CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 1719

AN ACT


BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:


285.700. 1. Sections 285.700 to 285.750 shall be known and may be cited as the "Professional Employer Organization Act".

2. The secretary of state or any person designated by the secretary of state may enforce the provisions of sections 285.700 to 285.750.

285.705. As used in sections 285.700 to 285.750, the following terms mean:

(1) "Client", any person who enters into a professional employer agreement with a PEO;

(2) "Coemployer", either a PEO or a client;

(3) "Coemployment relationship", a relationship that is
intended to be an ongoing relationship rather than a temporary or project-specific relationship, wherein the rights, duties, and obligations of an employer that arise out of an employment relationship have been allocated between coemployers pursuant to a professional employer agreement and sections 285.700 to 285.750. In such a coemployment relationship:

(a) The PEO is entitled to enforce only such employer rights and is subject to only those obligations specifically allocated to the PEO by the professional employer agreement or sections 285.700 to 285.750;

(b) The client is entitled to enforce those rights and obligated to provide and perform those employer obligations allocated to such client by the professional employer agreement and sections 285.700 to 285.750; and

(c) The client is entitled to enforce any right and obligated to perform any obligation of an employer not specifically allocated to the PEO by the professional employer agreement or sections 285.700 to 285.750;

(4) "Covered employee", an individual having a coemployment relationship with a PEO and a client who meets the following criteria:

(a) The individual has received written notice of coemployment with the PEO; and

(b) The individual's coemployment relationship is pursuant to a professional employer agreement subject to sections 285.700 to 285.750.

Individuals who are officers, directors, shareholders, partners,
and managers of the client will be covered employees, except to the extent the PEO and the client have expressly agreed in the professional employer agreement that such individuals would not be covered employees, provided such individuals meet the criteria of this subdivision and act as operational managers or perform day-to-day operational services for the client;

(5) "PEO group", any two or more PEOs that are majority owned or commonly controlled by the same entity, parent, or controlling person;

(6) "Person", any individual, partnership, corporation, limited liability company, association, or any other form of legally recognized entity;

(7) "Professional employer agreement", a written contract by and between a client and a PEO that provides:
   (a) For the coemployment of covered employees;
   (b) For the allocation of employer rights and obligations between the client and the PEO with respect to the covered employees; and
   (c) That the PEO and the client assume the responsibilities required under sections 285.700 to 285.750;

(8) "Professional employer organization" or "PEO", any person engaged in the business of providing professional employer services. A person engaged in the business of providing professional employer services shall be subject to registration and regulation under sections 285.700 to 285.750 regardless of its use of the term or conducting business as a professional employer organization, staff leasing company, registered staff leasing company, employee leasing company, administrative
employer, or any other name. The following shall not be deemed to be professional employer organizations or the providing of professional employment services for the purposes of sections 285.700 to 285.750:

(a) Arrangements wherein a person, whose principal business activity is not entering into professional employer arrangements and does not hold itself out as a PEO, shares employees with a commonly owned company within the meaning of Section 414(b) and (c) of the Internal Revenue Code of 1986, as amended;

(b) Independent contractor arrangements by which a person assumes responsibility for the product produced or service performed by such person or his or her agents and retains and exercises primary direction and control over the work performed by the individuals whose services are supplied under such arrangements; and

(c) Providing temporary help services;

(9) "Professional employer services", the service of entering into coemployment relationships under sections 285.700 to 285.750 in which all or a majority of the employees providing services to a client or to a division or work unit of a client are covered employees;

(10) "Registrant", a PEO registered under sections 285.700 to 285.750;

(11) "Temporary help services", services consisting of a person:

(a) Recruiting and hiring its own employees;

(b) Finding other organizations that need the services of those employees;
(c) Assigning those employees to perform work at or services for the other organizations to support or supplement the other organizations' workforces, or to provide assistance in special work situations including, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects; and

(d) Customarily attempting to reassign the employees to other organizations when they finish each assignment.

285.710. 1. Nothing contained in sections 285.700 to 285.750 or in any professional employer agreement shall affect, modify, or amend any collective bargaining agreement or the rights or obligations of any client, PEO, or covered employee under the federal National Labor Relations Act, the federal Railway Labor Act, or sections 105.500 to 105.530.

2. Nothing in sections 285.700 to 285.750 or in any professional employer agreement shall:

(1) Diminish, abolish, or remove rights of covered employees to a client or obligations of such client to a covered employee existing prior to the effective date of a professional employer agreement;

(2) Affect, modify, or amend any contractual relationship or restrictive covenant between a covered employee and any client in effect at the time a professional employer agreement becomes effective. A professional employer agreement shall also not prohibit or amend any contractual relationship or restrictive covenant that is entered into subsequently between a client or a covered employee. A PEO shall have no responsibility or liability in connection with, or arising out of, any such
existing or new contractual relationship or restrictive covenant
unless the PEO has specifically agreed otherwise in writing; or

(3) Create any new or additional enforceable right of a
covered employee against a PEO that is not specifically provided
by the professional employer agreement or sections 285.700 to
285.750.

3. Nothing contained in sections 285.700 to 285.750 or any
professional employer agreement shall affect, modify, or amend
any state, local, or federal licensing, registration, or
certification requirement applicable to any client or covered
employee.

4. A covered employee who shall be licensed, registered, or
certified according to law or regulation is deemed solely an
employee of the client for purposes of any such license,
registration, or certification requirement.

5. A PEO shall not be deemed to engage in any occupation,
trade, profession, or other activity that is subject to
licensing, registration, or certification requirements, or is
otherwise regulated by a governmental entity solely by entering
into and maintaining a coemployment relationship with a covered
employee who is subject to such requirements or regulation.

6. A client shall have the sole right of direction and
control of the professional or licensed activities of covered
employees and of the client's business. Such covered employees
and clients shall remain subject to regulation by the regulatory
or governmental entity responsible for licensing, registration,
or certification of such covered employees or clients.

7. For purposes of the determination of tax credits,
economic incentives, or other benefits provided by this state or any other government entity and based on employment, covered employees shall be deemed employees solely of the client. A client shall be entitled to the benefit of any tax credit, economic incentive, or other benefit arising as the result of the employment of covered employees of such client. Notwithstanding that the PEO is the W-2 reporting employer, the client shall continue to qualify for such benefit, incentive, or credit. If the grant or amount of any such benefit, incentive, or credit is based on the number of employees, then each client shall be treated as employing only those covered employees coemployed by the client. Covered employees working for other clients of the PEO shall not be counted. Each PEO shall provide, upon request by a client or an agency or department of this state, employment information reasonably required by any agency or department of this state responsible for administration of any such tax credit, economic incentive, or other benefit that is necessary to support any request, claim, application, or other action by a client seeking any such tax credit, economic incentive, or other benefit.

8. With respect to a bid, contract, purchase order, or agreement entered into with the state or a political subdivision of the state, a client company's status or certification as a minority business enterprise or a women's business enterprise, as those terms are defined in section 37.020, shall not be affected because the client company has entered into an agreement with a PEO or uses the services of a PEO.

285.715. 1. Except as otherwise provided in sections
285.700 to 285.750, no person shall provide, advertise, or otherwise hold itself out as providing professional employer services in this state, unless such person is registered under sections 285.700 to 285.750.

2. Each applicant for registration under sections 285.700 to 285.750 shall provide the secretary of state with the following information:

   (1) The name or names under which the PEO conducts business;

   (2) The address of the principal place of business of the PEO and the address of each office it maintains in this state;

   (3) The PEO's taxpayer or employer identification number;

   (4) A list by jurisdiction of each name under which the PEO has operated in the preceding five years, including any alternative names, names of predecessors, and, if known, successor business entities;

   (5) A statement of ownership, which shall include the name and evidence of the business experience of any person that, individually or acting in concert with one or more other persons, owns or controls, directly or indirectly, twenty-five percent or more of the equity interests of the PEO;

   (6) A statement of management, which shall include the name and evidence of the business experience of any person who serves as president, chief executive officer, or otherwise has the authority to act as senior executive officer of the PEO; and

   (7) A financial statement setting forth the financial condition of the PEO or PEO group. At the time of application for a new license, the applicant shall submit the most recent
audit of the applicant, which shall not be older than thirteen
months. Thereafter, a PEO or PEO group shall file on an annual
basis, within one hundred eighty days after the end of the PEO's
or PEO group's fiscal year, a succeeding audit. An applicant may
apply for an extension with the secretary of state, but any such
request shall be accompanied by a letter from the auditors
stating the reasons for the delay and the anticipated audit
completion date. The financial statement shall be prepared in
accordance with generally accepted accounting principles and
audited by an independent certified public accountant licensed to
practice in the jurisdiction in which such accountant is located
and shall be without qualification as to the going concern status
of the PEO. A PEO or PEO group may submit combined or
consolidated audited financial statements to meet the
requirements of this section. A PEO that has not had sufficient
operating history to have audited financials based upon at least
twelve months of operating history shall meet the financial
capacity requirements of sections 285.700 to 285.750 and present
financial statements reviewed by a certified public accountant.

3. (1) Each PEO operating within this state as of the
effective date of sections 285.700 to 285.750 shall complete its
initial registration not later than one hundred eighty days after
the effective date of sections 285.700 to 285.750. Such initial
registration shall be valid until one hundred eighty days from
the end of the PEO's first fiscal year that is more than one year
after the effective date of sections 285.700 to 285.750.

(2) Each PEO not operating within this state as of the
effective date of sections 285.700 to 285.750 shall complete its
initial registration prior to initiating operations within this state. In the event a PEO not registered in this state becomes aware that an existing client not based in this state has employees and operations in this state, the PEO shall either decline to provide PEO services for those employees or notify the secretary of state within five business days of its knowledge of this fact and file a limited registration application under subsection 6 of this section or a full business registration if there are more than fifty covered employees. The secretary of state may issue an interim operating permit for the period the registration applications are pending if the PEO is currently registered or licensed by another state and the secretary of state determines it to be in the best interest of the potential covered employees.

4. Within one hundred eighty days after the end of a registrant's fiscal year, such registrant shall renew its registration by notifying the secretary of state of any changes in the information provided in such registrant's most recent registration or renewal. A registrant's existing registration shall remain in effect during the pendency of a renewal application.

5. PEOs in a PEO group may satisfy the reporting and financial requirements of sections 285.700 to 285.750 on a combined or consolidated basis, provided that each member of the PEO group guarantees the financial capacity obligations under sections 285.700 to 285.750 of each other member of the PEO group. In the case of a PEO or PEO group that submits a combined or consolidated audited financial statement including entities
that are not PEOs or that are not in the PEO group, the controlling entity of the PEO group under the consolidated or combined statement shall guarantee the obligations of the PEOs in the PEO group.

6. (1) A PEO is eligible for a limited registration under sections 285.700 to 285.750 if such PEO:

   (a) Submits a properly executed request for limited registration on a form provided by the secretary of state;

   (b) Is domiciled outside this state and is licensed or registered as a professional employer organization in another state;

   (c) Does not maintain an office in this state or directly solicit clients located or domiciled within this state; and

   (d) Does not have more than fifty covered employees employed or domiciled in this state on any given day.

   (2) A limited registration is valid for one year, and may be renewed.

   (3) A PEO seeking limited registration under this section shall provide the secretary of state with information and documentation necessary to show that the PEO qualifies for a limited registration.

   (4) The provisions of section 285.725 shall not apply to applicants for limited registration.

7. The secretary of state shall maintain a list of professional employer organizations registered under sections 285.700 to 285.750 that is readily available to the public by electronic or other means.

8. The secretary of state may produce forms necessary to
promote the efficient administration of this section.

9. The secretary of state shall, to the extent practical, permit the acceptance of electronic filings in conformance with sections 432.200 to 432.295, including applications, documents, reports, and other filings required by sections 285.700 to 285.750. The secretary of state may provide for the acceptance of electronic filings and other assurance by an independent and qualified assurance organization approved by the secretary of state that provides satisfactory assurance of compliance acceptable to the secretary of state consistent with or in lieu of the requirements of sections 285.715 and 285.725 and other requirements of sections 285.700 to 285.750. The secretary of state shall permit a PEO to authorize such an approved assurance organization to act on the PEO's behalf in complying with the registration requirements of sections 285.700 to 285.750, including electronic filings of information and payment of registration fees. Use of such an approved assurance organization shall be optional and not mandatory for a registrant. Nothing in this subsection shall limit or change the secretary of state's authority to register or terminate registration of a professional employer organization or to investigate or enforce any provision of sections 285.700 to 285.750.

10. All records, reports, and other information obtained from a PEO under sections 285.700 to 285.750, except to the extent necessary for the proper administration of sections 285.700 to 285.750 by the secretary of state, shall be confidential and shall not be considered a "public record" as
that term is defined in section 610.010.

285.720. 1. Upon filing an initial registration statement under sections 285.700 to 285.750, a PEO shall pay an initial registration fee not to exceed five hundred dollars.

2. Upon each annual renewal of a registration statement filed under sections 285.700 to 285.750, a PEO shall pay a renewal fee not to exceed two hundred fifty dollars.

3. The secretary of state shall determine any fee to be charged for a group registration.

4. Each PEO seeking limited registration shall pay a fee in the amount not to exceed two hundred fifty dollars upon initial application for limited registration and upon each renewal of such limited registration.

5. No fee charged under sections 285.700 to 285.750 shall exceed the amount reasonably necessary for the administration of sections 285.700 to 285.750.

285.725. Except as provided by 285.715, each PEO or collectively each PEO group shall maintain either:

1. Positive working capital as defined by generally accepted accounting principles at registration as reflected in the financial statements submitted to the secretary of state with the initial registration and each annual renewal; or

2. A PEO or PEO group that does not have positive working capital may provide a bond, irrevocable letter of credit, or securities with a minimum market value equaling the deficiency plus one hundred thousand dollars to the secretary of state. Such bond is to be held by a depository designated by the secretary of state securing payment by the PEO of all taxes.
wages, benefits, or other entitlement due to or with respect to
covered employees if the PEO does not make such payments when
due.

285.730. 1. Except as specifically provided in sections
285.700 to 285.750 or in the professional employer agreement, in
each coemployment relationship:

(1) The client shall be entitled to exercise all rights,
and shall be obligated to perform all duties and responsibilities
otherwise applicable to an employer in an employment
relationship;

(2) The PEO shall be entitled to exercise only those rights
and obligated to perform only those duties and responsibilities
specifically required under sections 285.700 to 285.750 or set
forth in the professional employer agreement. The rights,
duties, and obligations of the PEO as coemployer with respect to
any covered employee shall be limited to those arising pursuant
to the professional employer agreement and sections 285.700 to
285.750 during the term of coemployment by the PEO of such
covered employee; and

(3) Unless otherwise expressly agreed by the PEO and the
client in a professional employer agreement, the client retains
the exclusive right to direct and control the covered employees
as is necessary to conduct the client's business, to discharge
any of the client's fiduciary responsibilities, or to comply with
any licensure requirements applicable to the client or to the
covered employees.

2. Except as specifically provided under sections 285.700
to 285.750, the coemployment relationship between the client and
the PEO and between each coemployer and each covered employee shall be governed by the professional employer agreement. Each professional employer agreement shall include the following:

(1) The allocation of rights, duties, and obligations as described in subsection 1 of this section;

(2) A requirement that the PEO shall have responsibility to:

(a) Pay wages to covered employees;

(b) Withhold, collect, report, and remit payroll-related and unemployment taxes; and

(c) To the extent the PEO has assumed responsibility in the professional employer agreement, to make payments for employee benefits for covered employees.

As used in this section, the term "wages" does not include any obligation between a client and a covered employee for payments beyond or in addition to the covered employee's salary, draw, or regular rate of pay, such as bonuses, commissions, severance pay, deferred compensation, profit sharing, vacation, sick, or other paid-time off pay, unless the PEO has expressly agreed to assume liability for such payments in the professional employer agreement; and

(3) A requirement that the PEO shall have a right to hire, discipline, and terminate a covered employee as may be necessary to fulfill the PEO's responsibilities under sections 285.700 to 285.750 and the professional employer agreement. The client shall have a right to hire, discipline, and terminate a covered employee.
3. With respect to each professional employer agreement entered into by a PEO, such PEO shall provide written notice to each covered employee affected by such agreement of the general nature of the coemployment relationship between and among the PEO, the client, and such covered employee.

4. Except to the extent otherwise expressly provided by the applicable professional employer agreement:

   (1) A client shall be solely responsible for the quality, adequacy, or safety of the goods or services produced or sold in the client's business;

   (2) A client shall be solely responsible for directing, supervising, training, and controlling the work of the covered employees with respect to the business activities of the client and solely responsible for the acts, errors, or omissions of the covered employees with regard to such activities;

   (3) A client shall not be liable for the acts, errors, or omissions of a PEO or of any covered employee of the client and a PEO if such covered employee is acting under the express direction and control of the PEO;

   (4) A PEO shall not be liable for the acts, errors, or omissions of a client or of any covered employee of the client if such covered employee is acting under the express direction and control of the client;

   (5) Nothing in this subsection shall serve to limit any contractual liability or obligation specifically provided in the written professional employer agreement; and

   (6) A covered employee is not, solely as the result of being a covered employee of a PEO, an employee of the PEO for
purposes of general liability insurance, fidelity bonds, surety bonds, employer's liability that is not covered by workers' compensation, or liquor liability insurance carried by the PEO unless the covered employees are included by specific reference in the professional employer agreement and applicable prearranged employment contract, insurance contract, or bond.

5. A PEO under sections 285.700 to 285.750 is not engaged in the sale of insurance or in acting as a third party administrator by offering, marketing, selling, administering, or providing professional employer services that include services and employee benefit plans for covered employees. The provisions of this section shall not supersede or preempt any requirements under section 375.014.

6. For purposes of this state or any county, municipality, or other political subdivision thereof:

(1) Any tax or assessment imposed upon professional employer services or any business license or other fee that is based upon "gross receipts" shall allow a deduction from the gross income or receipts of the business derived from performing professional employer services that is equal to that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, payroll taxes, withholding, or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement;

(2) Any tax assessed or assessment or mandated expenditure on a per capita or per employee basis shall be assessed against the client for covered employees and against the professional
employer organization for its employees who are not covered employees coemployed with a client. Benefits or monetary consideration that meet the requirements of mandates imposed on a client and that are received by covered employees through the PEO either through payroll or through benefit plans sponsored by the PEO shall be credited against the client's obligation to fulfill such mandates; and

(3) In the case of a tax or an assessment imposed or calculated upon the basis of total payroll, the professional employer organization shall be eligible to apply any small business allowance or exemption available to the client for the covered employees for purposes of computing the tax.

285.740. 1. The responsibility to obtain workers' compensation coverage for covered employees in compliance with all applicable laws shall be specifically allocated in the professional employer agreement to either the client or the PEO.

2. (1) Coverage for both the directly employed workers of a client and the covered employees of that client shall be all in the residual or all in the voluntary market with the same carrier.

(2) Workers' compensation coverage for covered employees in the voluntary market may be obtained by either:

(a) The client through a standard workers' compensation policy or through duly authorized self-insurance under section 287.280; or

(b) The PEO through duly authorized self insurance under section 287.280, through the type of policy referenced under the provisions of 20 CSR 500-6.800(5)(c)2 issued to the PEO by a
carrier authorized to do business in this state, or through a multiple coordinated workers' compensation policy issued by a carrier authorized to do business in this state in the name of the PEO or the client.

A PEO authorized to self-insure under section 287.280 shall report to the insurer or the appropriate state and rating authorities such client-based information as is necessary to maintain the client's experience rating.

(3) Workers' compensation for covered employees in the residual market may be obtained by the client through a residual market policy or by the PEO through a multiple coordinated policy in either the name of the PEO or the client that provides to the appropriate state and rating authorities the client-based information satisfactory to maintain the client's experience rating.

3. A PEO that applies for coverage or is covered through the voluntary market shall also maintain and furnish to the insurer sufficient information to permit the calculation of an experience modification factor for each client upon termination of the coemployment relationship. Information reported during the term of the coemployment relationship which is used to calculate an experience modification factor for a client prior to and upon termination of the professional employer agreement shall continue to be used in the future experience ratings of the PEO. Such information shall include:

(1) The client's corporate name;

(2) The client's taxpayer or employer identification
(3) Payroll summaries and class codes applicable to each client, and, if requested by the insurer, a listing of all covered employees associated with a given client; and

(4) Claims information grouped by client, and any other information maintained by or readily available to the PEO that is necessary for the calculation of an experience modification factor for each client.

4. In addition to any other provision of chapter 287, any material violations of this section by a PEO is grounds for cancellation or nonrenewal of the PEO's insurance policy by the insurer. If a PEO has received notice that its workers' compensation insurance policy will be canceled or nonrenewed, the PEO shall notify by certified mail, within ten days after the receipt of the notice, all of the clients for which there is a coemployment relationship covered under the policy to be canceled, provided that notice shall not be required if the PEO has obtained another insurance policy from a carrier authorized to do business in this state, with an effective date that is the same as the date of cancellation or nonrenewal.

5. If the coemployment relationship with a client is terminated, the client shall utilize an experience modification factor which reflects its individual experience, including, if applicable, experience incurred for covered employees under the professional employer agreement. The PEO shall provide to the client the client's information that is maintained under subsection 3 of this section within five business days of receiving notice from the client or within five business days of
providing notice to the client that the coemployment relationship will terminate. The PEO shall also provide such information to any future client insurer, if requested by such client. The PEO shall notify the insurer of its intent to terminate any client relationship prior to termination when feasible. When prior notice is not feasible, the PEO shall notify its insurer within five business days following actual termination.

6. Both the client and the PEO shall be considered the employer for purposes of coverage under chapter 287. The protection of the exclusive remedy provision under section 287.120 shall apply to the PEO, the client, and to all covered employees and other employees of the client irrespective of which coemployer obtains such workers' compensation coverage. Nothing in this section shall be construed to exempt either the client or the PEO from compliance with the provisions of chapter 287.

7. A client may request the information maintained under subsection 3 of this section at any time and every PEO shall provide that information to such client within five business days of receiving such a request.

8. In the case of a request for information by a third party requesting verification of a client's experience modification factor for a client in the type of policy referenced under the provisions of 20 CSR 500-6.800(5)(c)2, the PEO shall, within five business days of receipt of receiving the client's consent, provide such third party with only the information maintained by the PEO under subsection 3 of this section. If a client refuses to grant consent to a request for information under this subsection, the PEO shall notify the requesting third
party that the client has refused to consent to the disclosure of
the information maintained by the PEO under subsection 3 of this
section.

9. A client shall provide any prospective insurer with the
information maintained by the PEO under subsection 3 of this
section upon receiving such information from the PEO. Failure to
provide a future insurer with such information shall be
considered a violation of subsection 6 of section 287.128.

10. (1) A client shall notify any prospective insurer of
the client's previous or current relationship with a PEO.
Failure to provide a future insurer with such information shall
be considered a violation of subsection 6 of section 287.128.

(2) This subsection shall not apply if the PEO did not
provide workers' compensation coverage to a client during the
coemployment relationship.

11. For purposes of chapter 288, a PEO registered under
sections 285.700 to 285.750 shall be treated as a "lesser
employing unit" under section 288.032.

285.750. 1. A person shall not knowingly:
(1) Offer or provide professional employer services or use
the names PEO, professional employer organization, staff leasing,
employee leasing, administrative employer, or other title
representing professional employer services without first
becoming registered under sections 285.700 to 285.750; or

(2) Provide false or fraudulent information to the
secretary of state in conjunction with any registration, renewal,
or in any report required under sections 285.700 to 285.750.

2. Disciplinary action shall be taken by the secretary of
(1) The conviction of a professional employer organization or a controlling person of a PEO of a crime that relates to the operation of a PEO or the ability of the licensee or a controlling person of a licensee to operate a PEO;

(2) Knowingly making a material misrepresentation to the secretary of state or other governmental agency; or

(3) A willful violation of sections 285.700 to 285.750 or any order issued by the secretary of state under sections 285.700 to 285.750.

3. Upon finding, after notice and opportunity for hearing, that a PEO, a controlling person of a PEO, or a person offering PEO services has violated one or more provisions of this section and subject to appeal, the secretary of state may:

(1) Deny an application for a license;

(2) Revoke, restrict, or refuse to renew a license;

(3) Impose an administrative penalty in an amount not to exceed one thousand dollars for each material violation;

(4) Place the licensee on probation for the period and subject to conditions that the secretary of state specifies; or

(5) Issue a cease and desist order.

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

(1) "Department", the department of insurance, financial institutions and professional registration;

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

(3) "Division", the division of professional registration.
2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

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

4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof to include verifying if the applicant has submitted all required documentation and that the documentation is legible. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.
5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.
7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful
request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority.

Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

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

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter
Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

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

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

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional
registration. Nothing herein shall be construed to permit
salaries for any board personnel to be lowered except by board
action.

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

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

14. (1) The state board of nursing, board of pharmacy,
Missouri dental board, state committee of psychologists, state
board of chiropractic examiners, state board of optometry,
Missouri board of occupational therapy, or state board of
registration for the healing arts may individually or
collectively enter into a contractual agreement with the
department of health and senior services, a public institution of
higher education, or a nonprofit entity for the purpose of
collecting and analyzing workforce data from its licensees,
registrants, or permit holders for future workforce planning and
to assess the accessibility and availability of qualified health
care services and practitioners in Missouri. The boards shall
work collaboratively with other state governmental entities to
ensure coordination and avoid duplication of efforts.

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

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

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

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

(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by this subsection. 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 section 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 under 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, 2016, shall be invalid and void.

324.013. 1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;

(2) "Oversight body", any board, department, agency, or office of the state that issues licenses. The term "oversight body" shall not include any political subdivision.

2. An oversight body shall not deny any person eighteen years of age or older a license on the basis of age unless the license enables a person to operate a school bus owned by or under contract with a public school or the state board of
education, transport hazardous material, use explosives, or
engage in any activity associated with gaming.

324.046. 1. For the purposes of this section, the term
"health care professional" shall mean a physician, other health
care practitioner, or mental health professional licensed,
accredited, or certified by the state of Missouri to perform
specified health services.

2. Any health care professional in the state of Missouri
may annually complete training in the areas of suicide
assessment, referral, treatment, and management, which may
qualify as part of the continuing education requirements for his
or her licensure.

324.047. 1. The purpose of this section is to promote
general welfare by establishing guidelines for the regulation of
occupations and professions not regulated prior to January 1,
2019, and guidelines for combining any additional occupations or
professions under a single license regulated by the state prior
to January 1, 2019.

2. For purposes of this section, the following terms mean:
(1) "Applicant group", any occupational or professional
group or organization, any individual, or any other interested
party that seeks to be licensed or further regulated or supports
any bill that proposes to combine any additional occupations or
professions under a single license regulated by the state prior
to January 1, 2019;

(2) "Certification", a program in which the government
grants nontransferable recognition to an individual who meets
personal qualifications established by a regulatory entity. Upon
approval, the individual may use "certified" as a designated
title. This term shall not be synonymous with an occupational
license;

(3) "Department", the department of insurance, financial
institutions and professional registration;

(4) "Director", the director of the division of
professional registration;

(5) "Division", the division of professional registration;

(6) "General welfare", the concern of the government for
the health, peace, morality, and safety of its residents;

(7) "Lawful occupation", a course of conduct, pursuit, or
profession that includes the sale of goods or services that are
not themselves illegal to sell irrespective of whether the
individual selling them is subject to an occupational regulation;

(8) "Least restrictive type of occupational regulation",
the regulation that is least restrictive, in which the following
list of regulations in order from least to most restrictive is
used to make such determination:

(a) Bonding or insurance;

(b) Registration;

(c) Certification;

(d) Occupational license;

(9) "Occupational license", a nontransferable authorization
in law for an individual to perform a lawful occupation for
compensation based on meeting personal qualifications established
by a regulatory entity and that, if not possessed, prohibits the
individual from performing the occupation for compensation;

(10) "Occupational regulation", a statute, ordinance, rule,
1 practice, policy, or other law requiring an individual to possess
certain personal qualifications to work in a lawful occupation;

(11) "Personal qualifications", criteria related to an
individual's personal background, including completion of an
approved educational program, satisfactory performance on an
examination, work experience, criminal history, and completion of
continuing education;

(12) "Practitioner", an individual who has achieved
knowledge and skill by practice and is actively engaged in a
specified occupation or profession;

(13) "Registration", a requirement established by the
general assembly in which an individual:

(a) Submits notification to a state agency; and

(b) May use "registered" as a designated title.

Notification may include the individual's name and address, the
individual's agent for service of process, the location of the
activity to be performed, and a description of the service the
individual provides. Registration may include a requirement to
post a bond but does not include education or experience
requirements. If the requirement of registration is not met, the
individual is prohibited from performing the occupation for
compensation or using "registered" as a designated title. The
term "registration" shall not be synonymous with an occupational
license;

(14) "Regulatory entity", any board, commission, agency,
division, or other unit or subunit of state government that
regulates one or more professions, occupations, industries,
businesses, or other endeavors in this state;

(15) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state. The term "state agency" includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(16) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

(1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;

(2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and
(3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

(1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;

(2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the
(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names
and other personally identifiable information from the
information released;

(4) A description of the voluntary efforts made by
practitioners of the profession or occupation to protect the
public through self-regulation, private certifications,
membership in professional or occupational associations, or
academic credentials and a statement of why these efforts are
inadequate to protect the public;

(5) The extent to which expansion of regulation of the
profession or occupation will increase the cost of goods or
services provided by practitioners and the overall cost-
effectiveness and economic impact of the proposed regulation,
including the direct cost to the government and the indirect
costs to consumers;

(6) The extent to which expansion of regulation of the
profession or occupation would increase or decrease the
availability of services to the public;

(7) The extent to which existing legal remedies are
inadequate to prevent or redress the kinds of harm potentially
resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification,
occupational license to practice, or another type of regulation
is being proposed, why that regulatory alternative was chosen,
and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or
occupation, the type of regulation, copies of other states' laws,
and available evidence from those states of the effect of
regulation on the profession or occupation in terms of a
before-and-after analysis;

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any
complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".
2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "[Commission on Accreditation for Dietetics Education (CADE), the American Dietetic Association's Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling or education in health and disease;

(d) Developing, implementing, and managing nutrition care systems;

(e) Evaluating, making changes in, and maintaining
appropriate standards of quality and safety in food and in
nutrition services;
(f) Engaged in medical nutritional therapy as defined in
subdivision (8) of this section;
(4) "Dietitian", one engaged in dietetic practice as
defined in subdivision (3) of this section;
(5) "Director", the director of the division of
professional registration;
(6) "Division", the division of professional registration;
(7) "Licensed dietitian", a person who is licensed pursuant
to the provisions of sections 324.200 to 324.225 to engage in the
practice of dietetics or medical nutrition therapy;
(8) "Medical nutrition therapy", nutritional diagnostic,
therapy, and counseling services which are furnished by a
registered dietitian or registered dietitian nutritionist;
(9) "Registered dietitian" or "registered dietitian
nutritionist", a person who:
(a) Has completed a minimum of a baccalaureate degree
granted by a United States regionally accredited college or
university or foreign equivalent;
(b) Completed the academic requirements of a didactic
program in dietetics, as approved by [CADE] ACEND;
(c) Successfully completed the registration examination for
dietitians; and
(d) Accrued seventy-five hours of approved continuing
professional units every five years; as determined by the
committee on dietetic registration.
324.205. 1. Any person who holds a license to practice
dietetics in this state may use the title "Dietitian" or the abbreviation "L.D." or "L.D.N.". No other person may use the title "Dietitian" or the abbreviation "L.D." or "L.D.N.". No other person shall assume any title or use any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed dietitian.

2. No person shall practice or offer to practice dietetics in this state for compensation or use any title, sign, abbreviation, card, or device to indicate that such person is practicing dietetics unless he or she has been duly licensed pursuant to the provisions of sections 324.200 to 324.225.

3. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.

324.210. 1. An applicant for licensure as a dietitian shall be at least twenty-one years of age.

2. Each applicant shall furnish evidence to the committee that:

   (1) The applicant has completed a didactic program in dietetics which is approved or accredited by the [commission on accreditation for dietetics education] Accreditation Council for Education in Nutrition and Dietetics and a minimum of a baccalaureate degree from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education. Applicants who have obtained their education outside of the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or master's degree conferred by a regionally
accredited college or university in the United States.
Validation of a foreign degree does not eliminate the need for a
verification statement of completion of a didactic program in
dietetics;

(2) The applicant has completed a supervised practice
requirement from an institution that is certified by a nationally
recognized professional organization as having a dietetics
specialty or who meets criteria for dietetics education
established by the committee. The committee may specify those
professional organization certifications which are to be
recognized and may set standards for education training and
experience required for those without such specialty
certification to become dietitians.

3. The applicant shall successfully pass an examination as
determined by the committee and possess a current registration
with the Commission on Dietetic Registration. The committee may
waive the examination requirement and grant licensure to an
applicant for a license as a dietitian who presents satisfactory
evidence to the committee of current registration as a dietitian
with the commission on dietetic registration.

4. Prior to July 1, 2000, a person may apply for licensure
without examination and shall be exempt from the academic
requirements of this section if the committee is satisfied that
the applicant has a bachelor's degree in a program approved by
the committee and has work experience approved by the committee.

5. The committee may determine the type of documentation
needed to verify that an applicant meets the qualifications
provided in subsection 3 of this section.
There is hereby created within the division of professional registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the director of the division. The director shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

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

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

4. The provisions of section 324.028 pertaining to [public] members of certain state boards and commissions shall apply to
all members of the council.

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

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

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

The council may sue and be sued as the interior design
council and the council members need not be named as parties.
Members of the council shall not be personally liable either
jointly or severally for any act committed in the performance of their official duties as council members. No council member shall be personally liable for any costs which accrue in any action by or against the council.]

324.409. 1. To be a registered interior designer, a person:
   (1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the council division. In addition to proof of passage of the examination, the application shall provide substantial evidence to the council division that the applicant:
      (a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or
      (b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or
      (c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience; or
   (2) May qualify who is currently registered pursuant to sections 327.091 to 327.171, and section 327.401 pertaining to the practice of architecture and registered with the council division. Such applicant shall give authorization to the
division in order to verify current registration with sections 327.091 to 327.171 and section 327.401 pertaining to the practice of architecture.

2. Verification of experience required pursuant to this section shall be based on a minimum of two client references, business or employment verification and three industry references, submitted to the council.

3. The division shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the division shall recommend such applicant be registered as a registered interior designer by the division.

324.412. The division shall:

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

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

2. The council shall:

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

(4) Promulgate such rules and regulations as are necessary to administer the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 324.400 to 324.439, shall become effective only if the agency has fully complied with all of the requirements of chapter
536, including but not limited to, section 536.028, if applicable, after August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

324.415. Applications for registration as a registered interior designer shall be typewritten on forms prescribed by the [council] division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the [council] division may require, or architect's registration number and such other pertinent information as the [council] division may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

324.421. The [council] division shall register without examination any interior designer certified, licensed or
registered in another state or territory of the United States or a foreign country if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.

324.424. 1. The [council] division shall set the amount of the fees authorized by sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer Council Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the council for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the council for the preceding fiscal year.

324.427. It is unlawful for any person to advertise or indicate to the public that the person is a registered interior designer in this state, unless such person is registered as a registered interior designer by the [council] division and is in good standing pursuant to sections 324.400 to 324.439.
324.430. No person may use the designation registered interior designer in Missouri, unless the council division has issued a current certificate of registration certifying that the person has been duly registered as a registered interior designer in Missouri and unless such registration has been renewed or reinstated as provided in section 324.418.

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

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

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is imposed;
(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

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

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

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

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

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

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

(9) Issuance of a certificate of registration based upon a material mistake of fact;
(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536 and 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 [council] division shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.

324.920. 1. The applicant for a statewide electrical contractor's license shall satisfy the following requirements:

(1) [Be at least twenty one years of age;]

(2) Provide proof of liability insurance in the amount of five hundred thousand dollars, and post a bond with each political subdivision in which he or she will perform work, as required by that political subdivision;

(3) Pass a standardized and nationally accredited electrical assessment examination that has been created and administered by a third party and that meets current national industry standards, as determined by the division;

(4) Pay for the costs of such examination; and

(5) Have completed one of the following:

(a) Twelve thousand verifiable practical hours installing
equipment and associated wiring;

(b) Ten thousand verifiable practical hours installing equipment and associated wiring and have received an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;

(c) Eight thousand verifiable practical hours installing equipment and associated wiring and have received an associate's degree from a state-accredited program; or

(d) Four thousand verifiable practical hours supervising the installation of equipment and associated wiring and have received a four-year electrical engineering degree.

2. Electrical contractors who hold an electrical contractor or master electrician occupational or business license [in good standing that was] issued by any [authority] political subdivision in this state [that required prior to January 1, 2018, the passing of a] shall be eligible for a statewide license if the applicant:

(1) Provides evidence of having passed a standardized [and nationally accredited] written electrical assessment examination that is based upon the National Electrical Code and administered by an independent competent professional testing agency not affiliated with a political subdivision or the state of Missouri; [and who have completed]

(2) Provides evidence of twelve thousand hours of verifiable practical experience [shall be issued a statewide license] or evidence of having been licensed by any Missouri political subdivision that requires examination as specified in subdivision (1) of this subsection as an electrical contractor or
master electrician for six of the previous eight calendar years;

(3) Provides proof of insurance as required by this chapter; and

(4) Provides proof that the local license was current and active and not subject to discipline on the date the applicant applied for a statewide license.

The provisions of this subsection shall apply only to electrical contractor licenses issued by a political subdivision with the legal authority to issue such licenses.

3. [Each] If a corporation, firm, institution, organization, company, or representative thereof [engaging] desires to engage in electrical contracting licensed under this chapter, then it shall have in its employ, at a supervisory level, at least one electrical contractor who possesses a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only one firm, company, corporation, institution, or organization at one time.

4. Any person operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license, or that operates as an electrical contractor in a political subdivision that requires a local license possessed by that person, shall not be required to possess a statewide license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in such political subdivision.

5. The division may negotiate reciprocal agreements with
other states, the District of Columbia, or territories of the United States which require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.900 to 324.945.

324.925. 1. Political subdivisions shall not be prohibited from establishing their own local electrical contractor's license, but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision shall require the holder of a statewide license to obtain a local business or occupation license that requires passing of any examination or any special requirements to assess proficiency or mastery of the electrical trades. The holder of a statewide license shall be deemed eligible to perform electrical contracting work and to obtain permits to perform said work from any political subdivision within the state of Missouri.

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision, then a statewide licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, then the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days
to comply with the law. If after thirty days the political subdivision still does not recognize a statewide license, then the division shall notify the director of the department of revenue who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax as defined in section 32.085 until the director has received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the provisions of this section, the division shall notify the director of the department of revenue who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:
   (1) Enforcing any code or law contained in this section;
   (2) Implementing an electrical code based upon the National Electrical Code;
   (3) Issuing an electrical contractor license or communication contractor license valid for that political subdivision;
   (4) Requiring a business license to perform electrical contracting work;
   (5) Issuing electrical contracting permits;
   (6) Enforcing codes of the political subdivision;
   (7) Inspecting the work of a statewide license holder; and
   (8) Licensing electricians provided that such licenses are
based upon professional experience and passage of a nationally
accredited Electrical Assessment Examination that is administered
on a routine and accessible schedule.

4. Political subdivisions that do not have the authority to
issue or require electrical licenses prior to August 28, 2017,
shall not be granted such authority under the provisions of this
section.

324.1108. 1. Every person desiring to be licensed in this
state as a private investigator, private investigator agency,
private fire investigator, or private fire investigator agency
shall make application therefor to the board. An application for
a license under the provisions of sections 324.1100 to 324.1148
shall be on a form prescribed by the board and accompanied by the
required application fee. An application shall be verified and
shall include:

(1) The full name and business address of the applicant;
(2) The name under which the applicant intends to conduct
business;
(3) A statement as to the general nature of the business in
which the applicant intends to engage;
(4) A statement as to the classification or classifications
under which the applicant desires to be qualified;
(5) Two recent photographs of the applicant, of a type
prescribed by the board, and two classifiable sets of the
applicant's fingerprints processed in a manner approved by the
Missouri state highway patrol, central repository, under section
43.543;
(6) A verified statement of the applicant's experience
(7) Such other information, evidence, statements, or documents as may be required by the board.

2. Before an application for a license may be granted, the applicant shall:

(1) [Be at least twenty-one years of age;]

(2) Be a citizen of the United States;

(3) Provide proof of liability insurance with amount to be no less than two hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287. The board shall have the authority to raise the requirements as deemed necessary; and

(4) Comply with such other qualifications as the board adopts by rules and regulations.

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

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

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

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

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

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

327.313. Applications for enrollment as a land surveyor-in-training shall be typewritten on prescribed forms furnished to the applicant. The application shall contain applicant's statements showing the applicant's education, experience, and such other pertinent information as the board may require[, including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.321. Applications for licensure as a professional land surveyor 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 prior land surveying examinations, if any, and such other pertinent information as the board may require [, including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience]. 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 same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

328.025. If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the licensee shall obtain a duplicate license from the board by appearing in person at the board's office or mailing, by certified mail, return receipt requested, a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received.

328.080. 1. Any person desiring to practice barbering in this state shall make application for a license to the board and shall pay the required barber examination fee.

2. The board shall examine each qualified applicant and, upon successful completion of the examination and payment of the required license fee, shall issue the applicant a license authorizing him or her to practice the occupation of barber in this state. The board shall admit an applicant to the examination, if it finds that he or she:
(1) Is seventeen years of age or older [and of good moral character];

(2) Is free of contagious or infectious diseases that are capable of being transmitted during the ordinary course of business for a person licensed under this chapter;

(3) Has studied for at least one thousand hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of a licensed instructor; or, if the applicant is an apprentice, the applicant shall have served and completed no less than two thousand hours under the direct supervision of a licensed barber apprentice supervisor;

(4) Is possessed of requisite skill in the trade of barbering to properly perform the duties thereof, including the preparation of tools, shaving, haircutting and all the duties and services incident thereto; and

(5) Has sufficient knowledge of the common diseases of the face and skin to avoid the aggravation and spread thereof in the practice of barbering.

3. The board shall be the judge of whether the barber school, the barber apprenticeship, or college is properly appointed and conducted under proper instruction to give sufficient training in the trade.

4. The sufficiency of the qualifications of applicants shall be determined by the board.

[5. For the purposes of meeting the minimum requirements for examination, the apprentice training shall be recognized by the board for a period not to exceed five years.]
329.010. As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Accredited school of cosmetology or school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2;

(2) "Apprentice" or "student", a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a licensed cosmetologist or instructor;

(3) "Board", the state board of cosmetology and barber examiners;

(4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision (5) of this section;

(5) "Cosmetology" includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser also includes any person who either with the person's hands or with mechanical or electrical apparatuses or appliances,
or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

(b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

(c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

(d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

(6) "Cosmetology establishment", that part of any building wherein or whereupon any of the classified occupations are
practiced including any space rented within a licensed
establishment by a person licensed under this chapter, for the
purpose of rendering cosmetology services;
(7) "Cross-over license", a license that is issued to any
person who has met the licensure and examination requirements for
both barbering and cosmetology;
(8) "Hair braider", any person who, for compensation,
engages in the practice of hair braiding;
(9) "Hair braiding", in accordance with the requirements of
section 329.275, the use of techniques that result in tension on
hair strands or roots by twisting, wrapping, waving, extending,
locking, or braiding of the hair by hand or mechanical device,
but does not include the application of dyes, reactive chemicals,
or other preparations to alter the color of the hair or to
straighten, curl, or alter the structure of the hair;
(10) "Hairdresser", any person who, for compensation,
engages in the practice of cosmetology as defined in paragraph
(a) of subdivision (5) of this section;
[(9)] (11) "Instructor", any person who is licensed to
teach cosmetology or any practices of cosmetology pursuant to
this chapter;
[(10)-] (12) "Manicurist", any person who, for compensation,
engages in any or all of the practices in paragraph (b) of
subdivision (5) of this section;
[(11)-] (13) "Parental consent", the written informed
consent of a minor's parent or legal guardian that must be
obtained prior to providing body waxing on or near the genitalia;
[(12)-] (14) "School of cosmetology" or "school of
manicuring", an establishment operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

329.032. 1. Nothing in this chapter shall apply to hairdressing, manicuring, or facial treatments given in the home to members of a person's family or friends for which no charge is made.

2. Nothing in this chapter or chapter 328, except for the provisions of sections 329.010 and 329.275, shall apply to persons engaged in the practice of hair braiding who have met the requirements in section 329.275.

329.033. If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the licensee shall obtain a duplicate license from the board by appearing in person at the board's office or mailing, by certified mail, return receipt requested, a notarized affidavit stating that the license has been destroyed, lost, mutilated beyond practical usage, or was never received.

329.040. 1. Any person [of] in good [moral character] standing with the board may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all
2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:
   (1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;
   (2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;
   (3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any
of the acts of the classified occupation of cosmetology on any 
patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, 
the course of study shall be no less than four hundred hours or 
the credit hours determined by the formula in Subpart A of Part 
668 of Section 668.8 of Title 34 of the Code of Federal 
Regulations, as amended. The student must earn a minimum of 
fifty hours or equivalent credits of classroom training before 
the student may perform any of the acts of the classified 
occupation of manicurist on any patron or customer of the school 
of cosmetology;

(5) Requires for the classified occupation of esthetician, 
the course of study shall be no less than seven hundred fifty 
hours or the credit hours determined by the formula in Subpart A 
of Part 668 of Section 668.8 of Title 34 of the Code of Federal 
Regulations, as amended. The student shall earn a minimum of 
seventy-five hours or equivalent credits of classroom training 
before the student may perform any of the acts of the classified 
occupation of esthetics on any patron or customer of the school 
of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation 
of cosmetology shall be as follows and the hours required for 
each subject shall be not less than those contained in this 
subsection or the credit hours determined by the formula in 
Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of 
Federal Regulations, as amended:

(1) Shampooing of all kinds, forty hours;

(2) Hair coloring, bleaches and rinses, one hundred thirty
1 hours;
2 (3) Hair cutting and shaping, one hundred thirty hours;
3 (4) Permanent waving and relaxing, one hundred twenty-five
4 hours;
5 (5) Hairsetting, pin curls, fingerwaves, thermal curling,
6 two hundred twenty-five hours;
7 (6) Combouts and hair styling techniques, one hundred five
8 hours;
9 (7) Scalp treatments and scalp diseases, thirty hours;
10 (8) Facials, eyebrows and arches, forty hours;
11 (9) Manicuring, hand and arm massage and treatment of
12 nails, one hundred ten hours;
13 (10) Cosmetic chemistry, twenty-five hours;
14 (11) Salesmanship and shop management, ten hours;
15 (12) Sanitation and sterilization, thirty hours;
16 (13) Anatomy, twenty hours;
17 (14) State law, ten hours;
18 (15) Curriculum to be defined by school, not less than four
19 hundred seventy hours.
20 5. The subjects to be taught for the classified occupation
21 of manicurist shall be as follows and the hours required for each
22 subject shall be not less than those contained in this subsection
23 or the credit hours determined by the formula in Subpart A of
24 Part 668 of Section 668.8 of Title 34 of the Code of Federal
25 Regulations, as amended:
26 (1) Manicuring, hand and arm massage and treatment of
27 nails, two hundred twenty hours;
28 (2) Salesmanship and shop management, twenty hours;
Sanitation and sterilization, twenty hours;

Anatomy, ten hours;

State law, ten hours;

Study of the use and application of certain chemicals, forty hours; and

Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

1. Facials, cleansing, toning, massaging, one hundred twenty hours;

2. Makeup application, all phases, one hundred hours;

3. Hair removal, thirty hours;

4. Body treatments, aromatherapy, wraps, one hundred twenty hours;

5. Reflexology, thirty-five hours;

6. Cosmetic sciences, structure, condition, disorder, eighty-five hours;

7. Cosmetic chemistry, products and ingredients, seventy-five hours;

8. Salon management and salesmanship, fifty-five hours;

9. Sanitation and sterilization, safety, forty-five hours;

10. State law, ten hours; and

11. Curriculum to be defined by school, not less than
seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.
11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

15. Each school shall display in a conspicuous place,
visible upon entry to the school, a sign stating that all
cosmetology services in this school are performed by students who
are in training.

16. Any student who wishes to remain in school longer than
the required training period may make application for an
additional training license and remain in school. A fee is
required for such additional training license.

17. All contractual fees that a student owes to any
cosmetology school shall be paid before such student may be
allowed to apply for any examination required to be taken by an
applicant applying for a license pursuant to the provisions of
this chapter.

329.050. 1. Applicants for examination or licensure
pursuant to this chapter shall possess the following
qualifications:

(1) They [must be persons of good moral character.] shall
provide documentation of successful completion of courses
approved by the board, have an education equivalent to the
successful completion of the tenth grade, and be at least
seventeen years of age;

(2) If the applicants are apprentices, they shall have
served and completed, as an apprentice under the supervision of a
licensed cosmetologist, the time and studies required by the
board which shall be no less than three thousand hours for
cosmetologists, and no less than eight hundred hours for
manicurists and no less than fifteen hundred hours for esthetics.
However, when the classified occupation of manicurist is
apprenticed in conjunction with the classified occupation of
cosmetologist, the apprentice shall be required to successfully complete an apprenticeship of no less than a total of three thousand hours;

(3) If the applicants are students, they shall have had the required time in a licensed school of no less than one thousand five hundred hours training or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of cosmetologist, with the exception of public vocational technical schools in which a student shall complete no less than one thousand two hundred twenty hours training. All students shall complete no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students shall complete no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the classification of esthetician. However, when the classified occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist, the student shall not be required to serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise required to include manicuring of nails; and

(4) They shall have passed an examination to the satisfaction of the board.
2. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of a school of cosmetology or apprentice program in another state or territory of the United States which has substantially the same requirements as an educational establishment licensed pursuant to this chapter. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of an educational establishment in a foreign country that provides training for a classified occupation of cosmetology, as defined by section 329.010, and has educational requirements that are substantially the same requirements as an educational establishment licensed under this chapter. The board has sole discretion to determine the substantial equivalency of such educational requirements. The board may require that transcripts from foreign schools be submitted for its review, and the board may require that the applicant provide an approved English translation of such transcripts.

3. Each application shall contain a statement that, subject to the penalties of making a false affidavit or declaration, the application 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.

4. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may delegate this authority to its executive director subject to such provisions as the board may adopt.

5. [For the purpose of meeting the minimum requirements for examination, training completed by a student or apprentice shall]
be recognized by the board for a period of no more than five years from the date it is received. Applications for examination or licensure may be denied if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual
performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material.

329.060. 1. Every person desiring to sit for the examination for any of the occupations provided for in this chapter shall file with the board a written application on a form supplied to the applicant, and shall submit proof of the required age[,] and educational qualifications, [and of good moral character] together with the required cosmetology examination fee. 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 same, subject to the penalties of making a false affidavit or declaration.

2. Upon the filing of the application and the payment of the fee, the board shall, upon request, issue to the applicant, if the applicant is qualified to sit for the examination, a temporary license for the practicing of the occupations as provided in this chapter. Any person receiving a temporary license shall be entitled to practice the occupations designated on the temporary license, under the supervision of a person
licensed in \textit{cosmetology} \textbf{the occupation}, until the expiration of the temporary license. Any person continuing to practice the occupation beyond the expiration of the temporary license without being licensed in \textit{cosmetology} \textbf{that occupation} as provided in this chapter is guilty of an infraction.

329.070. 1. Apprentices or students shall be \textit{licensed} registered with the board and shall pay a student fee or an apprentice fee prior to beginning their course, and shall \textit{be of good moral character and} have an education equivalent to the successful completion of the tenth grade.

2. An apprentice or student shall not be enrolled in a course of study that shall exceed twelve hours per day or that is less than three hours per day. The course of study shall be no more than seventy-two hours per week and no less than fifteen hours per week.

3. Every person desiring to act as an apprentice in any of the classified occupations within this chapter shall file with the board a written application on a form supplied to the applicant, together with the required apprentice fee.

329.080. 1. An instructor trainee shall be a licensed cosmetologist, esthetician or manicurist and shall hold a license as an instructor trainee in cosmetology, esthetics or manicuring. An applicant for a license to practice as an instructor trainee shall submit to the board the required fee and a written application on a form supplied by the board upon request that the applicant \textit{is of good moral character, in good physical and mental health,} has successfully completed at least a four-year high school course of study or the equivalent, and holds a
Missouri license to practice as a cosmetologist, esthetician or manicurist. 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.

2. An applicant approved by the board shall be issued an instructor trainee license. The license shall be issued for a definite period needed to complete training requirements to become eligible for taking the examinations. An applicant shall be approved for an instructor trainee license only for those classified occupations [of cosmetology] for which the applicant is licensed at the time the instructor trainee application is submitted to the board.

3. The instructor trainee shall be required to complete six hundred hours of instructor training within a Missouri licensed school of cosmetology consisting of a curriculum including both theory and practical training to include the following:

(1) Two hundred hours to be devoted to basic principles of student teaching to include teaching principles, lesson planning, curriculum planning and class outlines, teaching methods, teaching aids, testing and evaluation;

(2) Fifty hours of psychology as applied to cosmetology, personality and teaching, teacher evaluation, counseling, theories of learning, and speech;

(3) Fifty hours of business experience or management including classroom management, record keeping, buying and inventorying supplies, and state law; and
(4) Three hundred hours of practice teaching in both theory and practical application.

4. [For the purpose of meeting the minimum requirements for examination, training completed within a school of cosmetology by an instructor trainee shall be recognized by the board for a period of no more than five years from the date it is received.]

(5.) The six hundred hours required pursuant to subsection 3 of this section may be reduced as follows:

(1) Three years of experience as a practicing licensed cosmetologist, esthetician, or manicurist may be substituted for three hundred hours of training. The three hundred hours will be partially reduced in proportion to experience as a licensee greater than six months but less than three; or

(2) Four and one-half college credit hours in teaching methodology, as defined by rule, may be substituted for three hundred hours of training. Applicants requesting credit shall submit to the board a certified transcript together with a course description certified by the administrating education institution as being primarily directed to teaching methodology. The three hundred hours will be partially reduced in proportion to college credit hours in teaching methodology of less than four and one-half hours; or

(3) Applicants who apply from states where the requirements are not substantially equal to those in force in Missouri at the time of application, may be eligible for the examination if they provide an affidavit verifying a current, valid instructor license in another state, territory of the United States,
District of Columbia, or foreign country, state or province; and
(b) Proof of full-time work experience of not less than one year as a cosmetology instructor within the three-year period immediately preceding the application for examination.

329.085. 1. Any person desiring an instructor license shall submit to the board a written application on a form supplied by the board showing that the applicant has met the requirements set forth in section 329.080. An applicant who has met all requirements as determined by the board shall be allowed to take the instructor examination, including any person who has been licensed three or more years as a cosmetologist, manicurist or esthetician. If the applicant passes the examination to the satisfaction of the board, the board shall issue to the applicant an instructor license.

2. The instructor examination fee and the instructor license fee for an instructor license shall be nonrefundable.

3. The instructor license renewal fee shall be in addition to the regular cosmetologist, esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof of having attended a teacher training seminar or workshop at least once every two years, sponsored by any university, or Missouri vocational association, or bona fide state cosmetology association specifically approved by the board to satisfy the requirement for continued training of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to the regular fee.

4. Instructors duly licensed as physicians or attorneys or
lecturers on subjects not directly pertaining to the practice pursuant to this chapter need not be holders of licenses provided for in this chapter.

5. The board shall grant instructor licensure upon application and payment of a fee equivalent to the sum of the instructor examination fee and the instructor license fee, provided the applicant establishes compliance with the [cosmetology] instructor requirements of another state, territory of the United States, or District of Columbia [wherein the requirements are substantially equal or superior to those in force in Missouri at the time the application for licensure is filed] and the applicant holds a current instructor license in the other jurisdiction at the time of making application.

6. Any person licensed as a cosmetology instructor prior to the training requirements which became effective January 1, 1979, may continue to be licensed as such, provided such license is maintained and the licensee complies with the continued training requirements as provided in subsection 3 of this section. Any person with an expired instructor license that is not restored to current status within two years of the date of expiration shall be required to meet the training and examination requirements as provided in this section and section 329.080.

329.130. [1—] The board shall grant without examination a license to practice cosmetology to any applicant who holds a current license that is issued by another state, territory of the United States, or the District of Columbia whose requirements for licensure are [substantially equal] similar to the licensing requirements in Missouri at the time the application is filed or
who has practiced cosmetology for at least two consecutive years
in another state, territory of the United States, or the District
of Columbia. The applicant under this [subsection] section shall
pay the appropriate application and licensure fees at the time of
making application. A licensee who is currently under
disciplinary action with another board of cosmetology shall not
be licensed by reciprocity under the provisions of this chapter.

[2. Any person who lawfully practiced or received training
in another state who does not qualify for licensure without
examination may apply to the board for licensure by examination.
Upon application to the board, the board shall evaluate the
applicant's experience and training to determine the extent to
which the applicant's training and experience satisfies current
Missouri licensing requirements and shall notify the applicant
regarding his or her deficiencies and inform the applicant of the
action that he or she must take to qualify to take the
examination. The applicant for licensure under this subsection
shall pay the appropriate examination and licensure fees.]

329.275. 1. The practices of cosmetology and barbering
shall not include hair braiding, except that, nothing in this
section shall be construed as prohibiting a licensed
cosmetologist or barber from performing the service of hair
braiding.

2. No person shall engage in hair braiding for compensation
in the state of Missouri without first registering with the
board. Applicants for a certificate of registration to engage in
hair braiding shall submit to the board an application and a
required fee, as set by the board. Such fee shall not exceed
twenty dollars. Prior to receiving a certificate, each applicant shall also watch an instructional video prepared by the board in accordance with subsection 4 of this section. An applicant for a certificate of registration may be denied such certificate if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the offenses set forth in subsection 6 of section 329.050.

3. Registered hair braiders shall keep their information that the board requires for initial registration current and up to date with the board.

4. The board shall develop and prepare an instructional video, at least four hours but no more than six hours in length, that contains information about infection control techniques and diseases of the scalp that are appropriate for hair braiding in or outside of a salon setting and any other information to be determined by the board. The instructional video shall be made available to applicants through the division of professional registration's website. The board shall also develop and prepare a brochure that contains a summary of the information contained in the instructional video. The brochure shall be made available through the division of professional registration's website, or by mail, upon request, for a fee to cover the board's mailing costs.

5. Any person who registers as a hair braider under this section shall post a copy of his or her certificate of registration in a conspicuous place at his or her place of business. If the person is operating outside his or her place of business he or she shall provide to the client or customer a copy
of his or her certificate of registration upon the client's or customer's request.

6. (1) The board may inspect hair braiding establishments or facilities where hair braiding occurs one time per year during business hours to ensure:

(a) Persons registered as hair braiders are not operating outside the scope of practice of hair braiding; and

(b) Compliance with this section and rules promulgated thereunder.

(2) Additionally, if a customer or client submits a complaint to the board about a hair braider, the board may inspect such hair braider's establishment during regular business hours. This inspection shall not count toward the one time inspection limit set forth in subdivision (1) of this subsection.

(3) In addition to the causes listed in section 329.140, the board may also suspend or revoke a certificate of registration if a person registered as a hair braider is found to be operating outside the scope of practice of hair braiding.

7. Nothing in this section shall apply to any cosmetologists licensed to practice in this state in their respective classifications.

330.030. Any person desiring to practice podiatric medicine in this state shall furnish the board with satisfactory proof, including a statement under oath or affirmation that all representations are true and correct to the best knowledge and belief of the person submitting and signing same, subject to the penalties of making a false affidavit or declaration, that he or she is twenty-one years of age or over, and of good moral
character, and that he or she has received at least four years of high school training, or the equivalent thereof, and has received a diploma or certificate of graduation from an approved college of podiatric medicine, recognized and approved by the board, having a minimum requirement of two years in an accredited college and four years in a recognized college of podiatric medicine. Upon payment of the examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as licensed; provided, that the board shall, under regulations established by the board, admit without examination legally qualified practitioners of podiatric medicine who hold licenses to practice podiatric medicine in any state or territory of the United States or the District of Columbia or any foreign country with equal educational requirements to the state of Missouri upon the applicant paying a fee equivalent to the license and examination fees required above.

331.030. 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall [be at least twenty-one years of age and shall] make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon 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 give the applicant's name, address, age, sex, name of chiropractic schools or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, that the applicant is of good moral character, and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic Education or, in the absence of the Council on Chiropractic Education or its provision for such subjects, such hours and course content as adopted by rule of the board; however in no event shall fewer than ninety semester credit hours be accepted as the minimum number of hours required prior to beginning the doctoral course
of study in chiropractic. The examination applicant shall also provide evidence satisfactory to the board of having graduated from a chiropractic college having status with the Commission on Accreditation of the Council on Chiropractic Education or its successor. Any senior student in a chiropractic college having status with the Commission on Accreditation on the Council on Chiropractic Education or its successor may take a practical examination administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.

5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall
successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.

6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia, or in any foreign country, provided that the regulations for securing a license in the other jurisdiction are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board and that the applicant is of good moral character, and upon the payment of the reciprocity license fee as established by rule of the board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time application is made for licensure under this subsection.
7. Any applicant who has failed any portion of the practical examination administered or approved by the board three times shall be required to return to an accredited chiropractic college for a semester of additional study in the subjects failed, as provided by rule of the board.

8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each such application shall be accompanied by the required fee. The board shall establish by rule the minimum requirements for the specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:

   (1) The board establishes minimum initial and continuing educational requirements sufficient to ensure the competence of applicants seeking certification in the particular specialty; and

   (2) The board shall not establish any provision for certification of licensees in a particular specialty which is not encompassed within the practice of chiropractic as defined in
332.131. Any person who is [at least twenty one years of age,] of good moral character and reputation, and who is a graduate of and has a degree in dentistry from an accredited dental school may apply to the board for examination and registration as a dentist in Missouri.

332.321. 1. The board may refuse to issue or renew a 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 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.

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

(1) Use of any controlled substance, as defined in chapter 195, 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 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 that 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 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 permit or license or allowing any person to use his or her 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 imposed by another state, province, territory, federal agency or country upon grounds for which 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 permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate, permit or license 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 that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

For purposes of this section, the term "advertisement" shall mean any announcement as described in subdivision (9) of section 332.071. 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 health 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 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 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 ______". For purposes of this paragraph, a statement that is "clearly legible" shall
have print that is equal or larger in size than the announcement
of services, and a statement that is "clearly audible" shall have
speech volume and pace equal to the announcement of services;

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

(h) Any advertisement that does not contain the name of one
or more of the duly registered and currently licensed dentists
regularly employed in and responsible for the management,
supervision, and operation of each office location listed in the
advertisement; or

(i) Any advertisement denoting the use of sedation services
permitted by the board in accordance with section 332.362 using
any term other than deep sedation, general anesthesia, or
moderate sedation. Such terms shall only be used in the
announcement or advertisement of sedation services with the
possession of a deep sedation, general anesthesia, or moderate
sedation permit or license;

(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, 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 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 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. 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) 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 shall not apply for licensure for a period of not less than one year 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 for which they should be reimbursed, where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one 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
classic that would be grounds for disciplinary action and
constitutes a clear and present danger to the public health and
safety, the board may file a complaint before the administrative
hearing commission requesting an expedited hearing and specifying
the conduct that gives rise to the danger and 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 conduct of the dentist or dental
hygienist appears to constitute a clear and present danger to the
public health and safety that justifies that the dentist's or
dental hygienist's license be immediately restricted or
suspended. The burden of proving that a dentist or dental
hygienist is a clear and present danger to the public health and
safety shall be upon the Missouri dental board. The
administrative hearing commission shall issue its decision
immediately after the hearing and shall either grant to 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 a
dentist's or dental hygienist's license, the dentist or dental
hygienist named in the complaint may request a full hearing
before the administrative hearing commission. A request for a
full hearing shall be made within thirty days after the
administrative hearing commission issues a decision. The
administrative hearing commission shall, if requested by a
dentist or dental hygienist named in the complaint, set a date to
hold a full hearing under chapter 621 regarding the activities
alleged in the initial complaint filed by the board. The
administrative hearing commission shall set the date for full
hearing within ninety days from the date its decision was issued.
Either party may request continuances, which shall be granted by
the administrative hearing commission upon a showing of good
cause by either party or consent of both parties. If a request
for a full hearing is not made within thirty days, the authority
to impose discipline becomes final and the board shall set the
matter for hearing in accordance with section 621.110.

6. If the administrative hearing commission dismisses
without prejudice the complaint filed by the board under
subsection 4 of this section or dismisses the action based on a
finding that the board did not meet its burden of proof
establishing a clear and present danger, such dismissal shall not
bar the board from initiating a subsequent action on the same
grounds in accordance with this chapter and chapters 536 and 621.

7. Notwithstanding any other provisions of section 332.071
or of this section, a 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 that violate any provision of this
chapter.

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.

9. If at any time when any 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.

334.530. 1. A candidate for license to practice as a
physical therapist shall [be at least twenty one years of age. A
candidate shall] furnish evidence of such person's good moral
character and the person's educational qualifications by
submitting satisfactory evidence of completion of a program of
physical therapy education approved as reputable by the board. A
candidate who presents satisfactory evidence of the person's
graduation from a school of physical therapy approved as
reputable by the American Medical Association or, if graduated
before 1936, by the American Physical Therapy Association, or if
graduated after 1988, the Commission on Accreditation for
Physical Therapy Education or its successor, is deemed to have
complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in
this state shall appear before the board at such time and place
as the board may direct and be examined as to their fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section. 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 applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall [be at least nineteen years of age. A candidate shall] furnish evidence of the person's good
moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology,
physiology, psychology, physical therapy theory and procedures as
directed to medicine and such other subjects, including medical
ethics, as the board deems useful to test the fitness of the
candidate to practice as a physical therapist assistant.

5. The applicant shall pass a test administered by the
board on the laws and rules related to the practice as a physical
therapist assistant in this state.

6. The board shall license without examination any legally
qualified person who is a resident of this state and who was
actively engaged in practice as a physical therapist assistant on
August 28, 1993. The board may license such person pursuant to
this subsection until ninety days after the effective date of
this section.

7. A candidate to practice as a physical therapist
assistant who does not meet the educational qualifications may
submit to the board an application for examination if such person
can furnish written evidence to the board that the person has
been employed in this state for at least three of the last five
years under the supervision of a licensed physical therapist and
such person possesses the knowledge and training equivalent to
that obtained in an accredited school. The board may license
such persons pursuant to this subsection until ninety days after
rules developed by the state board of healing arts regarding
physical therapist assistant licensing become effective.

335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary,
who shall also be treasurer, and the board may appoint, employ
and fix the compensation of a legal counsel and such board
personnel as defined in subdivision (4) of subsection 10 of
section 324.001 as are necessary to administer the provisions of
sections 335.011 to 335.096;

   (2) Adopt and revise such rules and regulations as may be
necessary to enable it to carry into effect the provisions of
sections 335.011 to 335.096;

   (3) Prescribe minimum standards for educational programs
preparing persons for licensure pursuant to the provisions of
sections 335.011 to 335.096;

   (4) Provide for surveys of such programs every five years
and in addition at such times as it may deem necessary;

   (5) Designate as "approved" such programs as meet the
requirements of sections 335.011 to 335.096 and the rules and
regulations enacted pursuant to such sections; and the board
shall annually publish a list of such programs;

   (6) Deny or withdraw approval from educational programs for
failure to meet prescribed minimum standards;

   (7) Examine, license, and cause to be renewed the licenses
of duly qualified applicants;

   (8) Cause the prosecution of all persons violating
provisions of sections 335.011 to 335.096, and may incur such
necessary expenses therefor;

   (9) Keep a record of all the proceedings; and make an
annual report to the governor and to the director of the
department of insurance, financial institutions and professional
registration[†]

   (10) Establish an impaired nurse program].

   2. The board shall set the amount of the fees which this
chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

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

5. 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. All rulemaking authority delegated
prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.

335.066. 1. The board may refuse to issue or reinstate any certificate of registration or authority, permit or license required pursuant to chapter 335 for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or reinstating any such permit or license, require a person to submit himself or herself for identification, intervention, treatment, or [rehabilitation] monitoring by the [impaired nurse] intervention program and alternative program as provided in section 335.067. 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.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 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 or unlawful possession of any controlled substance, as defined in chapter 195, by the federal government, or by the department of health and senior services by regulation, regardless of impairment, 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 sections 335.011 to 335.096. A blood alcohol content of .08 shall create a presumption of impairment;

(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 sections 335.011 to 335.096, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for 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 sections 335.011 to 335.096 or in obtaining permission to take any examination given or required pursuant to sections 335.011 to 335.096;

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

(5) Incompetency, gross negligence, or repeated negligence
in the performance of the functions or duties of any profession licensed or regulated by chapter 335. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Willfully and continually overcharging or overtreating patients; or charging for visits which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

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

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests, or nursing services;

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

(e) Performing nursing services beyond the authorized scope of practice for which the individual is licensed in this state;

(f) Exercising influence within a nurse-patient relationship for purposes of engaging a patient in sexual
activity;

(g) Being listed on any state or federal sexual offender registry;

(h) Failure of any applicant or licensee to cooperate with the board during any investigation;

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

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

(k) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;

(l) Failing to inform the board of the nurse's current residence within thirty days of changing residence;

(m) Any other conduct that is unethical or unprofessional involving a minor;

(n) A departure from or failure to conform to nursing standards;

(o) Failure to establish, maintain, or communicate professional boundaries with the patient. A nurse may provide health care services to a person with whom the nurse has a personal relationship as long as the nurse otherwise meets the standards of the profession;

(p) Violating the confidentiality or privacy rights of the patient, resident, or client;

(q) Failing to assess, accurately document, or report the status of a patient, resident, or client, or falsely assessing, documenting, or reporting the status of a patient, resident, or
(r) Intentionally or negligently causing physical or emotional harm to a patient, resident, or client;

(s) Failing to furnish appropriate details of a patient's, client's, or resident's nursing needs to succeeding nurses legally qualified to provide continuing nursing services to a patient, client, or resident;

(7) Violation of, or assisting or enabling any person to violate, any provision of sections 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to 335.096;

(8) 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;

(9) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 335.011 to 335.096 who is not registered and currently eligible to practice pursuant to sections 335.011 to 335.096;

(12) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of
fact;
(13) Violation of any professional trust or confidence;
(14) Use of any advertisement or solicitation which is
false, misleading or deceptive to the general public or persons
to whom the advertisement or solicitation is primarily directed;
(15) Violation of the drug laws or rules and regulations of
this state, any other state or the federal government;
(16) Placement on an employee disqualification list or
other related restriction or finding pertaining to employment
within a health-related profession issued by any state or federal
government or agency following final disposition by such state or
federal government or agency;
(17) Failure to successfully complete the impaired nurse
program] intervention or alternative program for substance use
disorder;
(18) Knowingly making or causing to be made a false
statement or misrepresentation of a material fact, with intent to
defraud, for payment pursuant to the provisions of chapter 208 or
chapter 630, or for payment from Title XVIII or Title XIX of the
federal Medicare program;
(19) Failure or refusal to properly guard against
contagious, infectious, or communicable diseases or the spread
thereof; maintaining an unsanitary office or performing
professional services under unsanitary conditions; or failure to
report the existence of an unsanitary condition in the office of
a physician or in any health care facility to the board, in
writing, within thirty days after the discovery thereof;
(20) A pattern of personal use or consumption of any
controlled substance or any substance which requires a
prescription unless it is prescribed, dispensed, or administered
by a provider who is authorized by law to do so or a pattern of
abuse of any prescription medication;

(21) Habitual intoxication or dependence on alcohol,
evidence of which may include more than one alcohol-related
enforcement contact as defined by section 302.525;

(22) Failure to comply with a treatment program or an
aftercare program entered into as part of a board order,
settlement agreement, or licensee's professional health program;

(23) Failure to submit to a drug or alcohol screening when
requested by an employer or by the board. Failure to submit to a
drug or alcohol screening shall create the presumption that the
test would have been positive for a drug for which the individual
did not have a prescription in a drug screening or positive for
alcohol in an alcohol screening;

(24) Adjudged by a court in need of a guardian or
conservator, or both, obtaining a guardian or conservator, or
both, and who has not been restored to capacity;

(25) Diversion or attempting to divert any medication,
controlled substance, or medical supplies;

(26) Failure to answer, failure to disclose, or failure to
fully provide all information requested on any application or
renewal for a license. This includes disclosing all pleas of
guilt or findings of guilt in a case where the imposition of
sentence was suspended, whether or not the case is now
confidential;

(27) Physical or mental illness, including but not limited
to deterioration through the aging process or loss of motor
skill, or disability that impairs the licensee's ability to
practice the profession with reasonable judgment, skill, or
safety. This does not include temporary illness which is
expected to resolve within a short period of time;

(28) Any conduct that constitutes a serious danger to the
health, safety, or welfare of a patient or the public.

3. After the filing of such complaint, 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, censure or place the person 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 may
suspend, for a period not to exceed three years, or revoke the
license, certificate, or permit.

4. For any hearing before the full board, the board shall
cause the notice of the hearing to be served upon such licensee
in person or by certified mail to the licensee at the licensee's
last known address. If service cannot be accomplished in person
or by certified mail, notice by publication as described in
subsection 3 of section 506.160 shall be allowed; any
representative of the board is authorized to act as a court or
judge would in that section; any employee of the board is
authorized to act as a clerk would in that section.

5. An individual whose license has been revoked shall wait
one year from the date of revocation to apply for relicensure.
Relicensure shall be at the discretion of the board after compliance with all the requirements of sections 335.011 to 335.096 relative to the licensing of an applicant for the first time.

6. The board may notify the proper licensing authority of any other state concerning the final disciplinary action determined by the board on a license in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the board of nursing pursuant to the provisions of sections 335.011 to 335.259 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The board may apply to the administrative hearing commission for an emergency suspension or restriction of a license for the following causes:

   (1) Engaging in sexual conduct as defined in section 566.010, with a patient who is not the licensee's spouse, regardless of whether the patient consented;

   (2) Engaging in sexual misconduct with a minor or person the licensee believes to be a minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under state or federal law;

   (3) Possession of a controlled substance in violation of chapter 195 or any state or federal law, rule, or regulation, excluding record-keeping violations;

   (4) Use of a controlled substance without a valid
prescription;

(5) The licensee is adjudicated incapacitated or disabled by a court of competent jurisdiction;

(6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;

(7) A report from a board-approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

9. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction to the administrative hearing commission and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include
the board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee or leave a copy of the service packet at all of the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

10. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 8 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

11. (1) The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than
thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.

(2) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.

(3) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.

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

13. If the administrative hearing commission does not find probable cause and does not grant the emergency suspension or restriction, the board shall remove all reference to such emergency suspension or restriction from its public records. Records relating to the suspension or restriction shall be maintained in the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

14. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the
nurse's license, such temporary authority of the board shall become final authority if there is no request by the nurse for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the nurse named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.

15. If the administrative hearing commission refuses to grant temporary authority to the board or restrict or suspend the nurse's license under subsection 8 of this section, such dismissal shall not bar the board from initiating a subsequent disciplinary action on the same grounds.

16. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(b) Evidence of final disciplinary action against the licensee's license, certification, or registration issued by any other state, by any other agency or entity of this state or any other state, or the United States or its territories, or any other country;
(c) Evidence of certified court records finding the licensee has been judged incapacitated or disabled under Missouri law or under the laws of any other state or of the United States or its territories.

(2) The board shall provide the licensee not less than ten days' notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license, the board may impose any discipline otherwise available.

335.067. 1. The state board of nursing may establish an intervention program and an alternative program to promote the identification, intervention, treatment, and monitoring of nurses or applicants for a nursing license who may be impaired by reasons of illness, reason of substance abuse, or as a result of any mental condition. This program shall be available to anyone holding a current license and may be entered voluntarily, as part of an agreement with the board of nursing, or as a condition of a disciplinary order entered by the board of nursing or the potential for substance abuse.

2. [The board may enter into a contractual agreement with a nonprofit corporation or a nursing association for the purpose of creating, supporting, and maintaining a program to be designated as the impaired nurse program.] The intervention program is available, upon board discretion, to licensees and applicants for licensure who self-refer, test positive in a pre-employment or for-cause drug or alcohol screen, individuals who have pled guilty to or been found guilty of any drug offense, whether
felony or misdemeanor, or individuals who have pled guilty to or been found guilty of three or more criminal offenses resulting from or related to the use of drugs or alcohol, whether a felony or misdemeanor. The program shall be a minimum of one year in duration and require random drug and alcohol testing at the participant's expense.

3. The alternative program is available, upon board discretion, to licensees and applicants for licensure who admit to having a substance use disorder. The program shall be from three to five years in duration and at a minimum require random drug and alcohol testing at the participant's expense.

4. Upon receiving a complaint or an application, the board shall screen the information submitted to determine whether the individual may be eligible for the intervention or alternative program. If eligible for one of the programs, the board may contact the individual and offer the program. If accepted, the board and individual may enter into a written agreement setting forth the requirements of the program. If declined, the board may proceed with its regular process of investigating a complaint or application as set forth in this chapter and chapter 324. The board shall retain sole discretion to offer the program at any time.

5. Upon successful completion of the intervention or alternative program, the licensee shall be deemed to have no disciplinary action against his or her license and shall not be required to disclose participation in the program. All records shall be deemed confidential and not public records under chapter 610 and not subject to court or administration subpoena or
subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings.

6. If a licensee or applicant violates any term of the intervention program and the licensee or applicant denies the violation, the board may convene a hearing, after due notice to the licensee or applicant to determine whether such violation has occurred. The hearing shall be confidential and not open to the public under chapter 610. Records from the program shall be deemed admissible in the hearing. If the licensee or applicant admits to the violation, no hearing is required. If a violation is found by the board or admitted to by the licensee or applicant, the licensee's license shall be indefinitely suspended or the applicant's application shall not be acted upon until the licensee or applicant continues to fully participate in the program, has one year with no positive drug or alcohol screens, and completes a sobriety notebook. The licensee may then request that his or her license be reinstated or the applicant may then request the board act upon his or her application.

7. If a licensee does not successfully complete the intervention program, the board may pursue disciplinary action as set forth in section 335.066 and chapter 621. If an applicant does not successfully complete the intervention program, the board may issue an order pursuant to the provisions of chapters 324, 335, 536, and 621. Records from the program may be used as evidence in any such proceedings initiated under chapters 324, 335, 536, and 621. Any such licensee disciplined by the board pursuant to this section or applicant subject to an order pursuant to this section shall not be eligible to participate in

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8. If a licensee or applicant violates any term of the alternative program and the licensee or applicant denies the violation, the board may convene a hearing, after due notice to the licensee or applicant to determine whether such violation has occurred. The hearing shall be confidential and not open to the public under chapter 610. Records from the program shall be deemed admissible in the hearing. If the licensee or applicant admits to the violation, no hearing is required. If a violation is found by the board or admitted to by the licensee or applicant, the licensee's license shall be indefinitely suspended or the applicant's application shall not be acted upon until the licensee or applicant continues to fully participate in the program, has one year with no positive drug or alcohol screens, and completes a sobriety notebook. The licensee may then request that his or her license be reinstated or the applicant may then request the board act upon his or her application.

9. If a licensee does not successfully complete the alternative program, the board may pursue disciplinary action as set forth in section 335.066 and chapter 621. If an applicant does not successfully complete the alternative program, the board may issue an order pursuant to the provisions of chapters 324, 335, and 621. Records from the program may be used as evidence in any such proceedings conducted pursuant to the provisions of chapters 324, 335, and 621.

10. The board may promulgate administrative rules subject to the provisions of this section and chapter 536 to effectuate and implement any programs formed pursuant to this
11. The board may expend appropriated funds necessary to provide for operational expenses of the [program] programs formed pursuant to this section.

12. Any board member, board staff member, members of the [program] programs, as well as any administrator, staff member, consultant, agent, or employee of the [program] programs, acting within the scope of his or her duties and without actual malice, and all other persons who furnish information to the [program] programs in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation, or action taken by the [program] programs, or by any individual member of the [program] programs, by any board member, or by any board staff member.

13. All information, interviews, reports, statements, memoranda, drug or alcohol testing results, or other documents furnished to or produced by the [program] programs, as well as communications to or from the [program] programs, any findings, conclusions, interventions, treatment, rehabilitation, or other proceedings of the [program] programs which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential, except that the board may share information with the licensee's employer or potential employer upon verification with the licensee that he or she is employed with the employer or actively seeking employment with the potential employer. Any records produced in conjunction with either program shall not be considered public records under
chapter 610 and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as set forth in subsections 14 and 15 of this section.

[6.] All records and proceedings of the program which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the program and its members only in the exercise of the proper function of the program and shall not be considered public records under chapter 610 and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as provided in subsection 7 of this section.

7. The program shall disclose

14. Information may be disclosed relative to [an impaired] a licensee or applicant in either program only when:

(1) It is essential to disclose the information to further the intervention, treatment, or rehabilitation needs of the [impaired] licensee or applicant and only to those persons or organizations with a need to know;

(2) Its release is authorized in writing by the [impaired] licensee or applicant;

(3) A licensee has breached his or her contract with the program[. In this instance, the breach may be reported only to the board of nursing]; or

(4) The information is subject to a court order.

[8. When pursuing discipline against a licensed practical nurse, registered nurse, or advanced practice registered nurse

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for violating one or more causes stated in subsection 2 of section 335.066, the board may, if the violation is related to chemical dependency or mental health, require that the licensed practical nurse, registered nurse, or advanced practice registered nurse complete the impaired nurse program under such terms and conditions as are agreed to by the board and the licensee for a period not to exceed five years. If the licensee violates a term or condition of an impaired nurse program agreement entered into under this section, the board may elect to pursue discipline against the licensee pursuant to chapter 621 for the original conduct that resulted in the impaired nurse program agreement, or for any subsequent violation of subsection 2 of section 335.066. While the licensee participates in the impaired nurse program, the time limitations of section 620.154 shall toll under subsection 7 of section 620.154. All records pertaining to the impaired nurse program agreements are confidential and may only be released under subdivision (7) of subsection 14 of section 620.010.

9. The board may disclose information and records to the impaired nurse program to assist the program in the identification, intervention, treatment, and rehabilitation of licensed practical nurses, registered nurses, or advanced practice registered nurses who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The program shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records closed to the public under chapter 620.
15. The statute of limitations set forth in section 324.043 shall be tolled while a licensee or applicant is participating in either the intervention program or the alternative program.

336.030. 1. A person is qualified to receive a license as an optometrist:

(1) [Who is at least twenty-one years of age;]

(2) [Who is of good moral character;]

(3) Who has graduated from a college or school of optometry approved by the board; and

(4) Who has met either of the following conditions:

(a) Has passed an examination satisfactory to, conducted by, or approved by the board to determine his or her fitness to receive a license as an optometrist with pharmaceutical certification and met the requirements of licensure as may be required by rule and regulation; or

(b) Has been licensed and has practiced for at least three years in the five years immediately preceding the date of application with pharmaceutical certification in another state, territory, country, or province in which the requirements are substantially equivalent to the requirements in this state and has satisfactorily completed any practical examination or any examination on Missouri laws as may be required by rule and regulation.

2. The board may adopt reasonable rules and regulations providing for the examination and certification of optometrists who apply to the board for the authority to practice optometry in this state.

337.020. 1. Each person desiring to obtain a license,
whether temporary, provisional or permanent, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training that meets the guidelines developed by the committee. The committee shall not charge an application fee until such time that the application has been approved. In the event that an application is denied or rejected, no application fee shall be charged. The application fee shall not be refundable. 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.

2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit evidence satisfactory to the committee that the applicant is at least twenty-one years of age, is of good moral character, and meets the appropriate educational requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall issue a permanent license to and register as a psychologist any
applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination for professional practice in psychology and such other examinations in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the examination for professional practice in psychology.

4. The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.

5. A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person's postdoctoral degree licensed supervisor. A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant to section 337.035, upon the expiration of one year from the date of issuance whichever event
first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a maximum issuance of two years total per provisional licensee. The committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years due to vacations, illness, pregnancy and other good causes.

6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination for professional practice in psychology upon receipt of an application for such licensure and upon proof that the applicant is either licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional Psychology, or is a member of the National Register of Health Services Providers in Psychology.

7. A temporary license issued pursuant to subsection 6 of this section shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued without payment of an additional fee and shall remain in full force and effect until the earlier of the following events:

(1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview examination;

(2) In cases where the committee has found the applicant ineligible for licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such
appeal time; or

   (3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.

   8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be administered by the committee at least twice each year to any applicant who meets the educational requirements set forth in either section 337.021 or 337.025 or to any applicant who is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination of professional practice in psychology. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the examination for professional practice in psychology national examination in psychology or such other national examination in psychology which may be available.

   9. If an applicant fails any examination, the applicant shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

   337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:
(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] (APA), the Canadian Psychological Association, or the Psychological Clinical Science Accreditation System (PCSAS) provided that such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology; or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

   (a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train
professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year’s residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology,
neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of
the first year of the doctoral program or at any time while in a
doctoral program after completion of a master's degree in
psychology or equivalent as defined by rule by the committee;
(b) Up to seven hundred fifty hours obtained while on the
internship under subdivision (1) of this subsection but beyond
the fifteen hundred hours identified in subdivision (1) of this
subsection; or
(c) Postdoctoral professional experience obtained in no
more than twenty-four consecutive calendar months. In no case
shall this experience be accumulated at a rate of more than fifty
hours per week. Postdoctoral supervised professional experience
for prospective health service providers and other applicants
shall involve and relate to the delivery of psychological
services in accordance with professional requirements and
relevant to the applicant's intended area of practice.
5. Experience for those applicants who intend to seek
health service provider certification and who have completed a
program in one or more of the American Psychological Association
designated health service provider delivery areas shall be
obtained under the primary supervision of a licensed psychologist
who is also a health service provider or who otherwise meets the
requirements for health service provider certification.
Experience for those applicants who do not intend to seek health
service provider certification shall be obtained under the
primary supervision of a licensed psychologist or such other
qualified mental health professional approved by the committee.
6. For postinternship and postdoctoral hours, the
psychological activities of the applicant shall be performed
pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the
psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

(1) Is a diplomate of the American Board of Professional Psychology;

(2) Is a member of the National Register of Health Service Providers in Psychology;

(3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;

(4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:

(a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association or the Psychological Clinical Science Accreditation System, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

(b) Has been licensed for the preceding five years; and

(c) Has had no disciplinary action taken against the license for the preceding five years; or

(5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice
of psychology in the state of Missouri on the basis of
reciprocity as listed in subsection 1 of this section or by
endorsement of the score from the examination of professional
practice in psychology score will also be eligible for and shall
receive certification from the committee as a health service
provider if the psychologist meets one or more of the following
criteria:

(1) Is a diplomate of the American Board of Professional
Psychology in one or more of the specialties recognized by the
American Board of Professional Psychology as pertaining to health
service delivery;

(2) Is a member of the National Register of Health Service
Providers in Psychology; or

(3) Has completed or obtained through education, training,
or experience the requisite knowledge comparable to that which is
required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her
practice to demonstrated areas of competence as documented by
relevant professional education, training, and experience. A
psychologist trained in one area shall not practice in another
area without obtaining additional relevant professional
education, training, and experience through an acceptable program
of respecialization.

2. A psychologist may not represent or hold himself or
herself out as a state certified or registered psychological
health service provider unless the psychologist has first
received the psychologist health service provider certification
from the committee; provided, however, nothing in this section
1 shall be construed to limit or prevent a licensed, whether
temporary, provisional or permanent, psychologist who does not
hold a health service provider certificate from providing
psychological services so long as such services are consistent
with subsection 1 of this section.

3. "Relevant professional education and training" for
health service provider certification, except those entitled to
certification pursuant to subsection 5 or 6 of this section,
shall be defined as a licensed psychologist whose graduate
psychology degree from a recognized educational institution is in
an area designated by the American Psychological Association as
pertaining to health service delivery or a psychologist who
subsequent to receipt of his or her graduate degree in psychology
has either completed a respecialization program from a recognized
educational institution in one or more of the American
Psychological Association recognized clinical health service
provider areas and who in addition has completed at least one
year of postdegree supervised experience in such clinical area or
a psychologist who has obtained comparable education and training
acceptable to the committee through completion of postdoctoral
fellows or otherwise.

4. The degree or respecialization program certificate shall
be obtained from a recognized program of graduate study in one or
more of the health service delivery areas designated by the
American Psychological Association as pertaining to health
service delivery, which shall meet one of the criteria
established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized
respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, either by the American Psychological Association or the Psychological Clinical Science Accreditation System; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider
certification; provided, however, that such person shall be
governed by the provisions of subsection 1 of this section with
respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in
this state and who meets one or more of the following criteria
shall automatically, upon payment of the requisite fee, be
entitled to receive a health service provider certification from
the committee:

(1) Is a diplomate of the American Board of Professional
Psychology in one or more of the specialties recognized by the
American Board of Professional Psychology as pertaining to health
service delivery; or

(2) Is a member of the National Register of Health Service
Providers in Psychology.

337.100. 1. Sections 337.100 to 337.165 shall be known as
the "Psychology Interjurisdictional Compact". The party states
find that:

(1) States license psychologists, in order to protect the
public through verification of education, training, and
experience and ensure accountability for professional practice;

(2) This compact is intended to regulate the day-to-day
practice of telepsychology, the provision of psychological
services using telecommunication technologies, by psychologists
across state boundaries in the performance of their psychological
practice as assigned by an appropriate authority;

(3) This compact is intended to regulate the temporary in-
person, face-to-face practice of psychology by psychologists
across state boundaries for thirty days within a calendar year in
the performance of their psychological practice as assigned by an appropriate authority;

(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

(5) This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and

(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

2. The general purposes of this compact are to:

(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;
(5) Promote compliance with the laws governing psychological practice in each compact state; and

(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

337.105. As used in this compact, the following terms shall mean:

(1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

(2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting
services;

(6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

(8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;

(9) "Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) "Day", any part of a day in which psychological work is performed;

(11) "Distant state", the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) "E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional
telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) "Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) "Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

(15) "Identity history summary", a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to
practice based on notification to the state psychology regulatory
authority of intention to practice temporarily, and verification
of one's qualifications for such practice;

(18) "License", authorization by a state psychology
regulatory authority to engage in the independent practice of
psychology, which would be unlawful without the authorization;

(19) "Noncompact state", any state which is not at the time
a compact state;

(20) "Psychologist", an individual licensed for the
independent practice of psychology;

(21) "Psychology interjurisdictional compact commission"
also referred to as "commission", the national administration of
which all compact states are members;

(22) "Receiving state", a compact state where the
client/patient is physically located when the telepsychological
services are delivered;

(23) "Rule", a written statement by the psychology
interjurisdictional compact commission promulgated pursuant to
section 337.150 of the compact that is of general applicability,
implements, interprets, or prescribes a policy or provision of
the compact, or an organizational, procedural, or practice
requirement of the commission and has the force and effect of
statutory law in a compact state, and includes the amendment,
repeal or suspension of an existing rule;

(24) "Significant investigatory information":
(a) Investigative information that a state psychology
regulatory authority, after a preliminary inquiry that includes
notification and an opportunity to respond if required by state
law, has reason to believe, if proven true, would indicate more
than a violation of state statute or ethics code that would be
considered more substantial than minor infraction; or
(b) Investigative information that indicates that the
psychologist represents an immediate threat to public health and
safety regardless of whether the psychologist has been notified
and had an opportunity to respond;
(25) "State", a state, commonwealth, territory, or
possession of the United States, the District of Columbia;
(26) "State psychology regulatory authority", the board,
office or other agency with the legislative mandate to license
and regulate the practice of psychology;
(27) "Telepsychology", the provision of psychological
services using telecommunication technologies;
(28) "Temporary authorization to practice", a licensed
psychologist's authority to conduct temporary in-person, face-to-
face practice, within the limits authorized under this compact,
in another compact state;
(29) "Temporary in-person, face-to-face practice", where a
psychologist is physically present, not through the use of
telecommunications technologies, in the distant state to provide
for the practice of psychology for thirty days within a calendar
year and based on notification to the distant state.
337.110. 1. The home state shall be a compact state where
a psychologist is licensed to practice psychology.
2. A psychologist may hold one or more compact state
licenses at a time. If the psychologist is licensed in more than
one compact state, the home state is the compact state where the
psychologist is physically present when the services are
delivered as authorized by the authority to practice
interjurisdictional telepsychology under the terms of this
compact.

3. Any compact state may require a psychologist not
previously licensed in a compact state to obtain and retain a
license to be authorized to practice in the compact state under
circumstances not authorized by the authority to practice
interjurisdictional telepsychology under the terms of this
compact.

4. Any compact state may require a psychologist to obtain
and retain a license to be authorized to practice in a compact
state under circumstances not authorized by temporary
authorization to practice under the terms of this compact.

5. A home state's license authorizes a psychologist to
practice in a receiving state under the authority to practice
interjurisdictional telepsychology only if the compact state:

   (1) Currently requires the psychologist to hold an active
E.Passport;

   (2) Has a mechanism in place for receiving and
investigating complaints about licensed individuals;

   (3) Notifies the commission, in compliance with the terms
herein, of any adverse action or significant investigatory
information regarding a licensed individual;

   (4) Requires an identity history summary of all applicants
at initial licensure, including the use of the results of
fingerprints or other biometric data checks compliant with the
requirements of the Federal Bureau of Investigation, or other
designee with similar authority, no later than ten years after
activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

6. A home state's license grants temporary authorization to
practice to a psychologist in a distant state only if the compact
state:

(1) Currently requires the psychologist to hold an active
IPC;

(2) Has a mechanism in place for receiving and
investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms
herein, of any adverse action or significant investigatory
information regarding a licensed individual;

(4) Requires an identity history summary of all applicants
at initial licensure, including the use of the results of
fingerprints or other biometric data checks compliant with the
requirements of the Federal Bureau of Investigation, or other
designee with similar authority, no later than ten years after
activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

337.115. 1. Compact states shall recognize the right of a
psychologist, licensed in a compact state in conformance with
section 337.110, to practice telepsychology in receiving states
in which the psychologist is not licensed, under the authority to
practice interjurisdictional telepsychology as provided in the
compact.

2. To exercise the authority to practice
interjurisdictional telepsychology under the terms and provisions
of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty
sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master’s degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violate the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) Possess a current, active E.Passport;

(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the
3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.

2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist
licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
(f) The designated director of the program shall be a psychologist and a member of the core faculty;
(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;
(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;
(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;
(j) The program includes an acceptable residency as defined by the rules of the commission;
(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;
(4) No history of adverse action that violate the rules of the commission;
(5) No criminal record history that violates the rules of the commission;
(6) Possess a current, active IPC;
(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and
(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the
scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose
adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall
investigate and take appropriate action with respect to reported
inappropriate conduct engaged in by a licensee which occurred in
a receiving state as it would if such conduct had occurred by a
licensee within the home state. In such cases, the home state's
law shall control in determining any adverse action against a
psychologist's license.

5. A distant state's psychology regulatory authority shall
investigate and take appropriate action with respect to reported
inappropriate conduct engaged in by a psychologist practicing
under temporary authorization practice which occurred in that
distant state as it would if such conduct had occurred by a
licensee within the home state. In such cases, distant state's
law shall control in determining any adverse action against a
psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's
decision that a psychologist's participation in an alternative
program may be used in lieu of adverse action and that such
participation shall remain non-public if required by the compact
state's law. Compact states shall require psychologists who
enter any alternative programs to not provide telepsychology
services under the authority to practice interjurisdictional
telepsychology or provide temporary psychological services under
the temporary authorization to practice in any other compact
state during the term of the alternative program.

7. No other judicial or administrative remedies shall be
available to a psychologist in the event a compact state imposes
an adverse action pursuant to subsection 3 of this section.

337.135. 1. In addition to any other powers granted under
state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All
information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

337.140. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

   (1) Identifying information;

   (2) Licensure data;

   (3) Significant investigatory information;

   (4) Adverse actions against a psychologist's license;

   (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;

   (6) Nonconfidential information related to alternative program participation information;

   (7) Any denial of application for licensure, and the reasons for such denial; and

   (8) Other information which may facilitate the administration of this compact, as determined by the rules of the
3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. The commission shall consist of one voting representative appointed by each compact state who shall serve as
that state's commissioner. The state psychology regulatory
authority shall appoint its delegate. This delegate shall be
empowered to act on behalf of the compact state. This delegate
shall be limited to:

(1) Executive director, executive secretary or similar
executive;

(2) Current member of the state psychology regulatory
authority of a compact state; or

(3) Designee empowered with the appropriate delegate
authority to act on behalf of the compact state.

3. (1) Any commissioner may be removed or suspended from
office as provided by the law of the state from which the
commissioner is appointed. Any vacancy occurring in the
commission shall be filled in accordance with the laws of the
compact state in which the vacancy exists.

(2) Each commissioner shall be entitled to one vote with
regard to the promulgation of rules and creation of bylaws and
shall otherwise have an opportunity to participate in the
business and affairs of the commission. A commissioner shall
vote in person or by such other means as provided in the bylaws.
The bylaws may provide for commissioners' participation in
meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each
calendar year. Additional meetings shall be held as set forth in
the bylaws.

(4) All meetings shall be open to the public, and public
notice of meetings shall be given in the same manner as required
under the rulemaking provisions in section 337.150.
(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

(a) Noncompliance of a compact state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation against the commission;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusation against any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;

(j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed
pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

   (1) Establishing the fiscal year of the commission;

   (2) Providing reasonable standards and procedures:

      (a) For the establishment and meetings of other committees;

      and

      (b) Governing any general or specific delegation of any authority or function of the commission;

   (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest.
the privacy of individuals of such proceedings, and proprietary
information, including trade secrets. The commission may meet in
closed session only after a majority of the commissioners vote to
close a meeting to the public in whole or in part. As soon as
practicable, the commission shall make public a copy of the vote
to close the meeting revealing the vote of each commissioner with
no proxy votes allowed;

(4) Establishing the titles, duties and authority and
reasonable procedures for the election of the officers of the
commission;

(5) Providing reasonable standards and procedures for the
establishment of the personnel policies and programs of the
commission. Notwithstanding any civil service or other similar
law of any compact state, the bylaws shall exclusively govern the
personnel policies and programs of the commission;

(6) Promulgating a code of ethics to address permissible
and prohibited activities of commission members and employees;

(7) Providing a mechanism for concluding the operations of
the commission and the equitable disposition of any surplus funds
that may exist after the termination of the compact after the
payment or reserving of all of its debts and obligations.

5. (1) The commission shall publish its bylaws in a
convenient form and file a copy thereof and a copy of any
amendment thereto, with the appropriate agency or officer in each
of the compact states;

(2) The commission shall maintain its financial records in
accordance with the bylaws; and

(3) The commission shall meet and take such actions as are
consistent with the provisions of this compact and the bylaws.

6. The commission shall have the following powers:
   (1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;
   (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
   (3) To purchase and maintain insurance and bonds;
   (4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;
   (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
   (6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;
   (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any
property, real, personal or mixed; provided that at all times the
commission shall strive to avoid any appearance of impropriety;

(8) To lease, purchase, accept appropriate gifts or
donations of, or otherwise to own, hold, improve or use, any
property, real, personal or mixed; provided that at all times the
commission shall strive to avoid any appearance of impropriety;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees
comprised of members, state regulators, state legislators or
their representatives, and consumer representatives, and such
other interested persons as may be designated in this compact and
the bylaws;

(12) To provide and receive information from, and to
cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or
appropriate to achieve the purposes of this compact consistent
with the state regulation of psychology licensure, temporary in-
person, face-to-face practice and telepsychology practice.

7. (1) The elected officers shall serve as the executive
board, which shall have the power to act on behalf of the
commission according to the terms of this compact.

(2) The executive board shall be comprised of six members:

(a) Five voting members who are elected from the current
membership of the commission by the commission;

(b) One ex officio, nonvoting member from the recognized
membership organization composed of state and provincial
psychology regulatory authorities.

(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have the following duties and responsibilities:

   (a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

   (b) Ensure compact administration services are appropriately provided, contractual or otherwise;

   (c) Prepare and recommend the budget;

   (d) Maintain financial records on behalf of the commission;

   (e) Monitor compact compliance of member states and provide compliance reports to the commission;

   (f) Establish additional committees as necessary; and

   (g) Other duties as provided in rules or bylaws.

8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

   (2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

   (3) The commission may levy on and collect an annual
assessment from each compact state or impose fees on other
parties to cover the cost of the operations and activities of the
commission and its staff which shall be in a total amount
sufficient to cover its annual budget as approved each year for
which revenue is not provided by other sources. The aggregate
annual assessment amount shall be allocated based upon a formula
to be determined by the commission which shall promulgate a rule
binding upon all compact states.

(4) The commission shall not incur obligations of any kind
prior to securing the funds adequate to meet the same; nor shall
the commission pledge the credit of any of the compact states,
except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all
receipts and disbursements. The receipts and disbursements of
the commission shall be subject to the audit and accounting
procedures established under its bylaws. However, all receipts
and disbursements of funds handled by the commission shall be
audited yearly by a certified or licensed public accountant and
the report of the audit shall be included in and become part of
the annual report of the commission.

9. (1) The members, officers, executive director,
employees and representatives of the commission shall be immune
from suit and liability, either personally or in their official
capacity, for any claim for damage to or loss of property or
personal injury or other civil liability caused by or arising out
of any actual or alleged act, error or omission that occurred, or
that the person against whom the claim is made had a reasonable
basis for believing occurred within the scope of commission
employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.
337.150. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

   (1) On the website of the commission; and

   (2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

   (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

   (2) The text of the proposed rule or amendment and the reason for the proposed rule;

   (3) A request for comments on the proposed rule from any interested person;

   (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

   (1) At least twenty-five persons who submit comments independently of each other;
   
   (2) A governmental subdivision or agency; or
   
   (3) A duly appointed person in an association that has at least twenty-five members.

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

   (2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

   (3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

   (4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a
transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;
(2) Prevent a loss of commission or compact state funds;
(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule;
or
(4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

337.155. 1. (1) The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a
compact state pertaining to the subject matter of this compact
which may affect the powers, responsibilities, or actions of the
commission.

(3) The commission shall be entitled to receive service of
process in any such proceeding, and shall have standing to
intervene in such a proceeding for all purposes. Failure to
provide service of process to the commission shall render a
judgment or order void as to the commission, this compact or
promulgated rules.

2. (1) If the commission determines that a compact state
has defaulted in the performance of its obligations or
responsibilities under this compact or the promulgated rules, the
commission shall:

(a) Provide written notice to the defaulting state and
other compact states of the nature of the default, the proposed
means of remedying the default or any other action to be taken by
the commission; and

(b) Provide remedial training and specific technical
assistance regarding the default.

(2) If a state in default fails to remedy the default, the
defaulting state may be terminated from the compact upon an
affirmative vote of a majority of the compact states, and all
rights, privileges, and benefits conferred by this compact shall
be terminated on the effective date of termination. A remedy of
the default does not relieve the offending state of obligations
or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be
imposed only after all other means of securing compliance have
been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

337.160. 1. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect
until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

337.165. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

337.315. 1. An applied behavior analysis intervention shall produce socially significant improvements in human behavior through skill acquisition, increase or decrease in behaviors under specific environmental conditions and the reduction of problematic behavior. An applied behavior analysis intervention shall:

(1) Be based on empirical research and the identification of functional relations between behavior and environment,
contextual factors, antecedent stimuli and reinforcement
operations through the direct observation and measurement of
behavior, arrangement of events and observation of effects on
behavior, as well as other information gathering methods such as
record review and interviews; and

(2) Utilize changes and arrangements of contextual factors,
antecedent stimuli, positive reinforcement, and other
consequences to produce behavior change.

2. Each person wishing to practice as a licensed behavior
analyst shall:

(1) Submit a complete application on a form approved by the
committee, which shall include a statement that the applicant has
completed two hours of suicide assessment, referral, treatment,
and management training;

(2) Pay all necessary fees as set by the committee;

(3) Submit a two-inch or three-inch photograph or passport
photograph taken no more than six months prior to the application
date;

(4) Provide two classified sets of fingerprints for
processing by the Missouri state highway patrol under section
43.543. One set of fingerprints shall be used by the highway
patrol to search the criminal history repository and the second
set shall be forwarded to the Federal Bureau of Investigation for
searching the federal criminal history files;

(5) Have passed an examination and been certified as a
board-certified behavior analyst by a certifying entity, as
defined in section 337.300;

(6) Provide evidence of active status as a board-certified
behavior analyst; and

(7) If the applicant holds a license as a behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state.

3. Each person wishing to practice as a licensed assistant behavior analyst shall:

(1) Submit a complete application on a form approved by the committee;

(2) Pay all necessary fees as set by the committee;

(3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;

(4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;

(5) Have passed an examination and been certified as a board-certified assistant behavior analyst by a certifying entity, as defined in section 337.300;

(6) Provide evidence of active status as a board-certified assistant behavior analyst;

(7) If the applicant holds a license as an assistant behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state; and
(8) Submit documentation satisfactory to the committee that
the applicant will be directly supervised by a licensed behavior
analyst in a manner consistent with the certifying entity.

4. The committee shall be authorized to issue a temporary
license to an applicant for a behavior analyst license or
assistant behavior analyst license upon receipt of a complete
application, submission of a fee as set by the committee by rule
for behavior analyst or assistant behavior analyst, and a showing
of valid licensure as a behavior analyst or assistant behavior
analyst in another state, only if the applicant has submitted
fingerprints and no disqualifying criminal history appears on the
family care safety registry. The temporary license shall expire
upon issuance of a license or denial of the application but no
later than ninety days from issuance of the temporary license.
Upon written request to the committee, the holder of a temporary
license shall be entitled to one extension of ninety days of the
temporary license.

5. (1) The committee shall, in accordance with rules
promulgated by the committee, issue a provisional behavior
analyst license or a provisional assistant behavior analyst
license upon receipt by the committee of a complete application,
appropriate fee as set by the committee by rule, and proof of
satisfaction of requirements under subsections 2 and 3 of this
section, respectively, and other requirements established by the
committee by rule, except that applicants for a provisional
license as either a behavior analyst or assistant behavior
analyst need not have passed an examination and been certified as
a board-certified behavior analyst or a board-certified assistant
behavior analyst to obtain a provisional behavior analyst or provisional assistant behavior analyst license.

(2) A provisional license issued under this subsection shall only authorize and permit the licensee to render behavior analysis under the supervision and the full professional responsibility and control of such licensee's licensed supervisor.

(3) A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing under section 337.330, upon termination of supervision by a licensed supervisor, or upon the expiration of one year from the date of issuance of the provisional license, whichever first occurs. The provisional license may be renewed after one year, with a maximum issuance of two years. Upon a showing of good cause, the committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years.

6. No person shall hold himself or herself out to be licensed behavior analysts or LBA, provisionally licensed behavior analyst or PLBA, provisionally licensed assistant behavior analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary licensed assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in the state of Missouri unless they meet the applicable requirements.

7. No persons shall practice applied behavior analysis unless they are:

   (1) Licensed behavior analysts;

   (2) Licensed assistant behavior analysts working under the
supervision of a licensed behavior analyst;

(3) An individual who has a bachelor's or graduate degree and completed course work for licensure as a behavior analyst and is obtaining supervised field experience under a licensed behavior analyst pursuant to required supervised work experience for licensure at the behavior analyst or assistant behavior analyst level;

(4) Licensed psychologists practicing within the rules and standards of practice for psychologists in the state of Missouri and whose practice is commensurate with their level of training and experience;

(5) Provisionally licensed behavior analysts;

(6) Provisionally licensed assistant behavior analysts;

(7) Temporary licensed behavior analysts; or

(8) Temporary licensed assistant behavior analysts.

8. Notwithstanding the provisions in subsection 6 of this section, any licensed or certified professional may practice components of applied behavior analysis, as defined in section 337.300 if he or she is acting within his or her applicable scope of practice and ethical guidelines.

9. All licensed behavior analysts and licensed assistant behavior analysts shall be bound by the code of conduct adopted by the committee by rule.

10. Licensed assistant behavior analysts shall work under the direct supervision of a licensed behavior analyst as established by committee rule.

11. Persons who provide services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et
1 seq., or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a 3 recognized educational institution through which the person 4 provides applied behavior analysis as part of supervised clinical 5 experience shall be exempt from the requirements of this section. 6 12. A violation of this section shall be punishable by 7 probation, suspension, or loss of any license held by the 8 violator.
9 337.320. 1. The division shall mail a renewal notice to 10 the last known address of each licensee or registrant prior to 11 the renewal date.
12 2. Each person wishing to renew the behavior analyst 13 license or the assistant behavior analyst license shall: 14 (1) Submit a complete application on a form approved by the 15 committee, which shall include a statement that the applicant has 16 completed two hours of suicide assessment, referral, treatment, 17 and management training;
18 (2) Pay all necessary fees as set by the committee; and 19 (3) Submit proof of active certification and fulfillment of 20 all requirements for renewal and recertification with the 21 certifying entity.
22 3. Failure to provide the division with documentation 23 required by subsection 2 of this section or other information 24 required for renewal shall effect a revocation of the license 25 after a period of sixty days from the renewal date.
26 4. Each person wishing to restore the license, within two 27 years of the renewal date, shall: 28 (1) Submit a complete application on a form approved by the
(2) Pay the renewal fee and a delinquency fee as set by the committee; and
(3) Submit proof of current certification from a certifying body approved by the committee.

5. A new license to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules of the committee, upon payment of a fee established by the committee.

6. The committee shall set the amount of the fees authorized by sections 337.300 to 337.345 and required by rules promulgated under section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.300 to 337.345.

7. The committee is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the committee and remits the fee for an inactive license established by the committee. An inactive license may be issued only to a person who has previously been issued a license to practice as a licensed behavior analyst or a licensed assistant behavior analyst who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the committee subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing
education as required by this chapter.

8. An inactive licensee may apply for a license to regularly engage in the practice of behavioral analysis by:

(1) Submitting a complete application on a form approved by the committee;

(2) Paying the reactivation fee as set by the committee;

and

(3) Submitting proof of current certification from a certifying body approved by the committee.

337.507. 1. Applications for examination and licensure as a professional counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training. The application shall contain the applicant's statements showing his education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice shall effect a revocation of the license after a
period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.500 to 337.540 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

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

6. The committee shall hold public examinations at least
two times per year, at such times and places as may be fixed by
the committee, notice of such examinations to be given to each
applicant at least ten days prior thereto.

337.510. 1. Each applicant for licensure as a professional
counselor shall furnish evidence to the committee that the
applicant is at least eighteen years of age, is of good moral
class, is a United States citizen or is legally present in
the United States; and

(1) The applicant has completed a course of study as
defined by the board rule leading to a master's, specialist's, or
doctoral degree with a major in counseling, except any applicant
who has held a license as a professional counselor in this state
or currently holds a license as a professional counselor in
another state shall not be required to have completed any courses
related to career development; and

(2) The applicant has completed acceptable supervised
counseling as defined by board rule. If the applicant has a
master's degree with a major in counseling as defined by board
rule, the applicant shall complete at least two years of
acceptable supervised counseling experience subsequent to the
receipt of the master's degree. The composition and number of
hours comprising the acceptable supervised counseling experience
shall be defined by board rule. An applicant may substitute
thirty semester hours of post master's graduate study for one of
the two required years of acceptable supervised counseling
experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have
completed a minimum of three hours of graduate level coursework
in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. Any person who previously held a valid unrevoked, unsuspended license as a professional counselor in this state and who held a valid license as a professional counselor in another state at the time of application to the committee shall be granted a license to engage in professional counseling in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.507.

3. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who is at least eighteen years of age, is of good moral character, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or
(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule; or

(3) Determination by the board that the requirements of the other state or territory are substantially the same as Missouri and certified by the applicant's current licensing entity that the applicant has a current license. The applicant shall also consent to examination of any disciplinary history.

4. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

5. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule,
two hours of suicide assessment, referral, treatment, and management training, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social worker, advanced macro social worker or master social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training. The application shall contain the applicant's statements showing the applicant's education, experience, and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be
restored if, within two years of the licensure date, the
applicant provides written application and the payment of the
licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost,
destroyed or mutilated may be issued subject to the rules of the
committee, upon payment of a fee.

4. The committee shall set the amount of the fees which
sections 337.600 to 337.689 authorize and require by rules and
regulations promulgated pursuant to section 536.021. The fees
shall be set at a level to produce revenue which shall not
substantially exceed the cost and expense of administering the
provisions of sections 337.600 to 337.689. All fees provided for
in sections 337.600 to 337.689 shall be collected by the director
who shall deposit the same with the state treasurer in a fund to
be known as the "Clinical Social Workers Fund". After August 28,
2007, the clinical social workers fund shall be called the
"Licensed Social Workers Fund" and after such date all references
in state law to the clinical social workers fund shall be
considered references to the licensed social workers fund.

5. The provisions of section 33.080 to the contrary
notwithstanding, money in this fund shall not be transferred and
placed to the credit of general revenue until the amount in the
fund at the end of the biennium exceeds two times the amount of
the appropriations from the clinical social workers fund for the
preceding fiscal year or, if the committee requires by rule
renewal less frequently than yearly, then three times the
appropriation from the committee's fund for the preceding fiscal
year. The amount, if any, in the fund which shall lapse is that
amount in the fund which exceeds the appropriate multiple of the appropriations from the clinical social workers fund for the preceding fiscal year.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.689 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months. The committee shall require a minimum number of thirty clock hours of continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689, including two hours of suicide assessment, referral, treatment, and management training. The committee shall renew any license upon application for a renewal, completion of the required continuing education hours and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

337.662. 1. Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may
require. Each application shall contain a statement that it is
made under oath or affirmation and that the information contained
therein is true and correct to the best knowledge and belief of
the applicant, subject to the penalties provided for the making
of a false affidavit or declaration. Each application shall be
accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last
known address of each licensee prior to the licensure renewal
date. Failure to provide the committee with the information
required for licensure as provided in subsection 1 of this
section, or to pay the licensure fee after such notice shall
effect a revocation of the license after a period of sixty days
from the licensure renewal date. The license shall be restored
if, within two years of the licensure date, the applicant
provides written application and the payment of the licensure fee
and a delinquency fee.

3. A new certificate to replace any certificate lost,
destroyed or mutilated may be issued subject to the rules of the
committee, upon payment of a fee.

4. The committee shall set the amount of the fees which
sections 337.650 to 337.689 authorize and require by rules and
regulations promulgated pursuant to chapter 536. The fees shall
be set at a level to produce revenue which shall not
substantially exceed the cost and expense of administering the
provisions of sections 337.650 to 337.689. All fees provided for
in sections 337.650 to 337.689 shall be collected by the director
who shall deposit the same with the state treasurer in the
clinical social workers fund established in section 337.612.
Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.650 to 337.689 authorize and require by rules and
regulations promulgated pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in the clinical social workers fund established in section 337.612.

337.718. 1. Each license issued pursuant to the provisions of sections 337.700 to 337.739 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739. The division shall renew any license upon application for a renewal and upon payment of the fee established by the division pursuant to the provisions of section 337.712. Effective August 28, 2008, as a prerequisite for renewal, each licensed marital and family therapist shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as defined by rule, which shall be no more than forty contact hours biennially. At least two hours of continuing education shall be in suicide assessment, referral, treatment, and management training. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of illness or for other good cause.

2. The committee may issue temporary permits to practice under extenuating circumstances as determined by the committee and defined by rule.
338.315. 1. Except as otherwise provided by the board by rule, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor, drug outsourcer, third-party logistics provider, or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class E felony.

2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the board and do not exceed five percent of the pharmacy's total annual prescription drug sales.

3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.

4. The board shall promulgate rules to implement the provisions of this section. 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 section 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, 2012,
shall be invalid and void.

338.330. As used in sections 338.300 to 338.370, the
following terms mean:

(1) "Drug outsourcer", an outsourcing facility as defined
by 21 U.S.C. Section 353b of the federal Drug Quality and
Security Act:

(2) "Legend drug":

(a) Any drug or biological product:
   a. Subject to Section 503(b) of the Federal Food, Drug and
      Cosmetic Act, including finished dosage forms and active
      ingredients subject to such Section 503(b); or
   b. Required under federal law to be labeled with one of the
      following statements prior to being dispensed or delivered:
      (i) "Caution: Federal law prohibits dispensing without
          prescription";
      (ii) "Caution: Federal law restricts this drug to use by
           or on the order of a licensed veterinarian"; or
      (iii) "Rx Only"; or
   c. Required by any applicable federal or state law or
      regulation to be dispensed by prescription only or that is
      restricted to use or dispensed by practitioners only; and

(b) The term "drug", "prescription drug", or "legend drug"
shall not include:
   a. An investigational new drug, as defined by 21 CFR
      312.3(b), that is being utilized for the purposes of conducting a
clinical trial or investigation of such drug or product that is
governed by, and being conducted under and pursuant to, 21 CFR
312, et. seq.;

b. Any drug product being utilized for the purposes of
conducting a clinical trial or investigation that is governed by,
and being conducted under and pursuant to, 21 CFR 312, et. seq.;
or

c. Any drug product being utilized for the purposes of
conducting a clinical trial or investigation that is governed or
approved by an institutional review board subject to 21 CFR Part
56 or 45 CFR Part 46;

(3) "Out-of-state wholesale drug distributor", a
wholesale drug distributor with no physical facilities located in
the state;

(4) "Pharmacy distributor", any licensed pharmacy, as
defined in section 338.210, engaged in the delivery or
distribution of legend drugs to any other licensed pharmacy where
such delivery or distribution constitutes at least five percent
of the total gross sales of such pharmacy;

(5) "Third-party logistics provider", an entity that
provides or coordinates warehousing or other logistics services
of a product on behalf of a drug manufacturer, wholesale drug
distributor, or dispenser of a legend drug, but does not take
ownership of the product, nor has responsibility to direct the
sale or disposition of the product;

(6) "Wholesale drug distributor", anyone engaged in the
delivery or distribution of legend drugs from any location and
who is involved in the actual, constructive or attempted transfer
of a drug or drug-related device in this state, other than to the
ultimate consumer. This shall include, but not be limited to,
drug wholesalers, repackagers and manufacturers which are engaged
in the delivery or distribution of drugs in this state, with
facilities located in this state or in any other state or
jurisdiction. A wholesale drug distributor shall not include any
common carrier or individual hired solely to transport legend
drugs. Any locations where drugs are delivered on a consignment
basis, as defined by the board, shall be exempt from licensure as
a drug distributor, and those standards of practice required of a
drug distributor but shall be open for inspection by board of
pharmacy representatives as provided for in section 338.360.

338.333. 1. Except as otherwise provided by the board of
pharmacy by rule in the event of an emergency or to alleviate a
supply shortage, no person or distribution outlet shall act as a
wholesale drug distributor, pharmacy distributor, drug
outsourcer, or third-party logistics provider without first
obtaining license to do so from the Missouri board of pharmacy
and paying the required fee. The board may grant temporary
licenses when the wholesale drug distributor, pharmacy
distributor, drug outsourcer, or third-party logistics provider
first applies for a license to operate within the state.
Temporary licenses shall remain valid until such time as the
board shall find that the applicant meets or fails to meet the
requirements for regular licensure. No license shall be issued
or renewed for a wholesale drug distributor, pharmacy
distributor, drug outsourcer, or third-party logistics provider
to operate unless the same shall be operated in a manner
prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor, drug outsourcer, or third-party logistics provider, unless such drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if the agent or employee is acting in the usual course of his or her business or employment.

3. The board may permit out-of-state wholesale drug distributors, drug outsourcers, third-party logistics provider, or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that an out-of-state wholesale drug distributor or out-of-state pharmacy distributor the entity both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor, pharmacy distributor, drug outsourcers, or third-party logistics provider of this state as prerequisites for obtaining a license under the laws of this state; and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale
drug distributor, pharmacy distributor, drug outsourcers, or third-party logistics provider of this state.

338.337. It shall be unlawful for any out-of-state wholesale drug distributor, out-of-state pharmacy acting as a distributor, drug outsourcers, or third-party logistics provider to do business in this state without first obtaining a license to do so from the board of pharmacy and paying the required fee, except as otherwise provided by section 338.335 and this section. Application for an out-of-state wholesale drug distributor's, drug outsourcer's, or out-of-state third-party logistics provider's license under this section shall be made on a form furnished by the board. The issuance of a license under sections 338.330 to 338.370 shall not change or affect tax liability imposed by the Missouri department of revenue on any [out of state wholesale drug distributor or out of state pharmacy] entity. Any out-of-state wholesale drug distributor that is a drug manufacturer and which produces and distributes from a facility which has been inspected and approved by the Food and Drug Administration, maintains current approval by the federal Food and Drug Administration, and has provided a copy of the most recent Food and Drug Administration Establishment Inspection Report to the board, and which is licensed by the state in which the distribution facility is located, or, if located within a foreign jurisdiction, is authorized and in good standing to operate as a drug manufacturer within such jurisdiction, need not be licensed as provided in this section but such out-of-state distributor shall register its business name and address with the board of pharmacy and pay a filing fee
in an amount established by the board.

338.340. No person acting as principal or agent for any out-of-state wholesale drug distributor [or], out-of-state pharmacy distributor, drug outsourcer, or out-of-state third-party logistics provider shall sell or distribute drugs in this state unless the [wholesale drug distributor or pharmacy distributor] entity has obtained a license pursuant to the provisions of sections 338.330 to 338.370.

344.030. 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

   (1) The applicant provides the board satisfactory proof that the applicant is [twenty-one years of age or over,] of good moral character and a high school graduate or equivalent;

   (2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home
administration, or has presented evidence satisfactory to the
board of sufficient education, training, or experience in the
foregoing fields to administer, supervise and manage a nursing
home; and

(3) The applicant passes the examinations administered by
the board. If an applicant fails to make a passing grade on
either of the examinations such applicant may make application
for reexamination on a form furnished by the board and may be
retested. If an applicant fails either of the examinations a
third time, the applicant shall be required to complete a course
of instruction prescribed and approved by the board. After
completion of the board-prescribed course of instruction, the
applicant may reapply for examination. With regard to the
national examination required for licensure, no examination
scores from other states shall be recognized by the board after
the applicant has failed his or her third attempt at the national
examination. There shall be a separate, nonrefundable fee for
each examination. The board shall set the amount of the fee for
examination by rules and regulations promulgated pursuant to
section 536.021. The fee shall be set at a level to produce
revenue which shall not substantially exceed the cost and expense
of administering the examination.

3. The board may issue a license through reciprocity to any
person who is regularly licensed as a nursing home administrator
in any other state, territory, or the District of Columbia, if
the regulations for securing such license are equivalent to those
required in the state of Missouri. However, no license by
reciprocity shall be issued until the applicant passes a special
examination approved by the board, which will examine the applicant's knowledge of specific provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall furnish satisfactory evidence that such applicant is of good moral character and has acted in the capacity of a nursing home administrator in such state, territory, or the District of Columbia at least one year after the securing of the license. The board, in its discretion, may enter into written reciprocal agreements pursuant to this section with other states which have equivalent laws and regulations.

4. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

5. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over, of good moral character and a high school graduate or equivalent to serve as an acting nursing home administrator,
provided such person is replacing a licensed nursing home administrator who has died, has been removed or has vacated the nursing home administrator's position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.

374.715. 1. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, [is at least twenty-one years of age,] has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section.
In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant or, if the applicant is a corporation, that each officer thereof has completed at least two years as a bail bond agent, and that the applicant possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. The assignment required by this section shall be in the form and executed in the manner prescribed by the department. The director may require by regulation conditions by which additional assignments of assets of the general bail bond agent may occur when the circumstances of the business of the general bail bond agent warrants additional funds. However, such additional funds shall not exceed twenty-five thousand dollars.

374.784. 1. Applications for examination and licensure as a surety recovery agent shall be submitted on forms prescribed by the department and shall contain such information as the department requires, along with a copy of the front and back of a photographic identification card.

2. Each application shall be accompanied by proof satisfactory to the director that the applicant is a citizen of the United States, is at least twenty-one years of age, and has a high school diploma or a general educational development certificate (GED). An applicant shall furnish evidence of such person's qualifications by completing an approved surety recovery agent course with at least twenty-four hours of initial minimum
training. The director shall determine which institutions, organizations, associations, and individuals shall be eligible to provide said training. Said instructions and fees associated therewith shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

3. In addition to said twenty-four hours of initial minimum training, licensees shall be required to receive eight hours of biennial continuing education of which said instructions and fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

4. Applicants for surety recovery agents licensing shall be exempt from said requirements of the twenty-four hours of initial minimum training if applicants provide proof of prior training as a law enforcement officer with at least two years of such service within the ten years prior to the application being submitted to the department.

5. The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

1) "Comprehensive psychiatric services", any one, or any
combination of two or more, of the following services to persons
affected by mental disorders other than intellectual disabilities
or developmental disabilities: inpatient, outpatient, day
program or other partial hospitalization, emergency, diagnostic,
treatment, liaison, follow-up, consultation, education,
rehabilitation, prevention, screening, transitional living,
medical prevention and treatment for alcohol abuse, and medical
prevention and treatment for drug abuse;
(2) "Council", the Missouri advisory council for
comprehensive psychiatric services;
(3) "Court", the court which has jurisdiction over the
respondent or patient;
(4) "Division", the division of comprehensive psychiatric
services of the department of mental health;
(5) "Division director", director of the division of
comprehensive psychiatric services of the department of mental
health, or his designee;
(6) "Head of mental health facility", superintendent or
other chief administrative officer of a mental health facility,
or his designee;
(7) "Judicial day", any Monday, Tuesday, Wednesday,
Thursday or Friday when the court is open for business, but
excluding Saturdays, Sundays and legal holidays;
(8) "Licensed physician", a physician licensed pursuant to
the provisions of chapter 334 or a person authorized to practice
medicine in this state pursuant to the provisions of section
334.150;
(9) "Licensed professional counselor", a person licensed as
a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical
or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) "Mental health professional", a psychiatrist, resident in psychiatry, psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse, psychologist, psychiatric nurse, licensed professional
counselor, or psychiatric social worker;

(14) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) "Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;

(18) "Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;

(19) "Psychiatric nurse", a registered professional nurse
who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

[4(18)] (20) "Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;

(21) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[4(19)] (22) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[4(20)] (23) "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[4(21)] (24) "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic
Association or other training program certified as equivalent by the department;

[422] (25) "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[423] (26) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

[328.100. The board may at any time require any barber to whom a certificate of registration is issued to be examined at the licensee's expense by a licensed physician to ascertain if such barber is free of infectious or contagious diseases and is not afflicted with any physical or mental ailment which would render him unfit to practice the occupation of barbering.]

Section B. The enactment of sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.

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Representative Derek Grier       Senator Jeanie Riddle