

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

TWENTY-NINTH DAY, TUESDAY, FEBRUARY 20, 2001

Speaker Kreider in the Chair.

Prayer by Father David Buescher.

God, help us entrust the committee meetings, the discussions, the time with constituents, all the affairs of this day to Your attention. Your care will infuse these dealings and interactions with a deeper sense of meaning and purpose.

May our representatives not work as if they are alone or helpless, but rather awake with the knowledge that Your spirit breathes in and through their efforts and toiling. Grant them this presence as they humbly stand praying to You at the start of this day. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sarah Leleah McDonald, Maddy Noss, Steven Le, Daniel Kuehn and Ashley Burris.

The Journal of the twenty-eighth day was approved as printed by the following vote:

AYES: 144

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross

Scheve	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Wagner	Walton	Wiggins
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Black	Clayton	Froelker	Gambaro	Hohulin
Holand	Hollingsworth	Hunter	Kelly 36	Schwab
St. Onge	Vogel	Ward	Williams	Wright

VACANCIES: 004

Dana Staley, State President of Future Farmers of America, King City, Missouri, addressed the House.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 523

through

House Resolution No. 526 - Representative Selby
House Resolution No. 527 - Representative Naeger
House Resolution No. 528 - Representative Kelly (27)
House Resolution No. 529 - Representative Seigfreid
House Resolution No. 530

and

House Resolution No. 531 - Representatives Seigfreid and Copenhaver
House Resolution No. 532

and

House Resolution No. 533 - Representative Ladd Baker
House Resolution No. 534 - Representative Barry
House Resolution No. 535 - Representative Phillips

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 23 was read the second time.

SECOND READING OF HOUSE BILLS

HB 820 through **HB 825** were read the second time.

SECOND READING OF SENATE BILL

SCS SBs 26 & 126 was read the second time.

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 163, HCS HBs 441, 94 & 244, HB 219, and HCS HB 207**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 5, relating to school district bond elections, was taken up by Representative Barry.

Speaker Pro Tem Abel assumed the Chair.

Representative Marble offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Joint Resolution No. 5, Page 1, Article VI, Section 26(b), Line 1, by adding immediately after “26(b).”, the following: “[.]”; and

Further amend said House Joint Resolution No. 5, Page 2, Article VI, Section 26(b), Line 10, by adding after all of said line the following:

“2. The required majority for passage of this house joint resolution, notwithstanding Article XII, Section 2(b) of the Constitution, shall be a four-sevenths majority.”

Representative Marble moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 055

Ballard	Barnett	Bartelsmeyer	Bearden	Behnen
Berkstresser	Boatright	Burcham	Burton	Byrd
Champion	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Dempsey	Enz	Gaskill	Green 73
Hegeman	Henderson	Hohulin	Holand	Hunter
Jetton	Kelly 144	Legan	Levin	Linton
Lograsso	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Murphy	Myers	Naeger
Nordwald	Phillips	Portwood	Purgason	Rector
Reinhart	Richardson	Ridgeway	Roark	Schwab
Scott	Secret	St. Onge	Townley	Wright

NOES: 099

Abel	Baker	Barnitz	Barry 100	Bartle
Berkowitz	Black	Bonner	Boucher	Bowman

Boykins	Bray 84	Britt	Brooks	Campbell
Carnahan	Clayton	Coleman	Copenhaver	Crump
Curls	Davis	Dolan	Fares	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	George	Graham	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hampton	Harding	Hartzler
Haywood	Hendrickson	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 27	Kelly 36	Kennedy
King	Koller	Liese	Lowe	Luetkenhaus
Mays 50	McKenna	Merideth	Monaco	Moore
O'Connor	O'Toole	Ostmann	Overschmidt	Ransdall
Reid	Relford	Reynolds	Rizzo	Robirds
Ross	Scheve	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	Surface
Thompson	Treadway	Troupe	Van Zandt	Villa
Wagner	Walton	Ward	Wiggins	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 005

Hanaway	Harlan	Lawson	Long	Vogel
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VACANCIES: 004

Representative Bearden offered House Amendment No. 2.

House Amendment No. 2

AMEND House Joint Resolution No. 5, Page 2, Section 26(b), Lines 9 and 10, by striking the words: “**general municipal election day or**”.

Representative Bearden moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Ballard	Barnett	Bartelsmeyer	Bearden	Behnen
Berkstresser	Burcham	Burton	Byrd	Champion
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Enz	Froelker	Gaskill
Green 15	Griesheimer	Hegeman	Henderson	Hohulin
Holand	Holt	Hunter	Jetton	Kelly 144
Kelly 36	Legan	Linton	Lograsso	Long
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Murphy	Myers	Naeger	Nordwald	Portwood
Purgason	Rector	Reinhart	Richardson	Ridgeway
Roark	Robirds	Schwab	Scott	Secret
St. Onge	Townley			

NOES: 097

Abel	Baker	Barnitz	Barry 100	Bartle
Berkowitz	Black	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Campbell	Carnahan	Clayton	Coleman	Copenhaver
Crump	Curls	Davis	Fares	Farnen
Foley	Ford	Franklin	Fraser	Gambaro
George	Graham	Gratz	Green 73	Hagan-Harrell
Hampton	Harding	Harlan	Hartzler	Haywood
Hendrickson	Hickey	Hilgemann	Hollingsworth	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 27	Kennedy	King	Koller	Liese
Lowe	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Ransdall	Reid
Relford	Reynolds	Rizzo	Ross	Scheve
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	Surface	Thompson	Treadway
Troupe	Van Zandt	Villa	Wagner	Ward
Wiggins	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 005

Hanaway	Lawson	Levin	Vogel	Walton
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VACANCIES: 004

On motion of Representative Barry, **HJR 5** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS

HCS HB 113, relating to state building contracts, was taken up and placed on the Informal Calendar.

HB 381, relating to gray market tobacco, was taken up and placed on the Informal Calendar.

HB 621, with House Committee Amendment No. 1, relating to the penitentiary redevelopment commission, was taken up by Representative Gratz.

On motion of Representative Gratz, **House Committee Amendment No. 1** was adopted.

Representative Britt assumed the Chair.

Representative Gratz offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 621, Page 3, Section 217.900, Line 77, by inserting immediately after said line the following:

“9. Upon the dissolving of the commission, any funds remaining in the Missouri State Penitentiary Commission Fund shall be transferred to the general revenue fund.”

On motion of Representative Gratz, **House Amendment No. 1** was adopted.

On motion of Representative Gratz, **HB 621, as amended**, was ordered perfected and printed.

Speaker Pro Tem Abel resumed the Chair.

HB 575, with House Committee Amendment No. 1, relating to motor vehicle franchise, was taken up by Representative O'Connor.

On motion of Representative O'Connor, **House Committee Amendment No. 1** was adopted.

On motion of Representative O'Connor, **HB 575, as amended**, was ordered perfected and printed.

HCS HB 567, relating to professional registration, was taken up by Representative Treadway.

Representative Johnson (90) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 567, Page 12, Section 324.205, Line 3, by striking the “[” on said line; and

Further amend said Section, Page 13, Line 4, by striking the following: “[**a class A misdemeanor**”.

On motion of Representative Johnson (90), **House Amendment No. 1** was adopted.

Representative Shoemyer offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 567, Page 61, Section 331.050, Line 27, by inserting after all of said line the following:

"332.051. 1. The board shall establish and maintain an office at Jefferson City, Missouri, where its records and files shall be kept.

2. Investigators employed by the board shall, among other duties, have the power in the name of the board to investigate alleged violations of this chapter including the right to inspect, on order of the board, dental offices, [including records,] dental laboratories, dental equipment and instruments [with respect to violations of the provisions of this chapter], **and to inspect and copy all records, including patient records.**

3. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and

admissible into evidence, regardless of any statutory or common law privilege that such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

332.181. 1. [After a person has received a certificate of registration qualifying him to practice dentistry in Missouri, he may within one year from the date of his certificate, apply, on forms furnished to the applicant for, and upon payment of a dentist's license fee shall receive, a license to practice dentistry in Missouri] **No person shall engage in the practice of dentistry in Missouri without first obtaining a license pursuant to this chapter.**

2. [The certificate of registration of a dentist issued to any person who fails to apply for a license as herein provided within one year after the date of his certificate of registration shall be void] **Any person desiring to obtain a license to practice dentistry in Missouri shall make application to the board on a form prescribed by the board pursuant to section 332.141. An application for licensure shall be active for one year after the date it is received by the board. The application is void if not completed within one year of its receipt by the board.**

3. [Each person who holds a certificate of registration] **Once licensed** to practice dentistry in Missouri, a licensee shall renew his **or her** license [to practice dentistry in Missouri] on or before the license renewal date and shall display his **or her** license for each current licensing period in the office in which he **or she** practices or offers to practice dentistry.

4. **All licenses issued or renewed on or after December 1, 2002, shall be valid for two years.** The board shall not renew [any certificate of registration] **the license** of any dentist unless the licensee [shall provide] **provides** satisfactory evidence that he **or she** has completed [seventy-five hours] **the required number** of continuing education [within a three-year period] **hours within the time period prescribed by rule by the board. The board may extend the time requirements for completion of continuing education for up to six months for reasons related to health, military service, foreign residency or other good cause. All requests for extensions of time shall be made in writing and submitted to the board before the license renewal date.** The board may waive the requirements for continuing education for retired or disabled dentists or for other good cause.

5. Any [registered and] licensed dentist who fails to renew his **or her** license on or before the renewal date may apply to the board for [a] renewal of his **or her** license within [five] **four** years subsequent to the date [his] **of** license [expired] **expiration**, provided that any such applicant shall pay a reinstatement fee for the license.

6. The [certificate of registration] **license** of any dentist who fails to renew [his license] within [five] **four** years of the time his **or her** license [has] expired [shall be] **is** void. [He] **The dentist** may reapply for a [new certificate of registration], **license** provided that, unless [he applies] **application is made** under section 332.211, he **or she** shall pay the same fees and be examined in the same manner as an original applicant for [a certificate of registration] **licensure** as a dentist. A [registered and] currently licensed dentist in Missouri may apply to the board to be placed on an inactive list of dentists, and during the time his **or her** name remains on the inactive list, he **or she** shall not practice dentistry. If a dentist wishes to be removed from the inactive list, unless he **or she** applies under section 332.211, he **or she** shall apply for a current license and pay the license fees for the years between the date of the entry of his **or her** name on the inactive list and the date of issuance of his **or her** current license. [And] **In addition**, [if he] **any dentist who** has been on the inactive list for more than [three] **four** years[,] **shall** be examined in the same manner as an original applicant for [a certificate of registration] **licensure** as a dentist.

7. A [registered and] currently licensed dentist in Missouri who does not maintain a practice in this state or does not reside in this state may apply to the board to be placed on an out-of-state licensee list of dentists. Any dentist applying to be so [registered and] licensed shall accompany his **or her** application with a fee not greater than the licensure fee for a licensee who maintains a practice in this state or who resides in this state. The required fee shall be established by the board, by rule, as with other licensing fees.

332.261. 1. [After a person has received a certificate of registration qualifying him to practice as a dental hygienist in Missouri, he may within one year from the date of his certificate apply for and shall receive a license to practice as a dental hygienist in Missouri. Application forms shall be furnished to the applicant, and the application shall be accompanied by the dental hygienist license fee.] **No person shall engage in the practice of dental hygiene without first obtaining a license pursuant to this chapter.**

2. [The certificate of registration as a dental hygienist issued to any person who fails to apply for a license as herein provided within one year after the date of his certificate of registration shall be void.] **Any person desiring to obtain a license to practice dental hygiene in Missouri shall make application to the board on a form prescribed by the board pursuant to section 332.241. An application for licensure shall be active for one year after the date it is received by the board. The application is void if not completed within one year of its receipt by the board.**

3. [Each person who holds a certificate of registration] **Once licensed** to practice as a dental hygienist in Missouri, **a licensee** shall renew his **or her** license to practice as a dental hygienist on or before the renewal date and shall display his **or her** license for each current licensing period in the office in which he **or she** practices or offers to practice as a dental hygienist.

4. **All licenses issued or renewed on or after December 1, 2002, shall be valid for two years.** The board shall not renew [any certificate of registration] **the license** of any hygienist unless the licensee [shall provide] **provides** satisfactory evidence that he **or she** has completed [forty-five hours] **the required number** of continuing education [within a three-year period] **hours within the time period prescribed by rule by the board. The board may extend the time requirements for completion of continuing education for up to six months for reasons related to health, military service, foreign residency or other good cause. All requests for extensions of time shall be made in writing and submitted to the board before the license renewal date.** The board may waive the requirements for continuing education for retired or disabled hygienists or for other good cause.

5. Any [registered and] licensed dental hygienist who fails to renew his **or her** license on or before the renewal date may apply to the board for [a] renewal of his **or her** license within [five] **four** years [after] **subsequent to** the date [his] of license [expired] **expiration**, [but he] **but any such applicant** shall pay a reinstatement fee for the [new] license.

6. The [certificate of registration] **license** of any dental hygienist who fails to renew [his license] within [five] **four** years of the time that his **or her** license [shall have] expired [shall be] **is** void. [He] **The dental hygienist** may apply for a new [certificate of registration] **license**, provided that, unless [he applies] **application is made** under section 332.281, he **or she** shall pay the same fees and be examined in the same manner as an original applicant for [a certificate of registration] **licensure** as a dental hygienist. **A currently licensed dental hygienist in Missouri may apply to the board to be placed on an inactive list of dental hygienists, and during the time his or her name remains on the inactive list, he or she shall not practice as a dental hygienist. If a dental hygienist wishes to be removed from the inactive list, unless he or she applies pursuant to section 332.281, he or she shall apply for a current license and pay the license fees for the years between the date of the entry of his or her name on the inactive list and the date of issuance of his or her current license. In addition, any dental hygienist who has been on the inactive list for more than four years shall be examined in the same manner as an original applicant for licensure as a dental hygienist.**

7. [Any] **A currently licensed** dental hygienist [holding a certificate of registration in this state] **in Missouri** who does not practice in this state or who does not reside in this state may apply to the board to be placed on an out-of-state registration list of dental hygienists. Any dental hygienist applying to be so [registered] **licensed** shall accompany his **or her** application with a fee not greater than the license fee for a licensee who practices in this state or resides in this state. The required fee shall be established by the board, by rule, as with other licensing fees.

332.321. 1. The board may refuse to issue [any certificate of registration or authority, permit or license, or refuse to renew any such certificate of registration or authority,] **or renew any** permit or license[,] required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or renewing any such [certificate of registration or authority,] permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any [certificate of registration or authority,] permit or license required by this chapter or any person who has failed to renew or has surrendered his or her [certificate of registration or authority,] permit or license for any one or any combination of the following causes:

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any [certificate of registration or authority,] permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required

pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment [which is] greater than that to which the person is entitled;

(e) Abrogating the co-payment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the [holder of a license] **licensee** and an insurance company, health service corporation or health maintenance organization licensed pursuant to the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

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

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

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

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

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

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

(12) Failure to display a valid certificate [or], license **or permit** if so required by this chapter or by any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation [which] **that** is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

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

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

(c) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim [which] **that** exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee [which] **that** can be charged for the specified service, including all related or incidental services, modified by the term "up to" if desired;

(e) Any announcement in any form including the term "specialist" or the phrase "limited to the specialty of" unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that the person is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of";

(g) Any announcement containing any terms denoting or implying specialty areas [which] **that** are not recognized by the American Dental Association;

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

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

(17) Failing to maintain his or her office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting [or], tendering or paying "rebates" to or "splitting fees" with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation organized pursuant to the provisions of chapter 356, RSMo, [from distributing] **to distribute** profits in accordance with his or her stated agreement;

(19) Administering, **or** causing or permitting to be administered, nitrous oxide gas in any amount to himself or herself[;], or to another unless [this administration is done] as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him or her, unless the failure was due to circumstances beyond his or her control. A dentist, specialist or hygienist whose right to practice has been affected pursuant to this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) 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 following: denying his or her application for a license; permanently withholding issuance of a license; administering a public or private reprimand; **placing on probation**, suspending or limiting or restricting his or her license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

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

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

(2) [May] Suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit. **In any order of revocation, the board may provide that the person may not apply for licensure for a period of time ranging from two to seven years following the date of**

the order of revocation; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third-party payer who shall have paid in whole or in part a claim or payment which they should be reimbursed [for], where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one [which] **that** was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. If the board concludes that a dentist or dental hygienist has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action and that constitutes a clear and present danger to public health and safety, the board may file a complaint before the administrative hearing commission which requests an expedited hearing, which specifies the activities that endanger the public health and safety and which specifies the nature of the proposed restriction or suspension of the dentist's or dental hygienist's license. Within fifteen days after service of the complaint on the dentist or dental hygienist, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the dentist or dental hygienist appear to constitute a clear and present danger to the public health and safety which justify the immediate restriction or suspension of the dentist's or dental hygienist's license. The burden of proving that a dentist or dental hygienist is a clear and present danger to the public health and safety is on the Missouri dental board. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the dentist's or dental hygienist's license, such temporary authority shall become final authority if the dentist or dental hygienist fails to request a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the dentist or dental hygienist named in the complaint, set a date to hold a full hearing pursuant to chapter 621, RSMo, regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

7. Notwithstanding any other provisions of section 332.071 or of this section, a [duly registered and] currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices [in violation of this section or violate any other] **that violate any** provision of this chapter.

[5.] **8.** At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of the attorney general's assistants designated by the attorney general or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

[6.] **9.** If at any time when any [disciplinary sanctions have] **discipline has** been imposed pursuant to this section or pursuant to any provision of this chapter, the licensee removes himself or herself from the state of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to keep the Missouri dental board advised of his or her current place of business and residence, the time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed."; and

Further amend said title, enacting clause and intersectional references accordingly.

HCS HB 567, as amended, with House Amendment No. 2, pending, was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 207 - Fiscal Review and Government Reform (Fiscal Note)

HB 81 - Education-Elementary and Secondary

HB 702 - Local Government and Related Matters

- HB 703** - Critical Issues, Consumer Protection and Housing
- HB 704** - Municipal Corporations
- HB 705** - Retirement
- HB 706** - Ways and Means
- HB 707** - Criminal Law
- HB 708** - Motor Vehicle and Traffic Regulations
- HB 709** - Motor Vehicle and Traffic Regulations
- HB 710** - Elections
- HB 711** - Judiciary
- HB 712** - Civil and Administrative Law
- HB 713** - Insurance
- HB 714** - Transportation
- HB 715** - Social Services, Medicaid and the Elderly
- HB 716** - Professional Registration and Licensing
- HB 717** - Ways and Means
- HB 718** - Criminal Law
- HB 719** - Ways and Means
- HB 720** - Labor
- HB 721** - Environment and Energy
- HB 722** - Children, Families and Health
- HB 723** - Utilities Regulation
- HB 724** - Criminal Law
- HB 725** - Education-Elementary and Secondary
- HB 726** - Local Government and Related Matters
- HB 727** - Local Government and Related Matters
- HB 728** - Local Government and Related Matters
- HB 729** - Motor Vehicle and Traffic Regulations
- HB 730** - Local Government and Related Matters
- HB 731** - Public Safety, Law Enforcement and Veteran Affairs
- HB 732** - Public Safety, Law Enforcement and Veteran Affairs
- HB 733** - Public Safety, Law Enforcement and Veteran Affairs
- HB 734** - Transportation
- HB 739** - Critical Issues, Consumer Protection and Housing
- HB 740** - Ways and Means
- HB 741** - Ways and Means
- HB 742** - Correctional and State Institutions
- HB 743** - Transportation
- HB 748** - Local Government and Related Matters
- HB 749** - Local Government and Related Matters
- HB 750** - Retirement
- HB 752** - Professional Registration and Licensing
- HB 753** - Motor Vehicle and Traffic Regulations
- HB 755** - Motor Vehicle and Traffic Regulations
- HB 756** - Transportation
- HB 757** - Professional Registration and Licensing

- HB 758** - Commerce and Economic Development
- HB 760** - Urban Affairs
- HB 761** - Utilities Regulation
- HB 763** - Education-Elementary and Secondary
- HB 764** - Insurance
- HB 765** - Motor Vehicle and Traffic Regulations
- HB 766** - Utilities Regulation
- HB 767** - Commerce and Economic Development
- HB 768** - Workers Compensation and Employment Security
- HB 769** - Education-Higher
- HB 770** - Municipal Corporations
- HB 771** - Judiciary
- HB 772** - Elections
- HB 773** - Local Government and Related Matters
- HB 774** - Criminal Law
- HB 775** - Miscellaneous Bills & Resolutions
- HB 776** - Motor Vehicle and Traffic Regulations
- HB 777** - Criminal Law
- HB 778** - Utilities Regulation
- HB 779** - Correctional and State Institutions
- HB 780** - Commerce and Economic Development
- HB 781** - Commerce and Economic Development
- HB 782** - Elections
- HB 783** - Urban Affairs
- HB 784** - Social Services, Medicaid and the Elderly
- HB 785** - Professional Registration and Licensing
- HB 786** - Judiciary
- HB 788** - Motor Vehicle and Traffic Regulations
- HB 789** - Ways and Means
- HB 790** - Ways and Means
- HB 791** - Ways and Means
- HB 792** - Criminal Law
- HB 793** - Insurance
- HB 794** - Education-Elementary and Secondary
- HB 795** - Education-Elementary and Secondary
- HB 796** - Children, Families and Health
- HB 797** - Motor Vehicle and Traffic Regulations
- HB 800** - Motor Vehicle and Traffic Regulations

COMMITTEE REPORTS

Committee on Environment and Energy, Chairman Lawson reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

House Concurrent Resolution No. 16

WHEREAS, on January 29, 2001, the United States District Court for the District of Columbia in the case of *Sierra Club v. Browner* ordered the United States Environmental Protection Agency to decide by March 12, 2001, whether the St. Louis area is in serious violation of standards for ozone air pollution; and

WHEREAS, since the court was barred from ordering the Environmental Protection Agency to find the St. Louis area in "serious" violation, the question of what the EPA will ultimately decide to do is still open; and

WHEREAS, a "serious" designation by the Environmental Protection Agency for the St. Louis area would be significant for the region because it could deter the development of new industries in the region by requiring more costly and restrictive air pollution controls on industry aimed at improving air quality as well as imposing penalties, such as the withholding of federal highway dollars; and

WHEREAS, the state of Missouri and its citizens have worked hard to improve the St. Louis area's air quality through such steps as the use of reformulated gasoline, the implementation of stricter industry controls on emissions, improvements in mass transit, a vehicle inspection program that started in April 2000 and the placement of nozzles on gas pumps to collect gas fumes; and

WHEREAS, last year, the Environmental Protection Agency agreed to give the St. Louis area until November of 2003 to meet the ozone standards and any reduction in that time frame would be unfair to the citizens of St. Louis and the state who have worked so diligently to improve the air quality:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Environmental Protection Agency to provide the St. Louis area with the time promised last year to meet the ozone standards before making its determination as to whether the area is in serious violation of standards for ozone air pollution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President George Bush, EPA Administrator Christine Todd Whitman, Governor Bob Holden and each member of the Missouri congressional delegation.

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HB 309**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 826, introduced by Representative Mays (50), relating to emergency telephone service.

HB 827, introduced by Representative Shields, relating to the neighborhood assistance act.

HB 828, introduced by Representative Skaggs, relating to special license plates.

HB 829, introduced by Representatives Ford, Hosmer, O'Connor, Bowman, Ross, Gambaro, Troupe and Haywood, et al, relating to fraudulent use of a credit card and identifying information.

HB 830, introduced by Representatives Phillips, Harding and Shields, et al, relating to transient guest tax.

HB 831, introduced by Representatives Carnahan, Smith, Selby, Kelly (36), Ross, Kelly (27) and Hosmer, et al, relating to the crime victims' compensation fund.

HB 832, introduced by Representative Gaskill, relating to defense of the United States flag.

HB 833, introduced by Representative Smith, relating to certified court reporters.

HB 834, introduced by Representative Barry, relating to the Missouri health professional student loan repayment program.

HB 835, introduced by Representatives Britt, Hosmer, Crowell, Richardson and Merideth, relating to crime reduction.

HB 836, introduced by Representatives Mays (50), Richardson, Hegeman and Koller, et al, relating to retail electric choice.

HB 837, introduced by Representatives Foley, Hanaway, Scheve, O'Toole, Coleman, O'Connor and Rizzo, relating to certain sports facilities.

HB 838, introduced by Representative Murphy, relating to motor vehicle registration.

HB 839, introduced by Representative Secrest, relating to workers' compensation.

HB 840, introduced by Representative Secrest, relating to workers' compensation.

HB 841, introduced by Representative Secrest, relating to workers' compensation.

HB 842, introduced by Representative Secrest, relating to workers' compensation.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 185**, entitled:

An act to repeal section 301.131, RSMo 2000, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 224**, entitled:

An act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to law enforcement districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 275**, entitled:

An act to amend chapter 302, RSMo, by adding thereto one new section relating to hearing impaired drivers.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Champion is no longer a member of the Children, Families and Health Committee.

Representative May (149) has been appointed a member of the Children, Families and Health Committee.

Representative Bartle is no longer a member of the Judiciary Committee.

Representative Gaskill has been appointed a member of the Judiciary Committee.

Representative Curls has been appointed a member of the Civil and Administrative Law Committee.

Representative Hosmer has been appointed a member of the Civil and Administrative Law Committee.

Representative Britt has been appointed a member of the Civil and Administrative Law Committee.

Representative Crowell has been appointed a member of the Civil and Administrative Law Committee.

Representative Mayer has been appointed a member of the Civil and Administrative Law Committee.

Representative Levin has been appointed a member of the Civil and Administrative Law Committee.

WITHDRAWAL OF HOUSE BILL

February 19, 2001

The Honorable Jim Kreider, Speaker
Missouri House of Representatives
State Capitol, Room 308
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request the withdrawal of **House Bill 799**. Thank you.

Sincerely,

/s/ Richard G. Byrd

The following member's presence was noted: Vogel.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, February 21, 2001.

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 7. AMENDED NOTICE.
To be considered - HB 308, HB 411, HB 581, Executive Session - HB 306,
Executive Session - HB 307, Executive Session - HB 473

APPROPRIATIONS - CORRECTIONS AND PUBLIC SAFETY

Wednesday, February 21, 2001, 8:00 am. Hearing Room 1.
Mark-up HB 8 and HB 9. Possible Executive Session.
Hearing may continue upon adjournment. AMENDED.

APPROPRIATIONS - CORRECTIONS AND PUBLIC SAFETY

Thursday, February 22, 2001, 8:00 am. Hearing Room 1.
Executive Session.

APPROPRIATIONS - SOCIAL SERVICES

Wednesday, February 21, 2001, 8:00 am. Hearing Room 3.
Hearing will continue upon adjournment. HB 11.
Mark-up and possible Executive Session.

APPROPRIATIONS - SOCIAL SERVICES

Thursday, February 22, 2001, 8:00 am. Hearing Room 3.

Hearing will continue upon adjournment.

Mark-up and possible Executive Session.

To be considered - HB 11

APPROPRIATIONS - TRANSPORTATION

Wednesday, February 21, 2001, 8:00 am. Hearing Room 7.

Mark-up.

APPROPRIATIONS - TRANSPORTATION

Thursday, February 22, 2001, 8:00 am. Hearing Room 7.

Mark-up if needed.

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 6.

Executive Session may follow.

To be considered - HB 96, HB 348, HB 360, HB 432, HB 736, HB 738, HB 801

BUDGET

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 3.

To be considered - HB 2, HB 3, HB 4, HB 5

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 1.

To be considered - HB 403, HB 442, HB 464, HB 467, Executive Session - HB 237,

Executive Session - HB 399, Executive Session - HB 403, Executive Session - HB 442

COMMERCE AND ECONOMIC DEVELOPMENT

Thursday, February 22, 2001. Hearing Room 6 upon adjournment.

To be considered - Executive Session - HB 189, Executive Session - HB 215,

Executive Session - HB 327, Executive Session - HB 332, Executive Session - HB 397

CONSERVATION, STATE PARKS AND MINING

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 2.

To be considered - HB 616, Executive Session - HB 239, Executive Session - HCR 6

EDUCATION - HIGHER

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 5.

Possible Executive Session.

To be considered - HB 424, HB 435, HB 489

ENVIRONMENT AND ENERGY

Thursday, February 22, 2001, 8:30 am. Hearing Room 5.

To be considered - HB 597

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, February 21, 2001, 12:00 pm. Hearing Room 6.
Organizational meeting. Presentation of Oversight Program Evaluation Reports.

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 21, 2001, 8:00 am. Hearing Room 6.
Executive Session may follow.
To be considered - HB 313, HB 501, HB 555

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, February 22, 2001, 9:45 am. Side Gallery
Executive Session.
To be considered - HB 120

MUNICIPAL CORPORATIONS

Wednesday, February 21, 2001, 3:00 pm. Hearing Room 4.
Executive Session may follow. AMENDED NOTICE.
To be considered - HB 293, HB 491, HB 557, HB 596

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 21, 2001, 5:00 pm. Hearing Room 5.
Executive Session will be held first. AMENDED NOTICE.
To be considered - HB 416, HB 465, HB 544, HB 588, HB 607, HB 631, HB 695, HB 744

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Wednesday, February 21, 2001, 9:30 am. Side gallery.
Executive Session.

HOUSE CALENDAR

THIRTIETH DAY, WEDNESDAY, FEBRUARY 21, 2001

HOUSE BILLS FOR SECOND READING

HB 826 through HB 842

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 15 - Green (73)

HOUSE BILLS FOR PERFECTION

- 1 HB 287 - Williams
- 2 HCS HB 567, as amended, HA 2, pending - Treadway
- 3 HCS HB 241 - Smith
- 4 HB 80 - Ross
- 5 HCS HB 50 - Relford

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HB 381 - Hoppe

HOUSE BILLS FOR PERFECTION - CONSENT

(February 19, 2001)

- 1 HB 133 - Gambaro
- 2 HB 288 - Campbell
- 3 HB 266 - Treadway
- 4 HB 236 - Smith
- 5 HB 48 - Relford
- 6 HB 180 - Thompson
- 7 HB 78 - Kennedy
- 8 HB 262 - Linton

HOUSE CONCURRENT RESOLUTION FOR ADOPTION

HCR 16, (2-20-01) - Green (15)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 144 & 46, (Fiscal Review 2-14-01) - Bonner
- 2 HS HCS HB 328 & 88, (Fiscal Review 2-15-01) - Harlan
- 3 HCS HB 205, 323 & 549 - Relford
- 4 HB 219 - Townley
- 5 HCS HB 441, 94 & 244 - Holt
- 6 HCS HB 207, E.C. (Fiscal Review 2-20-01) - Ross
- 7 HB 163 - Berkowitz

SENATE BILLS FOR SECOND READING

- 1 SB 185
- 2 SB 224
- 3 SB 275