connection with a facility owned  
15 or wholly operated by the employer and occupied or maintained by the employer of the employee  
16 performing such work or service, **and does not affect the health, safety, and welfare of the**  
17 **public;**

18           (3) Any person engaged in engineering who is a full-time, regular employee of a person  
19 engaged in manufacturing operations and which engineering so performed by such person relates  
20 to the manufacture, sale or installation of the products of such person, **and does not affect the**  
21 **health, safety, and welfare of the public;**

22           (4) Any holder of a currently valid license or certificate of authority as an architect,  
23 **professional land surveyor, or professional landscape architect** who performs only such  
24 engineering [work] as [is] incidental **practice** and necessary to the completion of [architectural  
25 work] **professional services** lawfully being performed by such architect, **professional land**  
26 **surveyor, or professional landscape architect;**



27 (5) Any person or corporation who is offering, but not performing or rendering,  
28 professional engineering services if the person or corporation is licensed to practice professional  
29 engineering in the state or country of residence or principal place of business.

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

327.231. Applications for [examination and license] **licensure** as a professional engineer  
2 shall be typewritten on prescribed forms furnished to the applicant. The application shall contain  
3 the applicant's statements showing the applicant's education, experience, results of previous  
4 engineering examinations, if any, and such other pertinent information as the board may require.  
5 Each application shall contain a statement that it is made under oath or affirmation and that its  
6 representations are true and correct to the best knowledge and belief of the person signing such  
7 application, subject to the penalties of making a false affidavit or declaration and shall be  
8 accompanied by the required fee.

327.241. 1. After [the board] **it** has **been** determined [upon such inquiry and by such  
2 methods as it may consider proper] that an applicant possesses the qualifications entitling [such]  
3 **the** applicant to be examined, each applicant for examination and licensure as a professional  
4 engineer in Missouri shall appear before the board or its representatives for examination at the  
5 time and place specified [by the board in a written notice to each such applicant, provided that  
6 an examination shall be given at least once in each calendar year].

7 2. The [written] examination or examinations shall be of such form, content and duration  
8 as shall be determined by the board, to thoroughly test the qualifications of each applicant to  
9 practice as a professional engineer in Missouri.

10 3. Any applicant to be eligible for a license must make a grade on each examination of  
11 at least seventy percent.

12           4. The engineering examination shall consist of two parts; the first part may be taken by  
13 any person after such person has satisfied the educational requirements of section 327.221, or  
14 who is in his or her final year of study in an accredited school of engineering; and upon passing  
15 part one of the examination and providing proof that such person has satisfied the educational  
16 requirements of section 327.221 and upon payment of the required fee, such person shall be an  
17 engineer-intern, subject to the other provisions of this chapter.

18           5. Any engineer-intern, as defined in subsection 4 of this section, who has acquired at  
19 least four years of satisfactory engineering experience, may take part two of the engineering  
20 examination and upon passing it shall be entitled to receive a license, subject, however, to the  
21 other provisions of this chapter.

22           6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may,  
23 in its discretion, provide by rule that any person who has graduated from and holds an  
24 engineering degree from an accredited school of engineering may thereupon be eligible to take  
25 both parts of the engineering examination and that upon passing said examination and acquiring  
26 four years of satisfactory engineering experience, after graduating and receiving a degree as  
27 aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject,  
28 however, to the other provisions of this chapter.

29           7. Any person who has graduated from and has received a degree in engineering from  
30 an accredited school of engineering may then acquire four years of satisfactory engineering  
31 experience and thereafter take both parts of the examination and upon passing shall be entitled  
32 to receive a license to practice as a professional engineer, subject, however, to the other  
33 provisions of this chapter.

34           8. Any person entitled to be licensed as a professional engineer as provided in subsection  
35 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she  
36 was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering  
37 division of the board may require him to take and satisfactorily pass such further examination  
38 as provided by rule before issuing to him a license.

          327.251. If an applicant fails to make the grade specified in section 327.241, such  
2 applicant may apply for reexamination [on a form to be furnished by the board, and if the  
3 application is approved, the applicant may take another examination or examinations at any  
4 regularly scheduled examination upon payment of the required fee] **in accordance with the**  
5 **guidelines established by the National Council of Examiners for Engineering and**  
6 **Surveying or its successor.**

          327.261. 1. The professional license issued to every professional engineer in Missouri,  
2 including certificates of authority issued to corporations as hereinafter provided, shall be renewed  
3 on or before the license renewal date, provided that the required fee is paid. The board may

4 establish, by rule, continuing education requirements as a condition to renewing the license of  
5 a professional engineer, provided that the board shall not require more professional development  
6 hours than that which is recommended by the National Council of Examiners for Engineering  
7 and Surveying or its successor organization, but not to exceed thirty such hours. The license of  
8 any professional engineer or the certificate of authority of any such corporation which is not  
9 renewed [within three months of] **by** the certificate renewal date shall [be suspended  
10 automatically, subject to the right of the holder of such suspended certificate to have the  
11 certificate reinstated within nine months of the date of suspension if the reinstatement fee is paid.  
12 Any license or certificate of authority suspended and not reinstated within nine months of the  
13 suspension date, as above provided, shall] **expire on the renewal date** and be void and the  
14 holder of the expired license or certificate shall have no rights or privileges under such license  
15 or certificate; but any person or corporation whose license or certificate has expired as aforesaid  
16 may within **three months of the certificate renewal date or at** the discretion of the board, upon  
17 payment of the required fee, **be renewed**, relicensed, or reauthorized under such person's or such  
18 corporation's original license number.

19 2. Each application for the renewal of a license or of a certificate of authority shall be  
20 on a form furnished to the applicant and shall be accompanied by the required fee; but no  
21 renewal fee need be paid by any professional engineer over the age of seventy-five.

327.271. 1. A professional engineer licensed in this state may apply to the board for  
2 inactive license status on a form furnished by the board. Upon receipt of the completed inactive  
3 status application form and the board's determination that the license meets the requirements  
4 established by rule, the board shall declare the licensee inactive and shall place the licensee on  
5 an inactive status list. A person whose license is inactive shall not offer or practice professional  
6 engineering within this state, but may continue to use the title "professional engineer" or the  
7 initials "P.E." after such person's name.

8 2. If a licensee is granted inactive status, the licensee may return to active status by  
9 notifying the board in advance of such intention, by paying appropriate fees as determined by the  
10 board, and by meeting all established requirements of the board including the demonstration of  
11 current knowledge, competency and skill in the practice of professional engineering as a  
12 condition of [reinstatement] **reactivation**.

13 3. In the event an inactive licensee does not maintain a current license in any state for  
14 a five-year period immediately prior to requesting [reinstatement] **reactivation**, that person may  
15 be required to take the principles and practice of engineering examination.

327.272. 1. A professional land surveyor shall include any person who practices in  
2 Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination  
3 with any other word or words including, but not limited to "registered", "professional" or "land"

4 indicating or implying that the person is or holds himself or herself out to be a professional land  
5 surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or  
6 implies that the person is a professional land surveyor or is willing or able to practice  
7 professional land surveying or who renders or offers to render, or holds himself or herself out  
8 as willing or able to render, or perform any service or work, the adequate performance of which  
9 involves the special knowledge and application of the principles of land surveying, mathematics,  
10 the related physical and applied sciences, and the relevant requirements of law, all of which are  
11 acquired by education, training, experience and examination, that affect real property rights on,  
12 under or above the land and which service or work involves:

13 (1) The determination, location, relocation, establishment, reestablishment, layout, or  
14 retracing of land boundaries and positions of the United States Public Land Survey System;

15 (2) **The** monumentation of land boundaries, land boundary corners and corners of the  
16 United States Public Land Survey System;

17 (3) The subdivision of land into smaller tracts **and preparation of property**  
18 **descriptions;**

19 (4) **The survey and location of rights-of-ways and easements;**

20 (5) Creating, preparing, or modifying electronic or computerized data relative to the  
21 performance of the activities in subdivisions (1) to (3) of this subsection;

22 [(5)] (6) Consultation, investigation, **design surveys**, evaluation, planning, design and  
23 execution of surveys;

24 [(6)] (7) The preparation of any drawings showing the shape, location, dimensions or  
25 area of tracts of land;

26 [(7)] (8) Monumentation of geodetic control and the determination of their horizontal  
27 and vertical positions;

28 [(8)] (9) Establishment of state plane coordinates;

29 [(9)] (10) Topographic surveys and the determination of the horizontal and vertical  
30 location of any physical features on, under or above the land;

31 [(10)] (11) The preparation of plats, maps or other drawings showing elevations and the  
32 locations of improvements and the measurement and preparation of drawings showing existing  
33 improvements after construction;

34 [(11)] (12) Layout of proposed improvements;

35 [(12)] (13) The determination of azimuths by astronomic observations.

36 2. None of the specific duties listed in subdivisions [(4)] (5) to [(12)] (13) of subsection  
37 1 of this section are exclusive to professional land surveyors unless they affect real property  
38 rights. For the purposes of this section, the term "real property rights" means a recordable  
39 interest in real estate as it affects the location of land boundary lines.

40           **3. Professional land surveyors shall be in responsible charge of all drawings, maps,**  
41 **surveys, and other work product that can affect the health, safety, and welfare of the**  
42 **public within their scope of practice.**

43           **4.** Nothing in this section shall be construed to preclude the practice of architecture or  
44 professional engineering **or professional landscape architecture** as provided in sections  
45 327.091 [and] , 327.181, **and 327.600.**

46           [4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant  
47 to section 137.185.]

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

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

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

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

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

25           **3. The provisions contained in this section shall automatically sunset December 31,**  
26 **2018, unless reauthorized by an act of the general assembly.**

                  327.313. Applications for [examination and] enrollment as a land surveyor-in-training  
2 shall be [printed] **typewritten** on prescribed forms furnished to the applicant. The application

3 shall contain applicant's statements showing the applicant's education, experience and such other  
4 pertinent information as the board may require, including but not limited to three letters of  
5 reference, one of which shall be from a professional land surveyor who has personal knowledge  
6 of the applicant's land surveying education or experience. Each application shall contain a  
7 statement that it is made under oath or affirmation and that the representations are true and  
8 correct to the best knowledge and belief of the applicant, subject to the penalties of making a  
9 false affidavit or declaration and shall be accompanied by the required fee.

327.314. [1.] Any person may apply to the board for [examination and] licensure as a  
2 professional land surveyor who has been enrolled as a land surveyor-in-training and has  
3 presented evidence to the satisfaction of the board that said person has acquired at least four  
4 years of satisfactory professional field and office experience in land surveying from the date of  
5 enrollment as a land surveyor-in-training. This experience shall have been under the immediate  
6 personal supervision of a professional land surveyor **and up to one-half of said experience may**  
7 **overlap with experience requirements for other profession requirements required by this**  
8 **chapter.**

9 [2. At any time prior to January 1, 2006, any applicant enrolled as a land  
10 surveyor-in-training under the provisions of subsection (1) or (2) of section 327.312 must have  
11 acquired at least two years of satisfactory professional field and office experience in land  
12 surveying under the immediate supervision of a professional land surveyor. Any person who  
13 applied for enrollment as a land surveyor-in-training under the provisions of subsection (3) of  
14 section 327.312 must have acquired at least one year of satisfactory professional field and office  
15 experience in land surveying under the immediate supervision of a professional land surveyor.]

**327.315. 1. Any person may apply to the board for enrollment as a land surveyor-**  
2 **in-training who is twenty-one years of age or older, who is of good moral character, who**  
3 **is a high school graduate, or who holds a Missouri certificate of high school equivalence**  
4 **(GED), and:**

5 **(1) Has graduated and received a baccalaureate degree in an approved curriculum**  
6 **as defined by board regulation which shall include at least thirty semester hours of**  
7 **approved surveying course work of which at least six semester hours shall be in the legal**  
8 **aspects of boundary surveying;**

9 **(2) Has earned at least sixty hours of college credit which shall include at least**  
10 **thirty semester hours of approved curriculum as defined by board regulation of which at**  
11 **least six semester hours shall be in legal aspects of boundary surveying and has presented**  
12 **evidence satisfactory to the board that in addition thereto such person has at least one year**  
13 **of combined professional office and field experience in land-surveying projects under the**  
14 **immediate personal supervision of a professional land surveyor; or**

15       **(3) Has earned at least thirty semester hours of approved surveying course work**  
16 **as defined by board regulation of which at least six semester hours shall be in legal aspects**  
17 **of land surveying and has at least two years of combined professional office and field**  
18 **experience in land surveying projects under the immediate personal supervision of a**  
19 **professional land-surveyor. Under this section, not more than one year of satisfactory**  
20 **postsecondary education work shall count as equivalent years of satisfactory land-**  
21 **surveying work as aforementioned.**

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

25       **3. The provisions contained in subdivisions (1), (2), and (3) of subsection 1 of this**  
26 **section shall become effective January 1, 2019.**

27       **4. The provisions contained in subdivision (3) of subsection 1 of this section shall**  
28 **expire January 1, 2023.**

327.321. Applications for [examination and] licensure as a professional land surveyor  
2 shall be typewritten on prescribed forms furnished to the applicant. The application shall contain  
3 the applicant's statements showing the applicant's education, experience, results of prior land  
4 surveying examinations, if any, and such other pertinent information as the board may require,  
5 including but not limited to three letters of reference from professional land surveyors with  
6 personal knowledge of the experience of the applicant's land surveying education or experience.  
7 Each application shall contain a statement that it is made under oath or affirmation and that its  
8 representations are true and correct to the best knowledge and belief of the person signing same,  
9 subject to the penalties of making a false affidavit or declaration and shall be accompanied by  
10 the required fee.

327.331. 1. After [the board] **it has been** determined [upon such inquiry and by such  
2 methods as it may consider proper] that an applicant possesses the qualifications entitling [such]  
3 **the** applicant to be examined, each applicant for examination and enrollment as a land  
4 surveyor-in-training and for examination and [license] **licensure** as a professional land surveyor  
5 in Missouri shall appear before the board or its representatives for examination at the time and  
6 place specified [by the board in a written notice to each such applicant, provided that an  
7 examination shall be given at least once in each calendar year].

8       2. The [written] examination or examinations shall be of such form, content and duration  
9 as shall be determined by the board to thoroughly test the qualifications of each applicant to  
10 become enrolled as a land surveyor-in-training or to become licensed as a professional land  
11 surveyor in Missouri.

12           3. Any applicant to be eligible for enrollment or for license must make a grade on the  
13 applicable examination of at least seventy percent.

14           4. Any person who passes the examination hereinabove specified shall be entitled to be  
15 enrolled as a land surveyor-in-training or licensed as a professional land surveyor, as the case  
16 may be, in Missouri and shall receive a certificate of enrollment or a license, as the case may be.

          327.341. If an applicant fails to make the required grade specified in section 327.331,  
2 such applicant may apply for reexamination [on a form to be furnished by the board, and if such  
3 application is approved, the applicant may take another examination or examinations at such  
4 time and place as is specified by the board. The reexamination shall be governed by the  
5 provisions of section 327.331] **in accordance with the guidelines established by the National**  
6 **Council of Examiners for Engineering and Surveying or its successor.**

          327.351. 1. The professional license issued to every professional land surveyor in  
2 Missouri, including certificates of authority issued to corporations as provided in section  
3 327.401, shall be renewed on or before the license or certificate renewal date provided that the  
4 required fee is paid. The license of any professional land surveyor or the certificate of authority  
5 of any such corporation which is not renewed [within three months of] **by the renewal date shall**  
6 **[be suspended automatically, subject to the right of the holder of such suspended license or**  
7 **certificate to have it reinstated within nine months of the date of suspension, if the reinstatement**  
8 **fee is paid. Any license or certificate of authority suspended and not reinstated within nine**  
9 **months of the suspension date shall] expire on the renewal date** and be void and the holder of  
10 such expired license or certificate shall have no rights or privileges thereunder, but any person  
11 or corporation whose license or certificate has expired may, within **three months of the**  
12 **certificate renewal date or at** the discretion of the board and upon payment of the required fee,  
13 **be renewed,** reregistered, or relicensed under such person's or corporation's original license  
14 number.

15           2. Each application for the renewal of a license or of a certificate of authority shall be  
16 on a form furnished to the applicant and shall be accompanied by the required fee; but no  
17 renewal fee need be paid by any professional land surveyor over the age of seventy-five.

18           3. [Beginning January 1, 1996,] As a condition for renewal of a license issued pursuant  
19 to section 327.314, a license holder shall be required to successfully complete twenty units of  
20 professional development that meet the standards established by the board regulations within the  
21 preceding two calendar years. Any license holder who completes more than twenty units of  
22 professional development within the preceding two calendar years may have the excess, not to  
23 exceed ten units, applied to the requirement for the next two-year period.

24           4. The board shall not renew the license of any license holder who has failed to complete  
25 the professional development requirements pursuant to subsection 3 of this section, unless such



26 license holder can show good cause why he or she was unable to comply with such requirements.  
27 If the board determines that good cause was shown, the board shall permit the license holder to  
28 make up all outstanding required units of professional development.

29 5. A license holder may at any time prior to the termination of his or her license request  
30 to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee  
31 determined by the board. Holders of inactive licenses shall not be required to complete  
32 professional development as required in subsection 3 of this section. Holders of inactive licenses  
33 shall not practice as professional land surveyors within this state, but may continue to use the  
34 title "professional land surveyor" or the initials "PLS" after such person's name. If the board  
35 determines that good cause was shown, the board shall permit the professional land surveyor to  
36 make up all outstanding required units of professional development.

37 6. [A holder of an inactive license may return such license to an active license to practice  
38 professional land surveying by paying the required fee, and either:

39 (1) Completing one-half of the two-year requirement for professional development  
40 multiplied by the number of years of lapsed or inactive status. The maximum requirement for  
41 professional development units shall be two and one-half times the two-year requirement. The  
42 minimum requirement for professional development units shall be no less than the two-year  
43 requirement. Such requirement shall be satisfied within the two years prior to the date of  
44 reinstatement; or

45 (2) Taking] **If a licensee is granted inactive status, the licensee may return to active**  
46 **status by notifying the board in advance of such intention by paying appropriate fees as**  
47 **determined by the board, and by meeting all established requirements of the board**  
48 **including the demonstration of current knowledge, competency, and skill in the practice**  
49 **of land surveying as a condition of reactivation.**

50 7. **In the event an inactive licensee does not maintain a current license in any state**  
51 **for a five-year period immediately prior to requesting reactivation, that person may be**  
52 **required to take** such examination as the board deems necessary to determine such person's  
53 qualifications. Such examination shall cover areas designed to demonstrate the applicant's  
54 proficiency in current methods of land surveying practice.

55 [7.] 8. Exemption to the required professional development units shall be granted to  
56 [registrants] **licensees** during periods of serving honorably on full-time active duty in the military  
57 service.

58 [8.] 9. At the time of application for license renewal, each licensee shall report, on a form  
59 provided by the board, the professional development activities undertaken during the preceding  
60 renewal period to satisfy the requirements pursuant to subsection 3 of this section. The licensee  
61 shall maintain a file in which records of activities are kept, including dates, subjects, duration

62 of program, and any other appropriate documentation, for a period of four years after the program  
63 date.

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

327.392. 1. The board shall upon application issue a professional engineering license  
2 to any individual who holds a degree at the bachelor's level or higher in engineering and who has  
3 at least twenty years of satisfactory engineering experience, and who passes part two of the  
4 [written] examination defined in section 327.241, provided that any such application is  
5 accompanied by the required fee.

6 2. The board shall upon application issue a professional engineering license to any  
7 individual who holds a degree from an Engineering Accreditation Commission of the  
8 Accreditation Board for Engineering and Technology (ABET, INC.) or its equivalent and a  
9 doctorate in engineering from an institution that offers Engineering Accreditation Commission  
10 programs, and who passes part two of the [written] examination defined in section 327.241,  
11 provided that any such application is accompanied by the required fee. The doctorate degree  
12 must be approved by the board for the candidate to qualify.

327.401. 1. The right to practice as an architect or to practice as a professional engineer  
2 or to practice as a professional land surveyor or to practice as a **professional** landscape architect  
3 shall be deemed a personal right, based upon the qualifications of the individual, evidenced by  
4 such individual's professional license and shall not be transferable; but any architect or any  
5 professional engineer or any professional land surveyor or any **professional** landscape architect  
6 may practice his or her profession through the medium of, or as a member or as an employee of,  
7 a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other

8 like documents or instruments of the partnership or corporation are signed and stamped with the  
9 personal seal of the architect, professional engineer, professional land surveyor, or **professional**  
10 landscape architect by whom or under whose immediate personal supervision the same were  
11 prepared and provided that the architect or professional engineer or professional land surveyor  
12 or **professional** landscape architect who affixes his or her signature and personal seal to any such  
13 plans, specifications, estimates, plats, reports or other documents or instruments shall be  
14 personally and professionally responsible [therefor] **therefore**.

15 2. Any domestic corporation formed under the corporation law of this state, or any  
16 foreign corporation, now or hereafter organized and having as one of its purposes the practicing  
17 of architecture or professional engineering or professional land surveying or **professional**  
18 landscape architecture and any existing corporation which amends its charter to propose to  
19 practice architecture or professional engineering or professional land surveying or **professional**  
20 landscape architecture shall obtain a certificate of authority for each profession named in the  
21 articles of incorporation or articles of organization from the board which shall be renewed in  
22 accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be,  
23 and from and after the date of such certificate of authority and while the authority or a renewal  
24 thereof is in effect, may offer and render architectural or professional engineering or professional  
25 land surveying or **professional** landscape architectural services in this state if:

26 (1) At all times during the authorization or any renewal thereof the directors of the  
27 corporation shall have assigned responsibility for the proper conduct of all its architectural or  
28 professional engineering or professional land surveying or **professional** landscape architectural  
29 activities in this state to an architect licensed and authorized to practice architecture in this state  
30 or to a professional engineer licensed and authorized to practice engineering in this state or to  
31 a professional land surveyor licensed and authorized to practice professional land surveying in  
32 this state, or to a **professional** landscape architect licensed and authorized to practice  
33 **professional** landscape architecture in this state, as the case may be; and

34 (2) The person or persons who is or are personally in charge and supervises or supervise  
35 the architectural or professional engineering or professional land surveying or **professional**  
36 landscape architectural activities, as the case may be, of any such corporation in this state shall  
37 be licensed and authorized to practice architecture or professional engineering or professional  
38 land surveying or **professional** landscape architecture, as the case may be, as provided in this  
39 chapter; and

40 (3) The corporation pays such fees for the certificate of authority, renewals or  
41 reinstatements thereof as are required.

327.411. 1. Each architect and each professional engineer and each professional land  
2 surveyor and each **professional** landscape architect shall have a personal seal in a form

3 prescribed by the board, and he or she shall affix the seal to all final [documents including, but  
4 not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other  
5 documents or instruments] **technical submissions. Technical submissions shall include, but**  
6 **are not limited to, drawings, specifications, plats, surveys, exhibits, reports, and**  
7 **certifications of construction** prepared by the licensee, or under such licensee's immediate  
8 personal supervision. Such licensee shall either prepare or personally supervise the preparation  
9 of all documents sealed by the licensee, and such licensee shall be held personally responsible  
10 for the contents of all such documents sealed by such licensee, whether prepared or drafted by  
11 another licensee or not.

12         2. The personal seal of an architect or professional engineer or professional land surveyor  
13 or **professional** landscape architect shall be the legal equivalent of the licensee's signature  
14 whenever and wherever used, and the owner of the seal shall be responsible for the architectural,  
15 engineering, **land** surveying, or landscape architectural documents, as the case may be, when the  
16 licensee places his or her personal seal on such [plans, specifications, estimates, plats, reports,  
17 surveys or other documents or instruments for, or] **technical submissions** to be used in  
18 connection with, any architectural or engineering project, survey, or landscape architectural  
19 project. Licensees shall undertake to perform architectural, professional engineering,  
20 professional land surveying and **professional** landscape architectural services only when they  
21 are qualified by education, training, and experience in the specific technical areas involved.

22         3. Notwithstanding any provision of this section, any architect, professional engineer,  
23 professional land surveyor, or **professional** landscape architect may, but is not required to, attach  
24 a statement over his or her signature, authenticated by his or her personal seal, specifying the  
25 particular [plans, specifications, plats, reports, surveys or other documents or instruments]  
26 **technical submissions**, or portions thereof, intended to be authenticated by the seal, and  
27 disclaiming any responsibility for all other [plans, specifications, estimates, reports, or other  
28 documents or instruments] **technical submissions** relating to or intended to be used for any part  
29 or parts of the architectural or engineering project or survey or landscape architectural project.

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

327.421. This state and its political subdivisions including counties, cities and towns,  
2 or legally constituted boards, agencies, districts, commissions and authorities of this state shall  
3 not engage in the construction of public works involving the practice of architecture, engineering  
4 [or] , land surveying, **or landscape architecture**, unless the architectural [and] , engineering,  
5 **and landscape architectural** drawings, specifications and estimates and the plats and surveys  
6 have been prepared by an architect, professional engineer [or] , professional land surveyor, **or**

7 **professional landscape architect** whose license is current and in good standing, as the case may  
8 require.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee,  
2 or any person who has failed to renew or has surrendered his or her certificate of licensure or  
3 authority, has been adjudicated and found guilty, or has entered a plea of guilty or nolo  
4 contendere, in a felony prosecution pursuant to the laws of this state, the laws of any other state,  
5 territory, or the laws of the United States of America for any offense reasonably related to the  
6 qualifications, functions, or duties of a licensee pursuant to this chapter or any felony offense,  
7 an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense  
8 involving moral turpitude, whether or not sentence is imposed, the board for architects,  
9 professional engineers, professional land surveyors and **professional** landscape architects may  
10 hold a disciplinary hearing to singly or in combination censure or place the licensee named in  
11 the complaint on probation on such terms and conditions as the board deems appropriate for a  
12 period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke  
13 the license or certificate.

14 2. Anyone who has been revoked or denied a license or certificate to practice in another  
15 state may automatically be denied a license or certificate to practice in this state. However, the  
16 board for architects, professional engineers, professional land surveyors and **professional**  
17 landscape architects may establish other qualifications by which a person may ultimately be  
18 qualified and licensed to practice in Missouri.

327.451. 1. Any person who believes that an architect or a professional engineer or a  
2 professional land surveyor **or a professional landscape architect** has acted or failed to act so  
3 that his or her license or certificate of authority should, pursuant to the provisions of this chapter,  
4 be suspended or revoked, or who believes that any applicant for a license or certificate of  
5 authority pursuant to the provisions of this chapter is not entitled to a license or a certificate of  
6 authority, may file a written affidavit with the executive director of the board which the affiant  
7 shall sign and swear to and in which the affiant shall clearly set forth the reasons for the affiant's  
8 charge or charges that the license or certificate of an architect or professional engineer or  
9 professional land surveyor should be suspended or revoked or not renewed or that a license or  
10 certificate should not be issued to an applicant.

11 2. If the affidavit so filed does not contain statements of fact which if true would  
12 authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's  
13 license or certificate, or does not contain statements of fact which if true would authorize,  
14 pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or  
15 certificate or the refusal of a license or certificate to an applicant, the board shall either dismiss  
16 the charge or charges or, within its discretion, cause an investigation to be made of the charges

17 contained in the affidavit, after which investigation the board shall either dismiss the charge or  
18 charges or proceed against the accused by written complaint as provided in subsection 3 of this  
19 section.

20 3. If the affidavit contains statements of fact which if true would authorize pursuant to  
21 the provisions of this chapter the revocation or suspension of an accused's license or certificate,  
22 the board shall cause an investigation to be made of the charge or charges contained in the  
23 affidavit and unless the investigation discloses the falsity of the facts upon which the charge or  
24 charges in the affidavit are based, the board shall file with and in the administrative hearing  
25 commission a written complaint against the accused setting forth the cause or causes for which  
26 the accused's license or certificate of authority should be suspended or revoked. Thereafter, the  
27 board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

28 4. If the charges contained in the affidavit filed with the board would constitute a cause  
29 or causes for which pursuant to the provisions of this chapter an accused's license or certificate  
30 of authority should not be renewed or a cause or causes for which pursuant to the provisions of  
31 this chapter a certificate should not be issued, the board shall cause an investigation to be made  
32 of the charge or charges and unless the investigation discloses the falsity of the facts upon which  
33 the charge or charges contained in the affidavit are based, the board shall refuse to permit an  
34 applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue  
35 or renew a license or certificate of authority, as the case may require.

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

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

327.461. Every contract for architectural or engineering or land surveying **or landscape**  
2 **architectural** services entered into by any person who is not an architect or professional engineer  
3 or professional land surveyor **or professional landscape architect**, as the case may be, and who  
4 is not exempt from the provisions of this chapter, shall be unenforceable by the unlicensed or  
5 unauthorized person, whether in contract, quantum meruit or other legal theory, regardless of  
6 whether a benefit has been conferred.

327.600. As used in sections 327.600 to 327.635, the following terms mean:

2 (1) ["Landscape architecture", the performance of professional services, including but  
3 not limited to consultations, research, planning, design or responsible supervision in connection  
4 with the development of land, in which the dominant purpose of such professional services is  
5 the preservation, enhancement or determination of land uses, natural land features, ground cover

6 and planting, naturalistic and esthetic value, settings and approaches to structures or other  
7 improvements, natural drainage and the consideration and determination of inherent problems  
8 of the land relating to erosion, wear and tear, blight or other hazard;

9 (2)] "Practice of **professional** landscape architecture", the location and arrangement of  
10 such tangible objects and features as are [incidental and] necessary to the purposes specified in  
11 the definition of landscape architecture, but shall not include the design of structures or facilities  
12 with separate and self-contained purposes such as are ordinarily included in the practice of  
13 engineering or architecture, and shall not include the making of final land plats for official  
14 approval or recording;

15 (2) "**Professional landscape architecture**", the performance of professional services,  
16 including but not limited to consultations, research, analysis, planning, design, or  
17 responsible supervision in connection with feasibility studies, design surveys, formulation  
18 of graphic and written criteria to govern the planning and design of land construction  
19 programs, preparation, review, and analysis of master plans for land use and development,  
20 production of site plans, landscape grading and landscape drainage plans, irrigation plans,  
21 planting plans, and construction details, specifications, and reports for land development,  
22 design coordination, construction observation and the inspection of landscape architectural  
23 construction for the purpose of compliance with drawings and specifications.

327.603. 1. [One year from the appointment of the landscape architecture division,] No  
2 person shall practice or offer to practice, or hold himself or herself out as a **professional**  
3 landscape architect or as being able to practice landscape architecture in this state or to use in  
4 connection with his or her name or otherwise assume, or advertise unless he or she is licensed  
5 as required by this chapter. Nothing in sections 327.600 to 327.635 shall be construed to require  
6 licensing of employees of the state of Missouri or its political subdivisions while performing  
7 duties for the state of Missouri or a political subdivision, provided the project does not  
8 jeopardize the public health, safety and welfare. Sections 327.600 to 327.635 shall not be  
9 construed to prohibit those persons engaged in nursery occupations, gardeners, landscape  
10 contractors, home builders or residential developers from preparing planting plans and items  
11 incidental thereto, provided the project scope does not jeopardize the public health, safety and  
12 welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any other  
13 legally recognized profession as governed by applicable law. Nothing contained in this section  
14 shall under any circumstances be construed as in anyway affecting the laws relating to the  
15 practice, licensing, certification or registration of architects, **professional** engineers and  
16 **professional** land surveyors. An architect, **professional** engineer or **professional** land surveyor  
17 licensed, certified or registered to practice his or her profession or occupation pursuant to the  
18 provisions of any law to regulate the practice of such profession or occupation is exempt from

19 licensing as a **professional** landscape architect, and nothing contained in this section shall under  
20 any circumstances be construed as in anyway precluding an architect or **professional** engineer  
21 from performing any of the services included within the definition of the term landscape  
22 architecture in section 327.600.

23         2. [The licensure requirement shall be waived for those persons who hold a current  
24 registration by the division as a landscape architect on or before August 28, 2001, provided that  
25 application is made on a form prescribed by the board on or before December 31, 2002. The  
26 licensure requirement shall be waived for those persons whose certificates of registration have  
27 expired on or before August 28, 2002, by being approved by the board for reinstatement of  
28 expired registration and then making application for licensure on a form prescribed by the board  
29 on or before December 31, 2002.] **Professional landscape architects shall be in responsible**  
30 **charge of all landscape architectural designs that can affect the health, safety, and welfare**  
31 **of the public within their scope of practice.**

327.607. The board shall conduct all examinations, determine which applicants have  
2 successfully passed the examinations and recommend each such applicant to the division for  
3 licensure as a **professional** landscape architect. The board may obtain the services of specially  
4 trained and qualified persons or organizations to assist in conducting examinations of applicants  
5 for licensure. Certification of an applicant's technical qualifications by the [council of landscape  
6 architectural registration boards] **Council of Landscape Architectural Registration Boards**  
7 **(CLARB)** may be accepted by this state's board as establishing such qualifications and the  
8 applicant shall not be required to pass any further examination.

327.612. Any person who is of good moral character, has attained the age of twenty-one  
2 years, and has a degree in landscape architecture from an accredited school of landscape  
3 architecture and has acquired at least three years satisfactory landscape architectural experience  
4 after acquiring such a degree may apply to the board for [examination and] licensure as a  
5 **professional** landscape architect.

327.615. Applications for [examinations and] licensure as a **professional** landscape  
2 architect shall be typewritten on forms approved by the board. The application shall contain the  
3 applicant's statements showing the applicant's education, experience, results of previous  
4 **professional** landscape architectural licensing examinations, if any, and such other pertinent  
5 information as the board may require. Each application shall contain a statement that it is made  
6 under oath or affirmation and that its representations are true and correct to the best knowledge  
7 and belief of the person signing the application subject to the penalties of making a false affidavit  
8 or declaration, and shall be accompanied by the required fee.

327.617. 1. After [the board] it has **been** determined [upon such inquiry and by such  
2 methods as it may consider proper] that an applicant possesses the qualifications entitling the



3 applicant to be examined, each applicant for examination and licensure as a **professional**  
4 landscape architect shall appear before the board or its representatives for examination at the  
5 time and place specified [by the board in a written notice to each such applicant, provided that  
6 an examination shall be given at least once in each calendar year].

7         2. The [written] examination shall be of such form, content and duration as determined  
8 by the **professional landscape architectural division of the** board to thoroughly test the  
9 qualifications of each applicant **to practice landscape architecture in Missouri.**

10         3. **An applicant to be eligible for licensure shall make a passing grade on each**  
11 **examination. The "passing grade" shall be fixed by the board but it shall never be higher**  
12 **than the current "passing grade" determined by the Council of Landscape Architectural**  
13 **Registration Boards.**

14         4. Any person who passes the examination prescribed by the board shall be entitled to  
15 be licensed as a **professional** landscape architect in Missouri, subject to the other provisions of  
16 sections 327.600 to 327.635.

327.619. If an applicant fails to pass the examination, [he] **such applicant** may [make  
2 application for reexamination on a form furnished to the applicant, and may] take another  
3 examination at the next scheduled examination.

327.621. 1. The professional license issued to every **professional** landscape architect  
2 in Missouri, and certificates of authority issued to corporations under section 327.401, shall be  
3 renewed on or before the license renewal date, provided that the required fee is paid. The board  
4 may establish, by rule, continuing education requirements as a condition to renewing the license  
5 of a **professional** landscape architect, provided that the board shall not require more than thirty  
6 such hours. The license of a **professional** landscape architect or the certificate of authority  
7 issued to any corporation which is not renewed [within three months of] **by** the renewal date  
8 shall [be suspended automatically, subject to the right of the holder thereof to have such  
9 suspended license reinstated within nine months of the date of suspension, if the reinstatement  
10 fee is paid. Any license or certificate of authority suspended and not reinstated within nine  
11 months of the suspension date shall] **expire on the renewal date** and be void and the holder  
12 thereof shall have no rights or privileges thereunder; provided, however, any person or  
13 corporation whose license has expired under this section may within **three months of the**  
14 **certificate renewal date or at** the discretion of the board, upon payment of the fee, be **renewed,**  
15 **relicensed, or reauthorized** under such person's or such corporation's original license number.

16         2. Each application for the renewal of a license shall be on a form furnished to the  
17 applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any  
18 **professional** landscape architect over the age of seventy-five.

327.622. 1. A **professional** landscape architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice landscape architecture within this state, but may continue to use the title "**professional** landscape architect" **or the initials "PLA" after such person's name.**

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of landscape architecture as a condition of [reinstatement] **reactivation.**

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting [reinstatement] **reactivation**, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate proficiency in the knowledge of current methods of landscape architecture.

327.629. No person shall practice as a **professional** landscape architect in Missouri as defined in section 327.600 unless and until the board has issued to him or her a license **or certificate of authority** certifying that he or she has been duly licensed as a **professional** landscape architect in Missouri, and unless such licensure has been renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be construed [as authorizing a landscape architect to engage in the practice of architecture, engineering, land surveying or to affect or prevent the practice of architecture by an architect licensed pursuant to the laws of this state, or to affect or prevent the practice of engineering by a professional engineer licensed pursuant to the laws of this state, or to affect or prevent the practice of land surveying by a land surveyor licensed pursuant to the laws of this state; or to apply to any person licensed as an architect, professional engineer or land surveyor in this state except that] **to require licensing of a person or corporation who is offering, but not performing or rendering, landscape architectural services if the person or corporation is licensed to practice landscape architecture in the state or country of residence or principal place of business.** No person shall hold themselves out to be a **professional** landscape architect unless licensed pursuant to the provisions of sections 327.600 to 327.635.

327.630. The right to practice as a **professional** landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his or her license and shall not be transferable; provided, however, that any licensed **professional** landscape

4 architect may practice his or her profession through the medium of, or as a member or as an  
5 employee of, a partnership or corporation.

327.635. Nothing contained in sections 327.600 to 327.635 shall be considered as a  
2 directive to any state department of administration or any political subdivision thereof to employ  
3 a **professional** landscape architect.

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

18 2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621 against any holder of a license to practice as a physical  
20 therapist or physical therapist assistant, **or any physical therapist or physical therapy assistant**  
21 who has failed to renew or has surrendered his or her license for any one or any combination of  
22 the following causes:

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

26 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
28 for any offense reasonably related to the qualifications, functions, or duties of a physical therapist  
29 or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty,  
30 or an act of violence, or for any offense involving moral turpitude, whether or not sentence is  
31 imposed;

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

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

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

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

45           (c) Willfully and continually performing inappropriate or unnecessary treatment or  
46 services;

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

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

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

53           (g) Final disciplinary action by any professional association, professional society,  
54 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other  
55 state or territory, whether agreed to voluntarily or not, and including but not limited to any  
56 removal, suspension, limitation, or restriction of the person's professional employment,  
57 malpractice, or any other violation of any provision of this chapter;

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

61           (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,  
62 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual  
63 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of  
64 a sexual nature with patients or clients;

65           (j) Terminating the care of a patient without adequate notice or without making other  
66 arrangements for the continued care of the patient;

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

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

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

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

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

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

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

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

90 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
91 any person to violate, any provision of this chapter, or of any lawful rule adopted under this  
92 chapter;

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

95 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
96 censure, probation, or other final disciplinary action against a physical therapist or physical  
97 therapist assistant for a license or other right to practice as a physical therapist or physical  
98 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily  
99 agreed to by the licensee or applicant, including but not limited to the denial of licensure,  
100 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the  
101 practice of physical therapy while subject to an investigation or while actually under  
102 investigation by any licensing authority, medical facility, branch of the Armed Forces of the

103 United States of America, insurance company, court, agency of the state or federal government,  
104 or employer;

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

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

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

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

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

117 (14) Soliciting patronage in person or by agents or representatives, or by any other means  
118 or manner, under the person's own name or under the name of another person or concern, actual  
119 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
120 necessity for or appropriateness of physical therapy services for all patients, or the qualifications  
121 of an individual person or persons to render, or perform physical therapy services;

122 (15) Using, or permitting the use of, the person's name under the designation of "physical  
123 therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",  
124 "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any  
125 similar designation with reference to the commercial exploitation of any goods, wares or  
126 merchandise;

127 (16) Knowingly making or causing to be made a false statement or misrepresentation of  
128 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for  
129 payment from Title XVIII or Title XIX of the federal Medicare program;

130 (17) Failure or refusal to properly guard against contagious, infectious, or communicable  
131 diseases or the spread thereof; maintaining an unsanitary facility or performing professional  
132 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
133 in any physical therapy facility to the board, in writing, within thirty days after the discovery  
134 thereof;

135 (18) Any candidate for licensure or person licensed to practice as a physical therapist or  
136 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section  
137 334.010 to the contrary, practicing or offering to practice professional physical therapy  
138 independent of the prescription and direction of a person licensed and registered as a physician

and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 210 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an  
211 indefinite period of time;
- 212 (4) Revoke the physical therapist's or physical therapist assistant's license;
- 213 (5) Administer a public or private reprimand;
- 214 (6) Deny the physical therapist's or physical therapist assistant's application for a license;
- 215 (7) Permanently withhold issuance of a license;
- 216 (8) Require the physical therapist or physical therapist assistant to submit to the care,  
217 counseling or treatment of physicians designated by the board at the expense of the physical  
218 therapist or physical therapist assistant to be examined;
- 219 (9) Require the physical therapist or physical therapist assistant to attend such continuing  
220 educational courses and pass such examinations as the board may direct.
- 221 4. In any order of revocation, the board may provide that the physical therapist or  
222 physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical  
223 therapist assistant's license for a period of time ranging from two to seven years following the  
224 date of the order of revocation. All stay orders shall toll this time period.
- 225 5. Before restoring to good standing a license issued under this chapter which has been  
226 in a revoked, suspended, or inactive state for any cause for more than two years, the board may  
227 require the applicant to attend such continuing medical education courses and pass such  
228 examinations as the board may direct.
- 229 6. In any investigation, hearing or other proceeding to determine a physical therapist's,  
230 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient  
231 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the  
232 board and admissible into evidence, regardless of any statutory or common law privilege which  
233 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might  
234 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,  
235 or record custodian may withhold records or testimony bearing upon a physical therapist's,  
236 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between  
237 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

338.020. 1. Every person who shall hereafter desire to be licensed as a pharmacist shall  
2 file with the board of pharmacy an application setting forth his name and age, the place, or  
3 places, at which and the time spent in the study of the science and art of pharmacy, and the  
4 practical experience which the applicant has had under the direction of a legally licensed  
5 pharmacist, and shall appear at a time and place designated by the board of pharmacy and submit  
6 to an examination as to his qualifications for registration as a licensed pharmacist. Each  
7 application shall contain a statement that it is made under oath or affirmation and that its

8 representations are true and correct to the best knowledge and belief of the person signing same,  
9 subject to the penalties of making a false affidavit or declaration.

10 **2. So long as the person involved does not represent or hold himself or herself out**  
11 **as a pharmacist licensed to practice in this state, a Missouri pharmacist license shall not**  
12 **be required for a legally qualified pharmacist serving in the armed forces of the United**  
13 **States, or a legally qualified pharmacist employed by the government of the United States**  
14 **or any bureau, division, or agency thereof, who is engaged in the practice of pharmacy**  
15 **while in the discharge of his or her official duties.**

338.059. 1. It shall be the duty of a licensed pharmacist or a physician to affix or have  
2 affixed by someone under the pharmacist's or physician's supervision a label to each and every  
3 container provided to a consumer in which is placed any prescription drug upon which is typed  
4 or written the following information:

- 5 (1) The date the prescription is filled;
- 6 (2) The sequential number **or other unique identifier**;
- 7 (3) The patient's name;
- 8 (4) The prescriber's directions for usage;
- 9 (5) The prescriber's name;
- 10 (6) The name and address of the pharmacy;
- 11 (7) The exact name and dosage of the drug dispensed;
- 12 (8) There may be one line under the information provided in subdivisions (1) to (7) of  
13 this subsection stating "Refill" with a blank line or squares following or the words "No Refill";
- 14 (9) When a generic substitution is dispensed, the name of the manufacturer or an  
15 abbreviation thereof shall appear on the label or in the pharmacist's records as required in section  
16 338.100.

17 2. The label of any drug which is sold at wholesale in this state and which requires a  
18 prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date,  
19 if applicable, batch or lot number and national drug code.

**338.165. 1. As used in this section, the following terms mean:**

- 2 (1) **"Board", the Missouri board of pharmacy;**
- 3 (2) **"Hospital", a hospital as defined in section 197.020;**
- 4 (3) **"Hospital clinic or facility", a clinic or facility under the common control,**  
5 **management or ownership of the same hospital or hospital system;**
- 6 (4) **"Medical staff committee", the committee or other body of a hospital or hospital**  
7 **system responsible for formulating policies regarding pharmacy services and medication**  
8 **management;**
- 9 (5) **"Medication order", an order for a legend drug or device that is:**

10           (a) Authorized or issued by an authorized prescriber acting within the scope of his  
11 or her professional practice or pursuant to a protocol or standing order approved by the  
12 medical staff committee; and

13           (b) To be distributed or administered to the patient by a health care practitioner  
14 or lawfully authorized designee at a hospital or a hospital clinic or facility;

15           (6) "Patient", an individual receiving medical diagnosis, treatment or care at a  
16 hospital or a hospital clinic or facility.

17           2. The department of health and senior services shall have sole authority and  
18 responsibility for the inspection and licensure of hospitals as provided by chapter 197  
19 including, but not limited to all parts, services, functions, support functions and activities  
20 which contribute directly or indirectly to patient care of any kind whatsoever. However,  
21 the board may inspect a class B pharmacy or any portion thereof that is not under the  
22 inspection authority vested in the department of health and senior services by chapter 197  
23 to determine compliance with this chapter or the rules of the board. This section shall not  
24 be construed to bar the board from conducting an investigation pursuant to a public or  
25 governmental complaint to determine compliance by an individual licensee or registrant  
26 of the board with any applicable provisions of this chapter or the rules of the board.

27           3. The department of health and senior services shall have authority to promulgate  
28 rules in conjunction with the board governing medication distribution and the provision  
29 of medication therapy services by a pharmacist at or within a hospital. Rules may include,  
30 but are not limited to, medication management, preparation, compounding,  
31 administration, storage, distribution, packaging and labeling. Until such rules are jointly  
32 promulgated, hospitals shall comply with all applicable state law and department of health  
33 and senior services rules governing pharmacy services and medication management in  
34 hospitals. The rulemaking authority granted herein to the department of health and senior  
35 services shall not include the dispensing of medication by prescription.

36           4. All pharmacists providing medication therapy services shall obtain a certificate  
37 of medication therapeutic plan authority as provided by rule of the board. Medication  
38 therapy services may be provided by a pharmacist for patients of a hospital pursuant to  
39 a protocol with a physician as required by section 338.010 or pursuant to a protocol  
40 approved by the medical staff committee.

41           5. Medication may be dispensed by a class B hospital pharmacy pursuant to a  
42 prescription or a medication order.

43           6. A drug distributor license shall not be required to transfer medication from a  
44 class B hospital pharmacy to a hospital clinic or facility for patient care or treatment.

45           **7. Medication dispensed by a hospital to a hospital patient for use or administration**  
46 **outside of the hospital shall be labeled as provided by rules jointly promulgated by the**  
47 **department of health and senior services and the board including, medication distributed**  
48 **for administration by or under the supervision of a health care practitioner at a hospital**  
49 **clinic or facility.**

50           **8. This section shall not be construed to preempt any law or rule governing**  
51 **controlled substances.**

52           **9. Any rule, as that term is defined in section 536.010, that is created under the**  
53 **authority delegated in this section shall only become effective if it complies with and is**  
54 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**  
55 **section and chapter 536 are nonseverable and if any of the powers vested with the general**  
56 **assembly under chapter 536 to review, to delay the effective date, or to disapprove and**  
57 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
58 **authority and any rule proposed or adopted after August 28, 2014, shall be invalid and**  
59 **void.**

60           **10. The board shall appoint an advisory committee to review and make**  
61 **recommendations to the board on the merit of all rules and regulations to be jointly**  
62 **promulgated by the board and the department of health and senior services pursuant to**  
63 **the joint rulemaking authority granted by this section. The advisory committee shall**  
64 **consist of:**

65           **(1) Two representatives designated by the Missouri Hospital Association, one of**  
66 **whom shall be a pharmacist;**

67           **(2) One pharmacist designated by the Missouri Society of Health System**  
68 **Pharmacists;**

69           **(3) One pharmacist designated by the Missouri Pharmacy Association;**

70           **(4) One pharmacist designated by the department of health and senior services**  
71 **from a hospital with a licensed bed count that does not exceed fifty beds or from a critical**  
72 **access hospital as defined by the department of social services for purposes of MO**  
73 **HealthNet reimbursement;**

74           **(5) One pharmacist designated by the department of health and senior services**  
75 **from a hospital with a licensed bed count that exceeds two hundred beds; and**

76           **(6) One pharmacist designated by the Board with experience in the provision of**  
77 **hospital pharmacy services.**

78           **11. Nothing in this section shall be construed to limit the authority of a licensed**  
79 **health care provider to prescribe, administer, or dispense medications and treatments**  
80 **within the scope of their professional practice.**

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital [outpatient] pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Nonsterile compounding;
- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;
- (10) Class J: Shared service;
- (11) Class K: Internet;
- (12) Class L: Veterinary;
- (13) Class M: Specialty (bleeding disorder);
- (14) Class N: Automated dispensing system (health care facility);
- (15) Class O: Automated dispensing system (ambulatory care);
- (16) Class P: Practitioner office/clinic.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

37           4. Class L: veterinary permit shall not be construed to prohibit or interfere with any  
38 legally registered practitioner of veterinary medicine in the compounding, administering,  
39 prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical  
40 product to be used for animals.

41           5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this  
42 section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used  
43 for treating animals.

44           **6. A "Class B Hospital Pharmacy" shall be defined as a pharmacy owned, managed**  
45 **or operated by a hospital as defined by section 197.020 or a clinic or facility under common**  
46 **control, management or ownership of the same hospital or hospital system. This section**  
47 **shall not be construed to require a class B hospital pharmacy permit or license for hospitals**  
48 **solely providing services within the practice of pharmacy under the jurisdiction of, and the**  
49 **licensure granted by, the department of health and senior services pursuant to chapter 197.**

50           **7. Upon application to the board, any hospital that holds a pharmacy permit or**  
51 **license on the effective date of this section shall be entitled to obtain a class B pharmacy**  
52 **permit or license without fee, provided such application shall be submitted to the board on**  
53 **or before January 1, 2015.**

338.270. 1. Application blanks for renewal permits shall be mailed to each permittee  
2 on or before the first day of the month in which the permit expires and, if application for renewal  
3 of permit is not made before the first day of the following month, the existing permit, or renewal  
4 thereof, shall lapse and become null and void upon the last day of that month.

5           **2. The board shall not renew a nonresident pharmacy license if the renewal**  
6 **applicant does not hold a current pharmacy license or its equivalent in the state in which**  
7 **the nonresident pharmacy is located.**

338.347. 1. Application blanks for renewal of license shall be mailed to each licensee  
2 on or before the first day of the month in which the license expires and, if application for renewal  
3 of license with required fee is not made before the first day of the following month, the existing  
4 license, or renewal thereof, shall lapse and become null and void upon the last day of that month.

5           **2. The board shall not renew an out-of-state wholesale drug distributor, out-of-state**  
6 **pharmacy distributor, or drug distributor license or registration if the renewal applicant**  
7 **does not hold a current distributor license or its equivalent in the state or jurisdiction in**  
8 **which the distribution facility is located; or if the applicant is a drug distributor registrant,**  
9 **the entity is not authorized and in good standing to operate as a drug manufacturer with**  
10 **the Food and Drug Administration or within the state or jurisdiction where the facility is**  
11 **located.**

2 [327.391. The board shall upon application issue a license to any  
3 individual who has at least twenty years of satisfactory experience, and who  
4 passes the Fundamentals of Land Surveying examination, the Professional Land  
5 Surveying examination, and the Missouri state specific examination provided that  
6 any such application is accompanied by the required fee.]

2 [327.623. The board may license, in its discretion and without  
3 examination, any landscape architect certified, licensed or registered in another  
4 state or territory of the United States when such applicant has qualifications  
5 which are at least equivalent to the requirements for licensure as a landscape  
6 architect in this state.]

2 [327.631. 1. The board may refuse to issue any license required pursuant  
3 to section 327.629, or renewal or reinstatement thereof, for one or any  
4 combination of causes stated in subsection 2 of this section. The board shall  
5 notify the applicant in writing of the reasons for the refusal and shall advise the  
6 applicant of his or her right to file a complaint with the administrative hearing  
7 commission as provided by chapter 621.

8 2. The board may cause a complaint to be filed with the administrative  
9 hearing commission as provided by chapter 621 against any holder of any license  
10 required by section 327.629 or any person who has failed to renew or has  
11 surrendered his or her license for any one or any combination of the following  
12 causes:

13 (1) The person has been finally adjudicated and found guilty, or entered  
14 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws  
15 of any state or of the United States, for any offense reasonably related to the  
16 qualifications, functions or duties of the profession regulated pursuant to sections  
17 327.600 to 327.635, for any offense an essential element of which is fraud,  
18 dishonesty or an act of violence, or for any offense involving moral turpitude,  
19 whether or not sentence is imposed;

20 (2) Use of fraud, deception, misrepresentation or bribery in securing any  
21 license or authority, permit or license issued pursuant to sections 327.600 to  
22 327.635 or in obtaining permission to take any examination given or required  
23 pursuant to sections 327.600 to 327.635;

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

26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
27 or dishonesty in the performance of the functions or duties of the profession  
28 regulated by sections 327.600 to 327.635;

29 (5) Violation of, or assisting or enabling any person to violate, any  
30 provision of sections 327.600 to 327.635, or of any lawful rule or regulation  
adopted pursuant to such sections;

31 (6) Impersonation of any person holding a license or authority, permit or  
32 license allowing any person to use his or her certificate or diploma from any  
33 school;

34 (7) Disciplinary action against the holder of a license or other right to  
35 practice the profession regulated by sections 327.600 to 327.635 granted by  
36 another state, territory, federal agency, or country upon grounds for which  
37 revocation or suspension is authorized in this state;

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

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

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

44 3. After the filing of such complaint, the proceedings shall be conducted  
45 in accordance with the provisions of chapters 536 and 621. Upon a finding by  
46 the administrative hearing commission that the grounds, provided in subsection  
47 2 of this section, for disciplinary action are met, the board may censure or place  
48 the person named in the complaint on probation on such terms and conditions as  
49 the board deems appropriate for a period not to exceed five years, or may  
50 suspend, for a period not to exceed three years, or revoke the license.]

✓