

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1719

AN ACT

To repeal sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 334.530, 334.655, 335.036, 335.046, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof eighty-six new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

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

1 Section A. Sections 324.001, 324.200, 324.205, 324.210,
2 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427,
3 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312,
4 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050,
5 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030,
6 332.131, 334.530, 334.655, 335.036, 335.046, 335.066, 335.067,
7 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320,
8 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718,
9 344.030, 374.715, 374.784, and 632.005, RSMo, are repealed and
10 eighty-six new sections enacted in lieu thereof, to be known as

1 sections 285.700, 285.705, 285.710, 285.715, 285.720, 285.725,
2 285.730, 285.740, 285.750, 324.001, 324.013, 324.046, 324.047,
3 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415,
4 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925,
5 324.1108, 327.221, 327.312, 327.313, 327.321, 328.025, 328.080,
6 329.010, 329.032, 329.033, 329.040, 329.050, 329.060, 329.070,
7 329.080, 329.085, 329.130, 329.275, 330.030, 331.030, 332.131,
8 334.530, 334.655, 335.036, 335.046, 335.066, 335.067, 336.030,
9 337.020, 337.025, 337.029, 337.033, 337.100, 337.105, 337.110,
10 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145,
11 337.150, 337.155, 337.160, 337.165, 337.315, 337.320, 337.507,
12 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 344.030,
13 374.715, 374.784, and 632.005, to read as follows:

14 285.700. 1. Sections 285.700 to 285.750 shall be known and
15 may be cited as the "Professional Employer Organization Act".

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

19 285.705. As used in sections 285.700 to 285.750, the
20 following terms mean:

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

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

24 (3) "Coemployment relationship", a relationship that is
25 intended to be an ongoing relationship rather than a temporary or
26 project-specific relationship, wherein the rights, duties, and
27 obligations of an employer that arise out of an employment
28 relationship have been allocated between coemployers pursuant to

1 a professional employer agreement and sections 285.700 to
2 285.750. In such a coemployment relationship:

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

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

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

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

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

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

23
24 Individuals who are officers, directors, shareholders, partners,
25 and managers of the client will be covered employees, except to
26 the extent the PEO and the client have expressly agreed in the
27 professional employer agreement that such individuals would not
28 be covered employees, provided such individuals meet the criteria

1 of this subdivision and act as operational managers or perform
2 day-to-day operational services for the client;

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

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

9 (7) "Professional employer agreement", a written contract
10 by and between a client and a PEO that provides:

11 (a) For the coemployment of covered employees;

12 (b) For the allocation of employer rights and obligations
13 between the client and the PEO with respect to the covered
14 employees; and

15 (c) That the PEO and the client assume the responsibilities
16 required under sections 285.700 to 285.750;

17 (8) "Professional employer organization" or "PEO", any
18 person engaged in the business of providing professional employer
19 services. A person engaged in the business of providing
20 professional employer services shall be subject to registration
21 and regulation under sections 285.700 to 285.750 regardless of
22 its use of the term or conducting business as a professional
23 employer organization, staff leasing company, registered staff
24 leasing company, employee leasing company, administrative
25 employer, or any other name. The following shall not be deemed
26 to be professional employer organizations or the providing of
27 professional employment services for the purposes of sections
28 285.700 to 285.750:

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

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

12 (c) Providing temporary help services;

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

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

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

22 (a) Recruiting and hiring its own employees;

23 (b) Finding other organizations that need the services of
24 those employees;

25 (c) Assigning those employees to perform work at or
26 services for the other organizations to support or supplement the
27 other organizations' workforces, or to provide assistance in
28 special work situations including, but not limited to, employee

1 absences, skill shortages, seasonal workloads, or to perform
2 special assignments or projects; and

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

5 285.710. 1. Nothing contained in sections 285.700 to
6 285.750 or in any professional employer agreement shall affect,
7 modify, or amend any collective bargaining agreement or the
8 rights or obligations of any client, PEO, or covered employee
9 under the federal National Labor Relations Act, the federal
10 Railway Labor Act, or sections 105.500 to 105.530.

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

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

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

27 (3) Create any new or additional enforceable right of a
28 covered employee against a PEO that is not specifically provided

1 by the professional employer agreement or sections 285.700 to
2 285.750.

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

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

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

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

24 7. For purposes of the determination of tax credits,
25 economic incentives, or other benefits provided by this state or
26 any other government entity and based on employment, covered
27 employees shall be deemed employees solely of the client. A
28 client shall be entitled to the benefit of any tax credit,

1 economic incentive, or other benefit arising as the result of the
2 employment of covered employees of such client. Notwithstanding
3 that the PEO is the W-2 reporting employer, the client shall
4 continue to qualify for such benefit, incentive, or credit. If
5 the grant or amount of any such benefit, incentive, or credit is
6 based on the number of employees, then each client shall be
7 treated as employing only those covered employees coemployed by
8 the client. Covered employees working for other clients of the
9 PEO shall not be counted. Each PEO shall provide, upon request
10 by a client or an agency or department of this state, employment
11 information reasonably required by any agency or department of
12 this state responsible for administration of any such tax credit,
13 economic incentive, or other benefit that is necessary to support
14 any request, claim, application, or other action by a client
15 seeking any such tax credit, economic incentive, or other
16 benefit.

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

24 285.715. 1. Except as otherwise provided in sections
25 285.700 to 285.750, no person shall provide, advertise, or
26 otherwise hold itself out as providing professional employer
27 services in this state, unless such person is registered under
28 sections 285.700 to 285.750.

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

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

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

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

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

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

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

22 (7) A financial statement setting forth the financial
23 condition of the PEO or PEO group. At the time of application
24 for a new license, the applicant shall submit the most recent
25 audit of the applicant, which shall not be older than thirteen
26 months. Thereafter, a PEO or PEO group shall file on an annual
27 basis, within one hundred eighty days after the end of the PEO's
28 or PEO group's fiscal year, a succeeding audit. An applicant may

1 apply for an extension with the secretary of state, but any such
2 request shall be accompanied by a letter from the auditors
3 stating the reasons for the delay and the anticipated audit
4 completion date. The financial statement shall be prepared in
5 accordance with generally accepted accounting principles and
6 audited by an independent certified public accountant licensed to
7 practice in the jurisdiction in which such accountant is located
8 and shall be without qualification as to the going concern status
9 of the PEO. A PEO or PEO group may submit combined or
10 consolidated audited financial statements to meet the
11 requirements of this section. A PEO that has not had sufficient
12 operating history to have audited financials based upon at least
13 twelve months of operating history shall meet the financial
14 capacity requirements of sections 285.700 to 285.750 and present
15 financial statements reviewed by a certified public accountant.

16 3. (1) Each PEO operating within this state as of the
17 effective date of sections 285.700 to 285.750 shall complete its
18 initial registration not later than one hundred eighty days after
19 the effective date of sections 285.700 to 285.750. Such initial
20 registration shall be valid until one hundred eighty days from
21 the end of the PEO's first fiscal year that is more than one year
22 after the effective date of sections 285.700 to 285.750.

23 (2) Each PEO not operating within this state as of the
24 effective date of sections 285.700 to 285.750 shall complete its
25 initial registration prior to initiating operations within this
26 state. In the event a PEO not registered in this state becomes
27 aware that an existing client not based in this state has
28 employees and operations in this state, the PEO shall either

1 decline to provide PEO services for those employees or notify the
2 secretary of state within five business days of its knowledge of
3 this fact and file a limited registration application under
4 subsection 6 of this section or a full business registration if
5 there are more than fifty covered employees. The secretary of
6 state may issue an interim operating permit for the period the
7 registration applications are pending if the PEO is currently
8 registered or licensed by another state and the secretary of
9 state determines it to be in the best interest of the potential
10 covered employees.

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

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

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

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

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

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

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

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

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

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

20 7. The secretary of state shall maintain a list of
21 professional employer organizations registered under sections
22 285.700 to 285.750 that is readily available to the public by
23 electronic or other means.

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

26 9. The secretary of state shall, to the extent practical,
27 permit the acceptance of electronic filings in conformance with
28 sections 432.200 to 432.295, including applications, documents,

1 reports, and other filings required by sections 285.700 to
2 285.750. The secretary of state may provide for the acceptance
3 of electronic filings and other assurance by an independent and
4 qualified assurance organization approved by the secretary of
5 state that provides satisfactory assurance of compliance
6 acceptable to the secretary of state consistent with or in lieu
7 of the requirements of sections 285.715 and 285.725 and other
8 requirements of sections 285.700 to 285.750. The secretary of
9 state shall permit a PEO to authorize such an approved assurance
10 organization to act on the PEO's behalf in complying with the
11 registration requirements of sections 285.700 to 285.750,
12 including electronic filings of information and payment of
13 registration fees. Use of such an approved assurance
14 organization shall be optional and not mandatory for a
15 registrant. Nothing in this subsection shall limit or change the
16 secretary of state's authority to register or terminate
17 registration of a professional employer organization or to
18 investigate or enforce any provision of sections 285.700 to
19 285.750.

20 10. All records, reports, and other information obtained
21 from a PEO under sections 285.700 to 285.750, except to the
22 extent necessary for the proper administration of sections
23 285.700 to 285.750 by the secretary of state, shall be
24 confidential and shall not be considered a "public record" as
25 that term is defined in section 610.010.

26 285.720. 1. Upon filing an initial registration statement
27 under sections 285.700 to 285.750, a PEO shall pay an initial
28 registration fee not to exceed five hundred dollars.

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

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

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

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

13 285.725. Except as provided by 285.715, each PEO or
14 collectively each PEO group shall maintain either:

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

19 (2) A PEO or PEO group that does not have positive working
20 capital may provide a bond, irrevocable letter of credit, or
21 securities with a minimum market value equaling the deficiency
22 plus one hundred thousand dollars to the secretary of state.

23 Such bond is to be held by a depository designated by the
24 secretary of state securing payment by the PEO of all taxes,
25 wages, benefits, or other entitlement due to or with respect to
26 covered employees if the PEO does not make such payments when
27 due.

28 285.730. 1. Except as specifically provided in sections

1 285.700 to 285.750 or in the professional employer agreement, in
2 each coemployment relationship:

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

7 (2) The PEO shall be entitled to exercise only those rights
8 and obligated to perform only those duties and responsibilities
9 specifically required under sections 285.700 to 285.750 or set
10 forth in the professional employer agreement. The rights,
11 duties, and obligations of the PEO as coemployer with respect to
12 any covered employee shall be limited to those arising pursuant
13 to the professional employer agreement and sections 285.700 to
14 285.750 during the term of coemployment by the PEO of such
15 covered employee; and

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

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

28 (1) The allocation of rights, duties, and obligations as

1 described in subsection 1 of this section;

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

4 (a) Pay wages to covered employees;

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

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

10
11 As used in this section, the term "wages" does not include any
12 obligation between a client and a covered employee for payments
13 beyond or in addition to the covered employee's salary, draw, or
14 regular rate of pay, such as bonuses, commissions, severance pay,
15 deferred compensation, profit sharing, vacation, sick, or other
16 paid-time off pay, unless the PEO has expressly agreed to assume
17 liability for such payments in the professional employer
18 agreement; and

19 (3) A requirement that the PEO shall have a right to hire,
20 discipline, and terminate a covered employee as may be necessary
21 to fulfill the PEO's responsibilities under sections 285.700 to
22 285.750 and the professional employer agreement. The client
23 shall have a right to hire, discipline, and terminate a covered
24 employee.

25 3. With respect to each professional employer agreement
26 entered into by a PEO, such PEO shall provide written notice to
27 each covered employee affected by such agreement of the general
28 nature of the coemployment relationship between and among the

1 PEO, the client, and such covered employee.

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

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

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

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

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

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

23 (6) A covered employee is not, solely as the result of
24 being a covered employee of a PEO, an employee of the PEO for
25 purposes of general liability insurance, fidelity bonds, surety
26 bonds, employer's liability that is not covered by workers'
27 compensation, or liquor liability insurance carried by the PEO
28 unless the covered employees are included by specific reference

1 in the professional employer agreement and applicable prearranged
2 employment contract, insurance contract, or bond.

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

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

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

22 (2) Any tax assessed or assessment or mandated expenditure
23 on a per capita or per employee basis shall be assessed against
24 the client for covered employees and against the professional
25 employer organization for its employees who are not covered
26 employees coemployed with a client. Benefits or monetary
27 consideration that meet the requirements of mandates imposed on a
28 client and that are received by covered employees through the PEO

1 either through payroll or through benefit plans sponsored by the
2 PEO shall be credited against the client's obligation to fulfill
3 such mandates; and

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

9 285.740. 1. The responsibility to obtain workers'
10 compensation coverage for covered employees in compliance with
11 all applicable laws shall be specifically allocated in the
12 professional employer agreement to either the client or the PEO.

13 2. (1) Coverage for both the directly employed workers of
14 a client and the covered employees of that client shall be all in
15 the residual or all in the voluntary market with the same
16 carrier.

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

19 (a) The client through a standard workers' compensation
20 policy or through duly authorized self-insurance under section
21 287.280; or

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

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

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

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

22 (1) The client's corporate name;

23 (2) The client's taxpayer or employer identification
24 number;

25 (3) Payroll summaries and class codes applicable to each
26 client, and, if requested by the insurer, a listing of all
27 covered employees associated with a given client; and

28 (4) Claims information grouped by client, and any other

1 information maintained by or readily available to the PEO that is
2 necessary for the calculation of an experience modification
3 factor for each client.

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

16 5. If the coemployment relationship with a client is
17 terminated, the client shall utilize an experience modification
18 factor which reflects its individual experience, including, if
19 applicable, experience incurred for covered employees under the
20 professional employer agreement. The PEO shall provide to the
21 client the client's information that is maintained under
22 subsection 3 of this section within five business days of
23 receiving notice from the client or within five business days of
24 providing notice to the client that the coemployment relationship
25 will terminate. The PEO shall also provide such information to
26 any future client insurer, if requested by such client. The PEO
27 shall notify the insurer of its intent to terminate any client
28 relationship prior to termination when feasible. When prior

1 notice is not feasible, the PEO shall notify its insurer within
2 five business days following actual termination.

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

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

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

27 9. A client shall provide any prospective insurer with the
28 information maintained by the PEO under subsection 3 of this

1 section upon receiving such information from the PEO. Failure to
2 provide a future insurer with such information shall be
3 considered a violation of subsection 6 of section 287.128.

4 10. (1) A client shall notify any prospective insurer of
5 the client's previous or current relationship with a PEO.
6 Failure to provide a future insurer with such information shall
7 be considered a violation of subsection 6 of section 287.128.

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

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

14 285.750. 1. A person shall not knowingly:

15 (1) Offer or provide professional employer services or use
16 the names PEO, professional employer organization, staff leasing,
17 employee leasing, administrative employer, or other title
18 representing professional employer services without first
19 becoming registered under sections 285.700 to 285.750; or

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

23 2. Disciplinary action shall be taken by the secretary of
24 state for violation of this section for:

25 (1) The conviction of a professional employer organization
26 or a controlling person of a PEO of a crime that relates to the
27 operation of a PEO or the ability of the licensee or a
28 controlling person of a licensee to operate a PEO;

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

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

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

10 (1) Deny an application for a license;

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

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

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

16 (5) Issue a cease and desist order.

17 324.001. 1. For the purposes of this section, the
18 following terms mean:

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

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

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

24 2. There is hereby established a "Division of Professional
25 Registration" assigned to the department of insurance, financial
26 institutions and professional registration as a type III
27 transfer, headed by a director appointed by the governor with the
28 advice and consent of the senate. All of the general provisions,

1 definitions and powers enumerated in section 1 of the Omnibus
2 State Reorganization Act of 1974 and Executive Order 06-04 shall
3 apply to this department and its divisions, agencies, and
4 personnel.

5 3. The director of the division of professional
6 registration shall promulgate rules and regulations which
7 designate for each board or commission assigned to the division
8 the renewal date for licenses or certificates. After the initial
9 establishment of renewal dates, no director of the division shall
10 promulgate a rule or regulation which would change the renewal
11 date for licenses or certificates if such change in renewal date
12 would occur prior to the date on which the renewal date in effect
13 at the time such new renewal date is specified next occurs. Each
14 board or commission shall by rule or regulation establish
15 licensing periods of one, two, or three years. Registration fees
16 set by a board or commission shall be effective for the entire
17 licensing period involved, and shall not be increased during any
18 current licensing period. Persons who are required to pay their
19 first registration fees shall be allowed to pay the pro rata
20 share of such fees for the remainder of the period remaining at
21 the time the fees are paid. Each board or commission shall
22 provide the necessary forms for initial registration, and
23 thereafter the director may prescribe standard forms for renewal
24 of licenses and certificates. Each board or commission shall by
25 rule and regulation require each applicant to provide the
26 information which is required to keep the board's records
27 current. Each board or commission shall have the authority to
28 collect and analyze information required to support workforce

1 planning and policy development. Such information shall not be
2 publicly disclosed so as to identify a specific health care
3 provider, as defined in section 376.1350. Each board or
4 commission shall issue the original license or certificate.

5 4. The division shall provide clerical and other staff
6 services relating to the issuance and renewal of licenses for all
7 the professional licensing and regulating boards and commissions
8 assigned to the division. The division shall perform the
9 financial management and clerical functions as they each relate
10 to issuance and renewal of licenses and certificates. "Issuance
11 and renewal of licenses and certificates" means the ministerial
12 function of preparing and delivering licenses or certificates,
13 and obtaining material and information for the board or
14 commission in connection with the renewal thereof to include
15 verifying if the applicant has submitted all required
16 documentation and that the documentation is legible. It does not
17 include any discretionary authority with regard to the original
18 review of an applicant's qualifications for licensure or
19 certification, or the subsequent review of licensee's or
20 certificate holder's qualifications, or any disciplinary action
21 contemplated against the licensee or certificate holder. The
22 division may develop and implement microfilming systems and
23 automated or manual management information systems.

24 5. The director of the division shall maintain a system of
25 accounting and budgeting, in cooperation with the director of the
26 department, the office of administration, and the state auditor's
27 office, to ensure proper charges are made to the various boards
28 for services rendered to them. The general assembly shall

1 appropriate to the division and other state agencies from each
2 board's funds moneys sufficient to reimburse the division and
3 other state agencies for all services rendered and all facilities
4 and supplies furnished to that board.

5 6. For accounting purposes, the appropriation to the
6 division and to the office of administration for the payment of
7 rent for quarters provided for the division shall be made from
8 the "Professional Registration Fees Fund", which is hereby
9 created, and is to be used solely for the purpose defined in
10 subsection 5 of this section. The fund shall consist of moneys
11 deposited into it from each board's fund. Each board shall
12 contribute a prorated amount necessary to fund the division for
13 services rendered and rent based upon the system of accounting
14 and budgeting established by the director of the division as
15 provided in subsection 5 of this section. Transfers of funds to
16 the professional registration fees fund shall be made by each
17 board on July first of each year; provided, however, that the
18 director of the division may establish an alternative date or
19 dates of transfers at the request of any board. Such transfers
20 shall be made until they equal the prorated amount for services
21 rendered and rent by the division. The provisions of section
22 33.080 to the contrary notwithstanding, money in this fund shall
23 not be transferred and placed to the credit of general revenue.

24 7. The director of the division shall be responsible for
25 collecting and accounting for all moneys received by the division
26 or its component agencies. Any money received by a board or
27 commission shall be promptly given, identified by type and
28 source, to the director. The director shall keep a record by

1 board and state accounting system classification of the amount of
2 revenue the director receives. The director shall promptly
3 transmit all receipts to the department of revenue for deposit in
4 the state treasury to the credit of the appropriate fund. The
5 director shall provide each board with all relevant financial
6 information in a timely fashion. Each board shall cooperate with
7 the director by providing necessary information.

8 8. All educational transcripts, test scores, complaints,
9 investigatory reports, and information pertaining to any person
10 who is an applicant or licensee of any agency assigned to the
11 division of professional registration by statute or by the
12 department are confidential and may not be disclosed to the
13 public or any member of the public, except with the written
14 consent of the person whose records are involved. The agency
15 which possesses the records or information shall disclose the
16 records or information if the person whose records or information
17 is involved has consented to the disclosure. Each agency is
18 entitled to the attorney-client privilege and work-product
19 privilege to the same extent as any other person. Provided,
20 however, that any board may disclose confidential information
21 without the consent of the person involved in the course of
22 voluntary interstate exchange of information, or in the course of
23 any litigation concerning that person, or pursuant to a lawful
24 request, or to other administrative or law enforcement agencies
25 acting within the scope of their statutory authority.
26 Information regarding identity, including names and addresses,
27 registration, and currency of the license of the persons
28 possessing licenses to engage in a professional occupation and

1 the names and addresses of applicants for such licenses is not
2 confidential information.

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

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

14 11. (1) The following boards and commissions are assigned
15 by specific type transfers to the division of professional
16 registration: Missouri state board of accountancy, chapter 326;
17 board of cosmetology and barber examiners, chapters 328 and 329;
18 Missouri board for architects, professional engineers,
19 professional land surveyors and landscape architects, chapter
20 327; Missouri state board of chiropractic examiners, chapter 331;
21 state board of registration for the healing arts, chapter 334;
22 Missouri dental board, chapter 332; state board of embalmers and
23 funeral directors, chapter 333; state board of optometry, chapter
24 336; Missouri state board of nursing, chapter 335; board of
25 pharmacy, chapter 338; state board of podiatric medicine, chapter
26 330; Missouri real estate appraisers commission, chapter 339; and
27 Missouri veterinary medical board, chapter 340. The governor
28 shall appoint members of these boards by and with the advice and

1 consent of the senate.

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

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

23 (4) "Board personnel", as used in this section or chapters
24 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337,
25 338, 339, 340, and 345, shall mean personnel whose functions and
26 responsibilities are in areas not related to the clerical duties
27 involving the issuance and renewal of licenses, to the collecting
28 and accounting for moneys, or to financial management relating to

1 issuance and renewal of licenses; specifically included are
2 executive secretaries (or comparable positions), consultants,
3 inspectors, investigators, counsel, and secretarial support staff
4 for these positions; and such other positions as are established
5 and authorized by statute for a particular board or commission.
6 Boards and commissions may employ legal counsel, if authorized by
7 law, and temporary personnel if the board is unable to meet its
8 responsibilities with the employees authorized above. Any board
9 or commission which hires temporary employees shall annually
10 provide the division director and the appropriation committees of
11 the general assembly with a complete list of all persons employed
12 in the previous year, the length of their employment, the amount
13 of their remuneration, and a description of their
14 responsibilities.

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

27 12. All the powers, duties, and functions of the division
28 of athletics, chapter 317, and others, are assigned by type I

1 transfer to the division of professional registration.

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

6 14. (1) The state board of nursing, board of pharmacy,
7 Missouri dental board, state committee of psychologists, state
8 board of chiropractic examiners, state board of optometry,
9 Missouri board of occupational therapy, or state board of
10 registration for the healing arts may individually or
11 collectively enter into a contractual agreement with the
12 department of health and senior services, a public institution of
13 higher education, or a nonprofit entity for the purpose of
14 collecting and analyzing workforce data from its licensees,
15 registrants, or permit holders for future workforce planning and
16 to assess the accessibility and availability of qualified health
17 care services and practitioners in Missouri. The boards shall
18 work collaboratively with other state governmental entities to
19 ensure coordination and avoid duplication of efforts.

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

25 (3) Data collection shall be controlled and approved by the
26 applicable state board conducting or requesting the collection.
27 Notwithstanding the provisions of sections 324.010 and 334.001,
28 the boards may release identifying data to the contractor to

1 facilitate data analysis of the health care workforce including,
2 but not limited to, geographic, demographic, and practice or
3 professional characteristics of licensees. The state board shall
4 not request or be authorized to collect income or other financial
5 earnings data.

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

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

26 (6) Each board may promulgate rules subject to the
27 provisions of this subsection and chapter 536 to effectuate and
28 implement the workforce data collection and analysis authorized

1 by this subsection. Any rule or portion of a rule, as that term
2 is defined in section 536.010, that is created under the
3 authority delegated in this section shall become effective only
4 if it complies with and is subject to all of the provisions of
5 chapter 536 and, if applicable, section 536.028. This section
6 and chapter 536 are nonseverable and if any of the powers vested
7 with the general assembly under chapter 536 to review, to delay
8 the effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking
10 authority and any rule proposed or adopted after August 28, 2016,
11 shall be invalid and void.

12 324.013. 1. For purposes of this section, the following
13 terms mean:

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

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

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

26 324.046. 1. For the purposes of this section, the term
27 "health care professional" shall mean a physician, other health
28 care practitioner, or mental health professional licensed,

1 accredited, or certified by the state of Missouri to perform
2 specified health services.

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

8 324.047. 1. The purpose of this section is to promote
9 general welfare by establishing guidelines for the regulation of
10 occupations and professions not regulated prior to January 1,
11 2019, and guidelines for combining any additional occupations or
12 professions under a single license regulated by the state prior
13 to January 1, 2019.

14 2. For purposes of this section, the following terms mean:

15 (1) "Applicant group", any occupational or professional
16 group or organization, any individual, or any other interested
17 party that seeks to be licensed or further regulated or supports
18 any bill that proposes to combine any additional occupations or
19 professions under a single license regulated by the state prior
20 to January 1, 2019;

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

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

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

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

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

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

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

14 (a) Bonding or insurance;

15 (b) Registration;

16 (c) Certification;

17 (d) Occupational license;

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

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

26 (11) "Personal qualifications", criteria related to an
27 individual's personal background, including completion of an
28 approved educational program, satisfactory performance on an

1 examination, work experience, criminal history, and completion of
2 continuing education;

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

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

8 (a) Submits notification to a state agency; and

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

10
11 Notification may include the individual's name and address, the
12 individual's agent for service of process, the location of the
13 activity to be performed, and a description of the service the
14 individual provides. Registration may include a requirement to
15 post a bond but does not include education or experience
16 requirements. If the requirement of registration is not met, the
17 individual is prohibited from performing the occupation for
18 compensation or using "registered" as a designated title. The
19 term "registration" shall not be synonymous with an occupational
20 license;

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

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

1 agency;

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

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

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

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

22 (2) The public can reasonably be expected to benefit from
23 an assurance of personal qualifications; and

24 (3) The general welfare cannot be sufficiently protected by
25 other means.

26 5. After evaluating the criteria in subdivision (3) of this
27 subsection and considering governmental, economic, and societal
28 costs and benefits, if the general assembly finds that the state

1 has a reasonable interest in regulating, pursuant to subsection 6
2 of this section, an occupation or profession not previously
3 regulated by law, the most efficient form of regulation shall be
4 implemented, consistent with this section and with the need to
5 protect the general welfare, as follows:

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

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

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

19 6. After January 1, 2019, any relevant regulatory entity
20 shall report, and the department shall make available to the
21 general assembly, upon the filing of a bill that proposes
22 additional regulation of a profession or occupation currently
23 regulated by the regulatory entity, the following factors to the
24 department:

25 (1) A description of the professional or occupational group
26 proposed for expansion of regulation, including the number of
27 individuals or business entities that would be subject to
28 regulation to the extent that such information is available; the

1 names and addresses of associations, organizations, and other
2 groups representing the practitioners; and an estimate of the
3 number of practitioners in each group;

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

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

26 (4) A description of the voluntary efforts made by
27 practitioners of the profession or occupation to protect the
28 public through self-regulation, private certifications,

1 membership in professional or occupational associations, or
2 academic credentials and a statement of why these efforts are
3 inadequate to protect the public;

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

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

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

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

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

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

27 (11) Whether the proposed requirements for regulation
28 exceed the national industry standards of minimal competence, if

1 such standards exist, and what those standards are if they exist;
2 and

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

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

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

20 (2) The nature and extent of potential harm to the public
21 if the profession or occupation is not regulated, the extent to
22 which there is a threat to the general welfare, and production of
23 evidence of potential harm, including a description of any
24 complaints filed with state law enforcement authorities, courts,
25 departmental agencies, professional or occupational boards, and
26 professional and occupational associations that have been lodged
27 against practitioners of the profession or occupation in this
28 state within the past five years. Notwithstanding the provisions

1 of this section or any other section, the department shall
2 release the information relating to such complaints even if the
3 information is considered a closed record or otherwise
4 confidential; except that, the department shall redact names and
5 other personally identifiable information from the information
6 released;

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

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

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

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

22 324.200. 1. Sections 324.200 to 324.225 shall be known and
23 may be cited as the "Dietitian Practice Act".

24 2. As used in sections 324.200 to 324.225, the following
25 terms shall mean:

26 (1) "[Commission on Accreditation for Dietetics Education
27 (CADE)", the American Dietetic Association's] Accreditation
28 Council for Education in Nutrition and Dietetics" or "ACEND", the

1 Academy of Nutrition and Dietetics accrediting agency for
2 education programs preparing students for professions as
3 registered dietitians;

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

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

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

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

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

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

23 (e) Evaluating, making changes in, and maintaining
24 appropriate standards of quality and safety in food and in
25 nutrition services;

26 (f) Engaged in medical nutritional therapy as defined in
27 subdivision (8) of this section;

28 (4) "Dietitian", one engaged in dietetic practice as

1 defined in subdivision (3) of this section;

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

4 (6) "Division", the division of professional registration;

5 (7) "Licensed dietitian", a person who is licensed pursuant
6 to the provisions of sections 324.200 to 324.225 to engage in the
7 practice of dietetics or medical nutrition therapy;

8 (8) "Medical nutrition therapy", nutritional diagnostic,
9 therapy, and counseling services which are furnished by a
10 registered dietitian or registered dietitian nutritionist;

11 (9) "Registered dietitian" or "registered dietitian
12 nutritionist", a person who:

13 (a) Has completed a minimum of a baccalaureate degree
14 granted by a United States regionally accredited college or
15 university or foreign equivalent;

16 (b) Completed the academic requirements of a didactic
17 program in dietetics, as approved by [CADE] ACEND;

18 (c) Successfully completed the registration examination for
19 dietitians; and

20 (d) Accrued seventy-five hours of approved continuing
21 professional units every five years; as determined by the
22 committee on dietetic registration.

23 324.205. 1. Any person who holds a license to practice
24 dietetics in this state may use the title "Dietitian" or the
25 abbreviation "L.D." or "L.D.N.". No other person may use the
26 title "Dietitian" or the abbreviation "L.D." or "L.D.N.". No
27 other person shall assume any title or use any title or use any
28 abbreviation or any other words, letters, signs, or devices to

1 indicate that the person using the same is a licensed dietitian.

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

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

9 324.210. 1. An applicant for licensure as a dietitian
10 shall be at least twenty-one years of age.

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

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

28 (2) The applicant has completed a supervised practice

1 requirement from an institution that is certified by a nationally
2 recognized professional organization as having a dietetics
3 specialty or who meets criteria for dietetics education
4 established by the committee. The committee may specify those
5 professional organization certifications which are to be
6 recognized and may set standards for education training and
7 experience required for those without such specialty
8 certification to become dietitians.

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

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

21 5. The committee may determine the type of documentation
22 needed to verify that an applicant meets the qualifications
23 provided in subsection 3 of this section.

24 324.406. 1. There is hereby created within the division of
25 professional registration a council to be known as the "Interior
26 Design Council". The council shall consist of four interior
27 designers and one public member appointed by the [governor with
28 the advice and consent of the senate] director of the division.

1 The [governor] director shall give due consideration to the
2 recommendations by state organizations of the interior design
3 profession for the appointment of the interior design members to
4 the council. Council members shall be appointed to serve a term
5 of four years; except that of the members first appointed, one
6 interior design member and the public member shall be appointed
7 for terms of four years, one member shall be appointed for a term
8 of three years, one member shall be appointed for a term of two
9 years and one member shall be appointed for a term of one year.
10 No member of the council shall serve more than two terms.

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

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

28 4. The provisions of section 324.028 pertaining to [public]

1 members of certain state boards and commissions shall apply to
2 [the public member] all members of the council.

3 [4.] 5. Members of the council may be removed from office
4 for cause. Upon the death, resignation or removal from office of
5 any member of the council, the appointment to fill the vacancy
6 shall be for the unexpired portion of the term so vacated and
7 shall be filled in the same manner as the first appointment and
8 due notice be given to the state organizations of the interior
9 design profession prior to the appointment.

10 [5.] 6. Each member of the council may receive as
11 compensation an amount set by the division not to exceed fifty
12 dollars per day and shall be reimbursed for the member's
13 reasonable and necessary expenses incurred in the official
14 performance of the member's duties as a member of the council.
15 The director shall establish by rule guidelines for payment.

16 [6.] 7. The council shall meet at least twice each year and
17 guide, advise, and make recommendations to the division on
18 matters within the scope of sections 324.400 to 324.439. The
19 organization of the council shall be established by the members
20 of the council.

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

28 324.409. 1. To be a registered interior designer, a

1 person:

2 (1) Shall take and pass or have passed the examination
3 administered by the National Council for Interior Design
4 Qualification or an equivalent examination approved by the
5 [council] division. In addition to proof of passage of the
6 examination, the application shall provide substantial evidence
7 to the [council] division that the applicant:

8 (a) Is a graduate of a five-year or four-year interior
9 design program from an accredited institution and has completed
10 at least two years of diversified and appropriate interior design
11 experience; or

12 (b) Has completed at least three years of an interior
13 design curriculum from an accredited institution and has
14 completed at least three years of diversified and appropriate
15 interior design experience; or

16 (c) Is a graduate of a two-year interior design program
17 from an accredited institution and has completed at least four
18 years of diversified and appropriate interior design experience;
19 or

20 (2) May qualify who is currently registered pursuant to
21 sections 327.091 to 327.171, and section 327.401 pertaining to
22 the practice of architecture and registered with the [council]
23 division. Such applicant shall give authorization to the
24 [council] division in order to verify current registration with
25 sections 327.091 to 327.171 and section 327.401 pertaining to the
26 practice of architecture.

27 2. [Verification of experience required pursuant to this
28 section shall be based on a minimum of two client references,

1 business or employment verification and three industry
2 references, submitted to the council.

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

8 324.412. [1.] The division shall:

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

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

14 2. The council shall:];

15 [(1)] (3) Recommend prosecution for violations of sections
16 324.400 to 324.439 to the appropriate prosecuting or circuit
17 attorney;

18 [(2)] (4) Promulgate such rules and regulations as are
19 necessary to administer the provisions of sections 324.400 to
20 324.439. Any rule or portion of a rule, as that term is defined
21 in section 536.010, that is promulgated to administer and enforce
22 sections 324.400 to 324.439, shall become effective only if the
23 agency has fully complied with all of the requirements of chapter
24 536, including but not limited to, section 536.028, if
25 applicable, after August 28, 1998. If the provisions of section
26 536.028 apply, the provisions of this section are nonseverable
27 and if any of the powers vested with the general assembly
28 pursuant to section 536.028 to review, to delay the effective

1 date, or to disapprove and annul a rule or portion of a rule are
2 held unconstitutional or invalid, the purported grant of
3 rulemaking authority and any rule so proposed and contained in
4 the order of rulemaking shall be invalid and void, except that
5 nothing in this section shall affect the validity of any rule
6 adopted and promulgated prior to August 28, 1998.

7 324.415. Applications for registration as a registered
8 interior designer shall be typewritten on forms prescribed by the
9 [council] division and furnished to the applicant. The
10 application shall contain the applicant's statements showing the
11 applicant's education, experience, results of previous interior
12 design certification, registration or licensing examinations, if
13 any, and such other pertinent information as the [council]
14 division may require, or architect's registration number and such
15 other pertinent information as the [council] division may
16 require. Each application shall contain a statement that is made
17 under oath or affirmation and that the representations are true
18 and correct to the best knowledge and belief of the person
19 signing the application. The person shall be subject to the
20 penalties for making a false affidavit or declaration and shall
21 be accompanied by the required fee.

22 324.421. The [council] division shall register without
23 examination any interior designer certified, licensed or
24 registered in another state or territory of the United States or
25 foreign country if the applicant has qualifications which are at
26 least equivalent to the requirements for registration as a
27 registered interior designer in this state and such applicant
28 pays the required fees.

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

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

19 324.427. It is unlawful for any person to advertise or
20 indicate to the public that the person is a registered interior
21 designer in this state, unless such person is registered as a
22 registered interior designer by the [council] division and is in
23 good standing pursuant to sections 324.400 to 324.439.

24 324.430. No person may use the designation registered
25 interior designer in Missouri, unless the [council] division has
26 issued a current certificate of registration certifying that the
27 person has been duly registered as a registered interior designer
28 in Missouri and unless such registration has been renewed or

1 reinstated as provided in section 324.418.

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

10 2. The [council] division may cause a complaint to be filed
11 with the administrative hearing commission as provided by chapter
12 621 against any holder of a certificate of registration required
13 by sections 324.400 to 324.439 or any person who has failed to
14 renew or has surrendered the person's certificate of registration
15 for any one or combination of the following reasons:

16 (1) The person has been finally adjudicated and found
17 guilty, or entered a plea of guilty or nolo contendere, in a
18 criminal prosecution under the laws of this state or any other
19 state or of the United States, for any offense reasonably related
20 to the qualifications, functions or duties of the profession
21 regulated by sections 324.400 to 324.439; for any offense for
22 which an essential element is fraud, dishonesty or an act of
23 violence; or for a felony, whether or not sentence is imposed;

24 (2) Use of fraud, deception, misrepresentation or bribery
25 in securing any certificate of registration issued pursuant to
26 sections 324.400 to 324.439 or in obtaining permission to take
27 any examination given or required pursuant to sections 324.400 to
28 324.439;

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

4 (4) Incompetency, misconduct, gross negligence, fraud,
5 misrepresentation or dishonesty in the performance of the
6 functions or duties of the profession regulated by sections
7 324.400 to 324.439;

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

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

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

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

22 (9) Issuance of a certificate of registration based upon a
23 material mistake of fact;

24 (10) Use of any advertisement or solicitation which is
25 false, misleading or deceptive to the general public or persons
26 to whom the advertisement or solicitation is primarily directed,
27 as it relates to the interior design profession.

28 3. After the filing of a complaint pursuant to subsection 2

1 of this section, the proceedings shall be conducted in accordance
2 with the provisions of chapter 536 and chapter 621. Upon a
3 finding by the administrative hearing commission that the
4 grounds, provided in subsection 2 of this section, for
5 disciplinary action are met, the [council] division shall censure
6 or place the person named in the complaint on probation for a
7 period not to exceed five years or may suspend the person's
8 certificate for a period not to exceed three years or may revoke
9 the person's certificate of registration.

10 324.920. 1. The applicant for a statewide electrical
11 contractor's license shall satisfy the following requirements:

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

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

17 [(3)] (2) Pass a standardized and nationally accredited
18 electrical assessment examination that has been created and
19 administered by a third party and that meets current national
20 industry standards, as determined by the division;

21 [(4)] (3) Pay for the costs of such examination; and

22 [(5)] (4) Have completed one of the following:

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

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

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

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

7 2. Electrical contractors who hold an electrical contractor
8 or master electrician occupational or business license [in good
9 standing that was] issued by any [authority] political
10 subdivision in this state [that required prior to January 1,
11 2018, the passing of a] shall be eligible for a statewide license
12 if the applicant:

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

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

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

27 (4) Provides proof that the local license was current and
28 active and not subject to discipline on the date the applicant

1 applied for a statewide license.

2
3 The provisions of this subsection shall apply only to electrical
4 contractor licenses issued by a political subdivision with the
5 legal authority to issue such licenses.

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

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

23 5. The division may negotiate reciprocal agreements with
24 other states, the District of Columbia, or territories of the
25 United States which require standards for licensure,
26 registration, or certification considered to be equivalent or
27 more stringent than the requirements for licensure under sections
28 324.900 to 324.945.

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

14 2. If a political subdivision does not recognize a
15 statewide license in lieu of a local license for the purposes of
16 performing contracting work or obtaining permits to perform work
17 within the political subdivision, then a statewide licensee may
18 file a complaint with the division. The division shall perform
19 an investigation into the complaint, and if the division finds
20 that the political subdivision failed to recognize a statewide
21 license in accordance with this section, then the division shall
22 notify the political subdivision that the political subdivision
23 has violated the provisions of this section and has thirty days
24 to comply with the law. If after thirty days the political
25 subdivision still does not recognize a statewide license, then
26 the division shall notify the director of the department of
27 revenue who shall withhold any moneys the noncompliant political
28 subdivision would otherwise be entitled to from local sales tax

1 as defined in section 32.085 until the director has received
2 notice from the division that the political subdivision is in
3 compliance with this section. Upon the political subdivision
4 coming into compliance with the provisions of this section, the
5 division shall notify the director of the department of revenue
6 who shall disburse all funds held under this subsection. Moneys
7 held by the director of the department of revenue under this
8 subsection shall not be deemed to be state funds and shall not be
9 commingled with any funds of the state.

10 3. The provisions of this section shall not prohibit any
11 political subdivision in this state from:

12 (1) Enforcing any code or law contained in this section;

13 (2) Implementing an electrical code based upon the National
14 Electrical Code;

15 (3) Issuing an electrical contractor license or
16 communication contractor license valid for that political
17 subdivision;

18 (4) Requiring a business license to perform electrical
19 contracting work;

20 (5) Issuing electrical contracting permits;

21 (6) Enforcing codes of the political subdivision;

22 (7) Inspecting the work of a statewide license holder; and

23 (8) Licensing electricians provided that such licenses are
24 based upon professional experience and passage of a nationally
25 accredited Electrical Assessment Examination that is administered
26 on a routine and accessible schedule.

27 4. Political subdivisions that do not have the authority to
28 issue or require electrical licenses prior to August 28, 2017,

1 shall not be granted such authority under the provisions of this
2 section.

3 324.1108. 1. Every person desiring to be licensed in this
4 state as a private investigator, private investigator agency,
5 private fire investigator, or private fire investigator agency
6 shall make application therefor to the board. An application for
7 a license under the provisions of sections 324.1100 to 324.1148
8 shall be on a form prescribed by the board and accompanied by the
9 required application fee. An application shall be verified and
10 shall include:

11 (1) The full name and business address of the applicant;

12 (2) The name under which the applicant intends to conduct
13 business;

14 (3) A statement as to the general nature of the business in
15 which the applicant intends to engage;

16 (4) A statement as to the classification or classifications
17 under which the applicant desires to be qualified;

18 (5) Two recent photographs of the applicant, of a type
19 prescribed by the board, and two classifiable sets of the
20 applicant's fingerprints processed in a manner approved by the
21 Missouri state highway patrol, central repository, under section
22 43.543;

23 (6) A verified statement of the applicant's experience
24 qualifications; and

25 (7) Such other information, evidence, statements, or
26 documents as may be required by the board.

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

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

2 (2)] Be a citizen of the United States;

3 [(3)] (2) Provide proof of liability insurance with amount
4 to be no less than two hundred fifty thousand dollars in coverage
5 and proof of workers' compensation insurance if required under
6 chapter 287. The board shall have the authority to raise the
7 requirements as deemed necessary; and

8 [(4)] (3) Comply with such other qualifications as the
9 board adopts by rules and regulations.

10 327.221. Any person may apply to the board for licensure as
11 a professional engineer [who is over the age of twenty-one,] who
12 is of good moral character, and who is a graduate of and holds a
13 degree in engineering from an accredited school of engineering,
14 or who possesses an education which includes at the minimum a
15 baccalaureate degree in engineering, and which in the opinion of
16 the board, equals or exceeds the education received by a graduate
17 of an accredited school, and has acquired at least four years of
18 satisfactory engineering experience, after such person has
19 graduated and has received a degree or education as provided in
20 this section; provided that the board shall by rule provide what
21 shall constitute satisfactory engineering experience based upon
22 recognized education and training equivalents, but in any event
23 such rule shall provide that no more than one year of
24 satisfactory postgraduate work in engineering subjects and that
25 each year of satisfactory teaching of engineering subjects
26 accomplished after a person has graduated from and has received a
27 degree from an accredited school of engineering or after
28 receiving an education as provided in this section shall count as

1 equivalent years of satisfactory engineering experience.

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

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

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

22 (3) Has passed at least twelve semester hours of approved
23 surveying course work as defined by board regulation of which at
24 least two semester hours shall be in legal aspects of land
25 surveying and in addition thereto has at least two years of
26 combined professional office and field experience in land
27 surveying projects under the immediate personal supervision of a
28 professional land surveyor. Pursuant to this provision, not more

1 than one year of satisfactory postsecondary education work shall
2 count as equivalent years of satisfactory land surveying work as
3 aforementioned.

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

8 327.313. Applications for enrollment as a land
9 surveyor-in-training shall be typewritten on prescribed forms
10 furnished to the applicant. The application shall contain
11 applicant's statements showing the applicant's education,
12 experience, and such other pertinent information as the board may
13 require[, including but not limited to three letters of
14 reference, one of which shall be from a professional land
15 surveyor who has personal knowledge of the applicant's land
16 surveying education or experience]. Each application shall
17 contain a statement that it is made under oath or affirmation and
18 that the representations are true and correct to the best
19 knowledge and belief of the applicant, subject to the penalties
20 of making a false affidavit or declaration and shall be
21 accompanied by the required fee.

22 327.321. Applications for licensure as a professional land
23 surveyor shall be typewritten on prescribed forms furnished to
24 the applicant. The application shall contain the applicant's
25 statements showing the applicant's education, experience, results
26 of prior land surveying examinations, if any, and such other
27 pertinent information as the board may require[, including but
28 not limited to three letters of reference from professional land

1 surveyors with personal knowledge of the experience of the
2 applicant's land surveying education or experience]. Each
3 application shall contain a statement that it is made under oath
4 or affirmation and that its representations are true and correct
5 to the best knowledge and belief of the person signing same,
6 subject to the penalties of making a false affidavit or
7 declaration and shall be accompanied by the required fee.

8 328.025. If a license issued under this chapter has been
9 destroyed, lost, mutilated beyond practical usage, or was never
10 received, the licensee shall obtain a duplicate license from the
11 board by appearing in person at the board's office or mailing, by
12 certified mail, return receipt requested, a notarized affidavit
13 stating that the license has been destroyed, lost, mutilated
14 beyond practical usage, or was never received.

15 328.080. 1. Any person desiring to practice barbering in
16 this state shall make application for a license to the board and
17 shall pay the required barber examination fee.

18 2. The board shall examine each qualified applicant and,
19 upon successful completion of the examination and payment of the
20 required license fee, shall issue the applicant a license
21 authorizing him or her to practice the occupation of barber in
22 this state. The board shall admit an applicant to the
23 examination, if it finds that he or she:

24 (1) Is seventeen years of age or older [and of good moral
25 character];

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

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

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

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

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

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

21 [5. For the purposes of meeting the minimum requirements
22 for examination, the apprentice training shall be recognized by
23 the board for a period not to exceed five years.]

24 329.010. As used in this chapter, unless the context
25 clearly indicates otherwise, the following words and terms mean:

26 (1) "Accredited school of cosmetology or school of
27 manicuring", an establishment operated for the purpose of
28 teaching cosmetology as defined in this section and meeting the

1 criteria set forth under 34 C.F.R. Part 600, sections 600.1 and
2 600.2;

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

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

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

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

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

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

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

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

22 (6) "Cosmetology establishment", that part of any building
23 wherein or whereupon any of the classified occupations are
24 practiced including any space rented within a licensed
25 establishment by a person licensed under this chapter, for the
26 purpose of rendering cosmetology services;

27 (7) "Cross-over license", a license that is issued to any
28 person who has met the licensure and examination requirements for

1 both barbering and cosmetology;

2 (8) "Hair braider", any person who, for compensation,
3 engages in the practice of hair braiding;

4 (9) "Hair braiding", in accordance with the requirements of
5 section 329.275, the use of techniques that result in tension on
6 hair strands or roots by twisting, wrapping, waving, extending,
7 locking, or braiding of the hair by hand or mechanical device,
8 but does not include the application of dyes, reactive chemicals,
9 or other preparations to alter the color of the hair or to
10 straighten, curl, or alter the structure of the hair;

11 (10) "Hairdresser", any person who, for compensation,
12 engages in the practice of cosmetology as defined in paragraph
13 (a) of subdivision (5) of this section;

14 [(9)] (11) "Instructor", any person who is licensed to
15 teach cosmetology or any practices of cosmetology pursuant to
16 this chapter;

17 [(10)] (12) "Manicurist", any person who, for compensation,
18 engages in any or all of the practices in paragraph (b) of
19 subdivision (5) of this section;

20 [(11)] (13) "Parental consent", the written informed
21 consent of a minor's parent or legal guardian that must be
22 obtained prior to providing body waxing on or near the genitalia;

23 [(12)] (14) "School of cosmetology" or "school of
24 manicuring", an establishment operated for the purpose of
25 teaching cosmetology as defined in subdivision (5) of this
26 section.

27 329.032. 1. Nothing in this chapter shall apply to
28 hairdressing, manicuring, or facial treatments given in the home

1 to members of a person's family or friends for which no charge is
2 made.

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

7 329.033. If a license issued under this chapter has been
8 destroyed, lost, mutilated beyond practical usage, or was never
9 received, the licensee shall obtain a duplicate license from the
10 board by appearing in person at the board's office or mailing, by
11 certified mail, return receipt requested, a notarized affidavit
12 stating that the license has been destroyed, lost, mutilated
13 beyond practical usage, or was never received.

14 329.040. 1. Any person [of] in good [moral character]
15 standing with the board may make application to the board for a
16 license to own a school of cosmetology on a form provided upon
17 request by the board. Every school of cosmetology in which any
18 of the classified occupations of cosmetology are taught shall be
19 required to obtain a license from the board prior to opening.
20 The license shall be issued upon approval of the application by
21 the board, the payment of the required fees, and the applicant
22 meets other requirements provided in this chapter. The license
23 shall be kept posted in plain view within the school at all
24 times.

25 2. A school license renewal fee shall be due on or before
26 the renewal date of any school license issued pursuant to this
27 section. If the school license renewal fee is not paid on or
28 before the renewal date, a late fee shall be added to the regular

1 school license fee.

2 3. No school of cosmetology shall be granted a license
3 pursuant to this chapter unless it:

4 (1) Employs and has present in the school a competent
5 licensed instructor for every twenty-five students in attendance
6 for a given class period and one to ten additional students may
7 be in attendance with the assistance of an instructor trainee.
8 One instructor is authorized to teach up to three instructor
9 trainees immediately after being granted an instructor's license;

10 (2) Requires all students to be enrolled in a course of
11 study of no less than three hours per day and no more than twelve
12 hours per day with a weekly total that is no less than fifteen
13 hours and no more than seventy-two hours;

14 (3) Requires for the classified occupation of
15 cosmetologist, the course of study shall be no less than one
16 thousand five hundred hours or, for a student in public
17 vocational/technical school no less than one thousand two hundred
18 twenty hours; provided that, a school may elect to base the
19 course of study on credit hours by applying the credit hour
20 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
21 the Code of Federal Regulations, as amended. The student must
22 earn a minimum of one hundred and sixty hours or equivalent
23 credits of classroom training before the student may perform any
24 of the acts of the classified occupation of cosmetology on any
25 patron or customer of the school of cosmetology;

26 (4) Requires for the classified occupation of manicurist,
27 the course of study shall be no less than four hundred hours or
28 the credit hours determined by the formula in Subpart A of Part

1 668 of Section 668.8 of Title 34 of the Code of Federal
2 Regulations, as amended. The student must earn a minimum of
3 fifty hours or equivalent credits of classroom training before
4 the student may perform any of the acts of the classified
5 occupation of manicurist on any patron or customer of the school
6 of cosmetology;

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

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

22 (1) Shampooing of all kinds, forty hours;

23 (2) Hair coloring, bleaches and rinses, one hundred thirty
24 hours;

25 (3) Hair cutting and shaping, one hundred thirty hours;

26 (4) Permanent waving and relaxing, one hundred twenty-five
27 hours;

28 (5) Hairsetting, pin curls, fingerwaves, thermal curling,

1 two hundred twenty-five hours;

2 (6) Combouts and hair styling techniques, one hundred five
3 hours;

4 (7) Scalp treatments and scalp diseases, thirty hours;

5 (8) Facials, eyebrows and arches, forty hours;

6 (9) Manicuring, hand and arm massage and treatment of
7 nails, one hundred ten hours;

8 (10) Cosmetic chemistry, twenty-five hours;

9 (11) Salesmanship and shop management, ten hours;

10 (12) Sanitation and sterilization, thirty hours;

11 (13) Anatomy, twenty hours;

12 (14) State law, ten hours;

13 (15) Curriculum to be defined by school, not less than four
14 hundred seventy hours.

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

21 (1) Manicuring, hand and arm massage and treatment of
22 nails, two hundred twenty hours;

23 (2) Salesmanship and shop management, twenty hours;

24 (3) Sanitation and sterilization, twenty hours;

25 (4) Anatomy, ten hours;

26 (5) State law, ten hours;

27 (6) Study of the use and application of certain chemicals,
28 forty hours; and

1 (7) Curriculum to be defined by school, not less than
2 eighty hours.

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

9 (1) Facials, cleansing, toning, massaging, one hundred
10 twenty hours;

11 (2) Makeup application, all phases, one hundred hours;

12 (3) Hair removal, thirty hours;

13 (4) Body treatments, aromatherapy, wraps, one hundred
14 twenty hours;

15 (5) Reflexology, thirty-five hours;

16 (6) Cosmetic sciences, structure, condition, disorder,
17 eighty-five hours;

18 (7) Cosmetic chemistry, products and ingredients,
19 seventy-five hours;

20 (8) Salon management and salesmanship, fifty-five hours;

21 (9) Sanitation and sterilization, safety, forty-five hours;

22 (10) State law, ten hours; and

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

25 7. Training for all classified occupations shall include
26 practical demonstrations, written and/or oral tests, and
27 practical instruction in sanitation, sterilization and the use of
28 antiseptics, cosmetics and electrical appliances consistent with

1 the practical and theoretical requirements as applicable to the
2 classified occupations as provided in this chapter.

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

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

17 10. Each licensed school of cosmetology shall provide a
18 minimum of two thousand square feet of floor space, adequate
19 rooms and equipment, including lecture and demonstration rooms,
20 lockers, an adequate library and two restrooms. The minimum
21 equipment requirements shall be: six shampoo bowls, ten hair
22 dryers, two master dustproof and sanitary cabinets, wet
23 sterilizers, and adequate working facilities for twenty students.

24 11. Each licensed school of cosmetology for manicuring only
25 shall provide a minimum of one thousand square feet of floor
26 space, adequate room for theory instruction, adequate equipment,
27 lockers, an adequate library, two restrooms and a clinical
28 working area for ten students. Minimum floor space requirement

1 proportionately increases with student enrollment of over ten
2 students.

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

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

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

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

27 16. Any student who wishes to remain in school longer than
28 the required training period may make application for an

1 additional training license and remain in school. A fee is
2 required for such additional training license.

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

8 329.050. 1. Applicants for examination or licensure
9 pursuant to this chapter shall possess the following
10 qualifications:

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

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

27 (3) If the applicants are students, they shall have had the
28 required time in a licensed school of no less than one thousand

1 five hundred hours training or the credit hours determined by the
2 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
3 the Code of Federal Regulations, as amended, for the
4 classification of cosmetologist, with the exception of public
5 vocational technical schools in which a student shall complete no
6 less than one thousand two hundred twenty hours training. All
7 students shall complete no less than four hundred hours or the
8 credit hours determined by the formula in Subpart A of Part 668
9 of Section 668.8 of Title 34 of the Code of Federal Regulations,
10 as amended, for the classification of manicurist. All students
11 shall complete no less than seven hundred fifty hours or the
12 credit hours determined by the formula in Subpart A of Part 668
13 of Section 668.8 of Title 34 of the Code of Federal Regulations,
14 as amended, for the classification of esthetician. However, when
15 the classified occupation of manicurist is taken in conjunction
16 with the classified occupation of cosmetologist, the student
17 shall not be required to serve the extra four hundred hours or
18 the credit hours determined by the formula in Subpart A of Part
19 668 of Section 668.8 of Title 34 of the Code of Federal
20 Regulations, as amended, otherwise required to include manicuring
21 of nails; and

22 (4) They shall have passed an examination to the
23 satisfaction of the board.

24 2. A person may apply to take the examination required by
25 subsection 1 of this section if the person is a graduate of a
26 school of cosmetology or apprentice program in another state or
27 territory of the United States which has substantially the same
28 requirements as an educational establishment licensed pursuant to

1 this chapter. A person may apply to take the examination
2 required by subsection 1 of this section if the person is a
3 graduate of an educational establishment in a foreign country
4 that provides training for a classified occupation of
5 cosmetology, as defined by section 329.010, and has educational
6 requirements that are substantially the same requirements as an
7 educational establishment licensed under this chapter. The board
8 has sole discretion to determine the substantial equivalency of
9 such educational requirements. The board may require that
10 transcripts from foreign schools be submitted for its review, and
11 the board may require that the applicant provide an approved
12 English translation of such transcripts.

13 3. Each application shall contain a statement that, subject
14 to the penalties of making a false affidavit or declaration, the
15 application is made under oath or affirmation and that its
16 representations are true and correct to the best knowledge and
17 belief of the person signing the application.

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

22 5. [For the purpose of meeting the minimum requirements for
23 examination, training completed by a student or apprentice shall
24 be recognized by the board for a period of no more than five
25 years from the date it is received.] Applications for
26 examination or licensure may be denied if the applicant has
27 pleaded guilty to, entered a plea of nolo contendere to, or been
28 found guilty of any of the following offenses or offenses of a

1 similar nature established under the laws of this state, any
2 other state, the United States, or any other country,
3 notwithstanding whether sentence is imposed:

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

6 (2) Any of the following sexual offenses: rape in the
7 first degree, forcible rape, rape, statutory rape in the first
8 degree, statutory rape in the second degree, rape in the second
9 degree, sexual assault, sodomy in the first degree, forcible
10 sodomy, statutory sodomy in the first degree, statutory sodomy in
11 the second degree, child molestation in the first degree, child
12 molestation in the second degree, sodomy in the second degree,
13 deviate sexual assault, sexual misconduct involving a child,
14 sexual misconduct in the first degree under section 566.090 as it
15 existed prior to August 28, 2013, sexual abuse under section
16 566.100 as it existed prior to August 28, 2013, sexual abuse in
17 the first or second degree, enticement of a child, or attempting
18 to entice a child;

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

25 (4) Any of the following offenses involving child
26 pornography and related offenses: promoting obscenity in the
27 first degree, promoting obscenity in the second degree when the
28 penalty is enhanced to a class E felony, promoting child

1 pornography in the first degree, promoting child pornography in
2 the second degree, possession of child pornography in the first
3 degree, possession of child pornography in the second degree,
4 furnishing child pornography to a minor, furnishing pornographic
5 materials to minors, or coercing acceptance of obscene material.

6 329.060. 1. Every person desiring to sit for the
7 examination for any of the occupations provided for in this
8 chapter shall file with the board a written application on a form
9 supplied to the applicant, and shall submit proof of the required
10 age[,] and educational qualifications, [and of good moral
11 character] together with the required cosmetology examination
12 fee. Each application shall contain a statement that it is made
13 under oath or affirmation and that its representations are true
14 and correct to the best knowledge and belief of the person
15 signing same, subject to the penalties of making a false
16 affidavit or declaration.

17 2. Upon the filing of the application and the payment of
18 the fee, the board shall, upon request, issue to the applicant,
19 if the applicant is qualified to sit for the examination, a
20 temporary license for the practicing of the occupations as
21 provided in this chapter. Any person receiving a temporary
22 license shall be entitled to practice the occupations designated
23 on the temporary license, under the supervision of a person
24 licensed in [cosmetology] the occupation, until the expiration of
25 the temporary license. Any person continuing to practice the
26 occupation beyond the expiration of the temporary license without
27 being licensed in [cosmetology] that occupation as provided in
28 this chapter is guilty of an infraction.

1 329.070. 1. Apprentices or students shall be [licensed]
2 registered with the board and shall pay a student fee or an
3 apprentice fee prior to beginning their course, and shall [be of
4 good moral character and] have an education equivalent to the
5 successful completion of the tenth grade.

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

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

15 329.080. 1. An instructor trainee shall be a licensed
16 cosmetologist, esthetician or manicurist and shall hold a license
17 as an instructor trainee in cosmetology, esthetics or manicuring.
18 An applicant for a license to practice as an instructor trainee
19 shall submit to the board the required fee and a written
20 application on a form supplied by the board upon request that the
21 applicant [is of good moral character, in good physical and
22 mental health,] has successfully completed at least a four-year
23 high school course of study or the equivalent, and holds a
24 Missouri license to practice as a cosmetologist, esthetician or
25 manicurist. Each application shall contain a statement that it
26 is made under oath or affirmation and that its representations
27 are true and correct to the best knowledge and belief of the
28 person signing the application, subject to the penalties of

1 making a false affidavit or declaration.

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

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

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

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

21 (3) Fifty hours of business experience or management
22 including classroom management, record keeping, buying and
23 inventorying supplies, and state law; and

24 (4) Three hundred hours of practice teaching in both theory
25 and practical application.

26 4. [For the purpose of meeting the minimum requirements for
27 examination, training completed within a school of cosmetology by
28 an instructor trainee shall be recognized by the board for a

1 period of no more than five years from the date it is received.

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

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

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

18 (3) Applicants who apply from states where the requirements
19 are not substantially equal to those in force in Missouri at the
20 time of application, may be eligible for the examination if they
21 provide[:

22 (a)] an affidavit verifying a current, valid instructor
23 license in another state, territory of the United States,
24 District of Columbia, or foreign country, state or province[; and

25 (b) Proof of full-time work experience of not less than one
26 year as a cosmetology instructor within the three-year period
27 immediately preceding the application for examination].

28 329.085. 1. Any person desiring an instructor license

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

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

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

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

27 5. The board shall grant instructor licensure upon
28 application and payment of a fee equivalent to the sum of the

1 instructor examination fee and the instructor license fee,
2 provided the applicant establishes compliance with the
3 [cosmetology] instructor requirements of another state, territory
4 of the United States, or District of Columbia [wherein the
5 requirements are substantially equal or superior to those in
6 force in Missouri at the time the application for licensure is
7 filed] and the applicant holds a current instructor license in
8 the other jurisdiction at the time of making application.

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

18 329.130. [1.] The board shall grant without examination a
19 license to practice cosmetology to any applicant who holds a
20 current license that is issued by another state, territory of the
21 United States, or the District of Columbia whose requirements for
22 licensure are [substantially equal] similar to the licensing
23 requirements in Missouri at the time the application is filed or
24 who has practiced cosmetology for at least two consecutive years
25 in another state, territory of the United States, or the District
26 of Columbia. The applicant under this [subsection] section shall
27 pay the appropriate application and licensure fees at the time of
28 making application. A licensee who is currently under

1 disciplinary action with another board of cosmetology shall not
2 be licensed by reciprocity under the provisions of this chapter.

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

14 329.275. 1. The practices of cosmetology and barbering
15 shall not include hair braiding, except that, nothing in this
16 section shall be construed as prohibiting a licensed
17 cosmetologist or barber from performing the service of hair
18 braiding.

19 2. No person shall engage in hair braiding for compensation
20 in the state of Missouri without first registering with the
21 board. Applicants for a certificate of registration to engage in
22 hair braiding shall submit to the board an application and a
23 required fee, as set by the board. Such fee shall not exceed
24 twenty dollars. Prior to receiving a certificate, each applicant
25 shall also watch an instructional video prepared by the board in
26 accordance with subsection 4 of this section. An applicant for a
27 certificate of registration may be denied such certificate if the
28 applicant has pleaded guilty to, entered a plea of nolo

1 contendere to, or been found guilty of any of the offenses set
2 forth in subsection 6 of section 329.050.

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

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

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

26 6. (1) The board may inspect hair braiding establishments
27 or facilities where hair braiding occurs one time per year during
28 business hours to ensure:

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

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

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

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

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

17 330.030. Any person desiring to practice podiatric medicine
18 in this state shall furnish the board with satisfactory proof,
19 including a statement under oath or affirmation that all
20 representations are true and correct to the best knowledge and
21 belief of the person submitting and signing same, subject to the
22 penalties of making a false affidavit or declaration, that he or
23 she is [twenty-one years of age or over, and] of good moral
24 character, and that he or she has received at least four years of
25 high school training, or the equivalent thereof, and has received
26 a diploma or certificate of graduation from an approved college
27 of podiatric medicine, recognized and approved by the board,
28 having a minimum requirement of two years in an accredited

1 college and four years in a recognized college of podiatric
2 medicine. Upon payment of the examination fee, and making
3 satisfactory proof as aforesaid, the applicant shall be examined
4 by the board, or a committee thereof, under such rules and
5 regulations as said board may determine, and if found qualified,
6 shall be licensed, upon payment of the license fee, to practice
7 podiatric medicine as licensed; provided, that the board shall,
8 under regulations established by the board, admit without
9 examination legally qualified practitioners of podiatric medicine
10 who hold licenses to practice podiatric medicine in any state or
11 territory of the United States or the District of Columbia or any
12 foreign country with equal educational requirements to the state
13 of Missouri upon the applicant paying a fee equivalent to the
14 license and examination fees required above.

15 331.030. 1. No person shall engage in the practice of
16 chiropractic without having first secured a chiropractic license
17 as provided in this chapter.

18 2. Any person desiring to procure a license authorizing the
19 person to practice chiropractic in this state shall [be at least
20 twenty-one years of age and shall] make application on the form
21 prescribed by the board. The application shall contain a
22 statement that it is made under oath or affirmation and that
23 representations contained thereon are true and correct to the
24 best knowledge and belief of the person signing the application,
25 subject to the penalties of making a false affidavit or
26 declaration, and shall give the applicant's name, address, age,
27 sex, name of chiropractic schools or colleges which the person
28 attended or of which the person is a graduate, and such other

1 reasonable information as the board may require. The applicant
2 shall give evidence satisfactory to the board of the successful
3 completion of the educational requirements of this chapter, that
4 the applicant is of good moral character, and that the
5 chiropractic school or college of which the applicant is a
6 graduate is teaching chiropractic in accordance with the
7 requirements of this chapter. The board may make a final
8 determination as to whether or not the school from which the
9 applicant graduated is so teaching.

10 3. Before an applicant shall be eligible for licensure, the
11 applicant shall furnish evidence satisfactory to the board that
12 the applicant has received the minimum number of semester credit
13 hours, as required by the Council on Chiropractic Education, or
14 its successor, prior to beginning the doctoral course of study in
15 chiropractic. The minimum number of semester credit hours
16 applicable at the time of enrollment in a doctoral course of
17 study must be in those subjects, hours and course content as may
18 be provided for by the Council on Chiropractic Education or, in
19 the absence of the Council on Chiropractic Education or its
20 provision for such subjects, such hours and course content as
21 adopted by rule of the board; however in no event shall fewer
22 than ninety semester credit hours be accepted as the minimum
23 number of hours required prior to beginning the doctoral course
24 of study in chiropractic. The examination applicant shall also
25 provide evidence satisfactory to the board of having graduated
26 from a chiropractic college having status with the Commission on
27 Accreditation of the Council on Chiropractic Education or its
28 successor. Any senior student in a chiropractic college having

1 status with the Commission on Accreditation on the Council on
2 Chiropractic Education or its successor may take a practical
3 examination administered or approved by the board under such
4 requirements and conditions as are adopted by the board by rule,
5 but no license shall be issued until all of the requirements for
6 licensure have been met.

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

18 5. Every applicant for licensure by examination shall have
19 taken and successfully passed all required and optional parts of
20 the written examination given by the National Board of
21 Chiropractic Examiners, including the written clinical competency
22 examination, under such conditions as established by rule of the
23 board, and all applicants for licensure by examination shall
24 successfully pass a practical examination administered or
25 approved by the board and a written examination testing the
26 applicant's knowledge and understanding of the laws and
27 regulations regarding the practice of chiropractic in this state.
28 The board shall issue to each applicant who meets the standards

1 and successful completion of the examinations, as established by
2 rule of the board, a license to practice chiropractic. The board
3 shall not recognize any correspondence work in any chiropractic
4 school or college as credit for meeting the requirements of this
5 chapter.

6 6. The board shall issue a license without examination to
7 persons who have been regularly licensed to practice chiropractic
8 in any other state, territory, or the District of Columbia, or in
9 any foreign country, provided that the regulations for securing a
10 license in the other jurisdiction are equivalent to those
11 required for licensure in the state of Missouri, when the
12 applicant furnishes satisfactory evidence that the applicant has
13 continuously practiced chiropractic for at least one year
14 immediately preceding the applicant's application to the board
15 and that the applicant is of good moral character, and upon the
16 payment of the reciprocity license fee as established by rule of
17 the board. The board may require an applicant to successfully
18 complete the Special Purposes Examination for Chiropractic (SPEC)
19 administered by the National Board of Chiropractic Examiners if
20 the requirements for securing a license in the other jurisdiction
21 are not equivalent to those required for licensure in the state
22 of Missouri at the time application is made for licensure under
23 this subsection.

24 7. Any applicant who has failed any portion of the
25 practical examination administered or approved by the board three
26 times shall be required to return to an accredited chiropractic
27 college for a semester of additional study in the subjects
28 failed, as provided by rule of the board.

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

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

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

21 (2) The board shall not establish any provision for
22 certification of licensees in a particular specialty which is not
23 encompassed within the practice of chiropractic as defined in
24 section 331.010.

25 332.131. Any person who is [at least twenty-one years of
26 age,] of good moral character and reputation, and who is a
27 graduate of and has a degree in dentistry from an accredited
28 dental school may apply to the board for examination and

1 registration as a dentist in Missouri.

2 334.530. 1. A candidate for license to practice as a
3 physical therapist shall [be at least twenty-one years of age. A
4 candidate shall] furnish evidence of such person's good moral
5 character and the person's educational qualifications by
6 submitting satisfactory evidence of completion of a program of
7 physical therapy education approved as reputable by the board. A
8 candidate who presents satisfactory evidence of the person's
9 graduation from a school of physical therapy approved as
10 reputable by the American Medical Association or, if graduated
11 before 1936, by the American Physical Therapy Association, or if
12 graduated after 1988, the Commission on Accreditation for
13 Physical Therapy Education or its successor, is deemed to have
14 complied with the educational qualifications of this subsection.

15 2. Persons desiring to practice as physical therapists in
16 this state shall appear before the board at such time and place
17 as the board may direct and be examined as to their fitness to
18 engage in such practice. Applications for examination shall be
19 in writing, on a form furnished by the board and shall include
20 evidence satisfactory to the board that the applicant possesses
21 the qualifications set forth in subsection 1 of this section.
22 Each application shall contain a statement that it is made under
23 oath or affirmation and that its representations are true and
24 correct to the best knowledge and belief of the applicant,
25 subject to the penalties of making a false affidavit or
26 declaration.

27 3. The examination of qualified candidates for licenses to
28 practice physical therapy shall test entry-level competence as

1 related to physical therapy theory, examination and evaluation,
2 physical therapy diagnosis, prognosis, treatment, intervention,
3 prevention, and consultation.

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

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

14 334.655. 1. A candidate for licensure to practice as a
15 physical therapist assistant shall [be at least nineteen years of
16 age. A candidate shall] furnish evidence of the person's good
17 moral character and of the person's educational qualifications.
18 The educational requirements for licensure as a physical
19 therapist assistant are:

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

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

25 2. Persons desiring to practice as a physical therapist
26 assistant in this state shall appear before the board at such
27 time and place as the board may direct and be examined as to the
28 person's fitness to engage in such practice. Applications for

1 examination shall be on a form furnished by the board and shall
2 include evidence satisfactory to the board that the applicant
3 possesses the qualifications provided in subsection 1 of this
4 section. Each application shall contain a statement that the
5 statement is made under oath of affirmation and that its
6 representations are true and correct to the best knowledge and
7 belief of the person signing the statement, subject to the
8 penalties of making a false affidavit or declaration.

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

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

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

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

1 this section.

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

13 335.036. 1. The board shall:

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

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

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

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

28 (5) Designate as "approved" such programs as meet the

1 requirements of sections 335.011 to 335.096 and the rules and
2 regulations enacted pursuant to such sections; and the board
3 shall annually publish a list of such programs;

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

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

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

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

15 (10) Establish an impaired nurse program].

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

21 3. All fees received by the board pursuant to the
22 provisions of sections 335.011 to 335.096 shall be deposited in
23 the state treasury and be placed to the credit of the state board
24 of nursing fund. All administrative costs and expenses of the
25 board shall be paid from appropriations made for those purposes.
26 The board is authorized to provide funding for the nursing
27 education incentive program established in sections 335.200 to
28 335.203.

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

12 5. Any rule or portion of a rule, as that term is defined
13 in section 536.010, that is created under the authority delegated
14 in this chapter shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536 and, if
16 applicable, section 536.028. All rulemaking authority delegated
17 prior to August 28, 1999, is of no force and effect and repealed.
18 Nothing in this section shall be interpreted to repeal or affect
19 the validity of any rule filed or adopted prior to August 28,
20 1999, if it fully complied with all applicable provisions of law.
21 This section and chapter 536 are nonseverable and if any of the
22 powers vested with the general assembly pursuant to chapter 536
23 to review, to delay the effective date or to disapprove and annul
24 a rule are subsequently held unconstitutional, then the grant of
25 rulemaking authority and any rule proposed or adopted after
26 August 28, 1999, shall be invalid and void.

27 335.046. 1. An applicant for a license to practice as a
28 registered professional nurse shall submit to the board a written

1 application on forms furnished to the applicant. The original
2 application shall contain the applicant's statements showing the
3 applicant's education and other such pertinent information as the
4 board may require. The applicant shall be of good moral
5 character and have completed at least the high school course of
6 study, or the equivalent thereof as determined by the state board
7 of education, and have successfully completed the basic
8 professional curriculum in an accredited or approved school of
9 nursing and earned a professional nursing degree or diploma.
10 Each application shall contain a statement that it is made under
11 oath or affirmation and that its representations are true and
12 correct to the best knowledge and belief of the person signing
13 same, subject to the penalties of making a false affidavit or
14 declaration. Applicants from non-English-speaking lands shall be
15 required to submit evidence of proficiency in the English
16 language. The applicant must be approved by the board and shall
17 pass an examination as required by the board. The board may
18 require by rule as a requirement for licensure that each
19 applicant shall pass an oral or practical examination. Upon
20 successfully passing the examination, the board may issue to the
21 applicant a license to practice nursing as a registered
22 professional nurse. The applicant for a license to practice
23 registered professional nursing shall pay a license fee in such
24 amount as set by the board. The fee shall be uniform for all
25 applicants. Applicants from foreign countries shall be licensed
26 as prescribed by rule.

27 2. An applicant for license to practice as a licensed
28 practical nurse shall submit to the board a written application

1 on forms furnished to the applicant. The original application
2 shall contain the applicant's statements showing the applicant's
3 education and other such pertinent information as the board may
4 require. Such applicant shall be of good moral character, and
5 have completed at least two years of high school, or its
6 equivalent as established by the state board of education, and
7 have successfully completed a basic prescribed curriculum in a
8 state-accredited or approved school of nursing, earned a nursing
9 degree, certificate or diploma and completed a course approved by
10 the board on the role of the practical nurse. Each application
11 shall contain a statement that it is made under oath or
12 affirmation and that its representations are true and correct to
13 the best knowledge and belief of the person signing same, subject
14 to the penalties of making a false affidavit or declaration.
15 Applicants from non-English-speaking countries shall be required
16 to submit evidence of their proficiency in the English language.
17 The applicant must be approved by the board and shall pass an
18 examination as required by the board. The board may require by
19 rule as a requirement for licensure that each applicant shall
20 pass an oral or practical examination. Upon successfully passing
21 the examination, the board may issue to the applicant a license
22 to practice as a licensed practical nurse. The applicant for a
23 license to practice licensed practical nursing shall pay a fee in
24 such amount as may be set by the board. The fee shall be uniform
25 for all applicants. Applicants from foreign countries shall be
26 licensed as prescribed by rule.

27 3. Upon refusal of the board to allow any applicant to sit
28 for either the registered professional nurses' examination or the

1 licensed practical nurses' examination, as the case may be, the
2 board shall comply with the provisions of section 621.120 and
3 advise the applicant of his or her right to have a hearing before
4 the administrative hearing commission. The administrative
5 hearing commission shall hear complaints taken pursuant to
6 section 621.120.

7 4. The board shall not deny a license because of sex,
8 religion, race, ethnic origin, age or political affiliation.

9 335.066. 1. The board may refuse to issue or reinstate any
10 certificate of registration or authority, permit or license
11 required pursuant to chapter 335 for one or any combination of
12 causes stated in subsection 2 of this section or the board may,
13 as a condition to issuing or reinstating any such permit or
14 license, require a person to submit himself or herself for
15 identification, intervention, treatment, or [rehabilitation]
16 monitoring by the [impaired nurse] intervention program and
17 alternative program as provided in section 335.067. The board
18 shall notify the applicant in writing of the reasons for the
19 refusal and shall advise the applicant of his or her right to
20 file a complaint with the administrative hearing commission as
21 provided by chapter 621.

22 2. The board may cause a complaint to be filed with the
23 administrative hearing commission as provided by chapter 621
24 against any holder of any certificate of registration or
25 authority, permit or license required by sections 335.011 to
26 335.096 or any person who has failed to renew or has surrendered
27 his or her certificate of registration or authority, permit or
28 license for any one or any combination of the following causes:

1 (1) Use or unlawful possession of any controlled substance,
2 as defined in chapter 195, by the federal government, or by the
3 department of health and senior services by regulation,
4 regardless of impairment, or alcoholic beverage to an extent that
5 such use impairs a person's ability to perform the work of any
6 profession licensed or regulated by sections 335.011 to 335.096.
7 A blood alcohol content of .08 shall create a presumption of
8 impairment;

9 (2) The person has been finally adjudicated and found
10 guilty, or entered a plea of guilty or nolo contendere, in a
11 criminal prosecution pursuant to the laws of any state or of the
12 United States, for any offense reasonably related to the
13 qualifications, functions or duties of any profession licensed or
14 regulated pursuant to sections 335.011 to 335.096, for any
15 offense an essential element of which is fraud, dishonesty or an
16 act of violence, or for any offense involving moral turpitude,
17 whether or not sentence is imposed;

18 (3) Use of fraud, deception, misrepresentation or bribery
19 in securing any certificate of registration or authority, permit
20 or license issued pursuant to sections 335.011 to 335.096 or in
21 obtaining permission to take any examination given or required
22 pursuant to sections 335.011 to 335.096;

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

26 (5) Incompetency, gross negligence, or repeated negligence
27 in the performance of the functions or duties of any profession
28 licensed or regulated by chapter 335. For the purposes of this

1 subdivision, "repeated negligence" means the failure, on more
2 than one occasion, to use that degree of skill and learning
3 ordinarily used under the same or similar circumstances by the
4 member of the applicant's or licensee's profession;

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

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

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

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

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

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

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

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

1 registry;

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

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

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

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

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

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

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

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

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

24 (q) Failing to assess, accurately document, or report the
25 status of a patient, resident, or client, or falsely assessing,
26 documenting, or reporting the status of a patient, resident, or
27 client;

28 (r) Intentionally or negligently causing physical or

1 emotional harm to a patient, resident, or client;

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

6 (7) Violation of, or assisting or enabling any person to
7 violate, any provision of sections 335.011 to 335.096, or of any
8 lawful rule or regulation adopted pursuant to sections 335.011 to
9 335.096;

10 (8) Impersonation of any person holding a certificate of
11 registration or authority, permit or license or allowing any
12 person to use his or her certificate of registration or
13 authority, permit, license or diploma from any school;

14 (9) Disciplinary action against the holder of a license or
15 other right to practice any profession regulated by sections
16 335.011 to 335.096 granted by another state, territory, federal
17 agency or country upon grounds for which revocation or suspension
18 is authorized in this state;

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

21 (11) Assisting or enabling any person to practice or offer
22 to practice any profession licensed or regulated by sections
23 335.011 to 335.096 who is not registered and currently eligible
24 to practice pursuant to sections 335.011 to 335.096;

25 (12) Issuance of a certificate of registration or
26 authority, permit or license based upon a material mistake of
27 fact;

28 (13) Violation of any professional trust or confidence;

1 (14) Use of any advertisement or solicitation which is
2 false, misleading or deceptive to the general public or persons
3 to whom the advertisement or solicitation is primarily directed;

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

6 (16) Placement on an employee disqualification list or
7 other related restriction or finding pertaining to employment
8 within a health-related profession issued by any state or federal
9 government or agency following final disposition by such state or
10 federal government or agency;

11 (17) Failure to successfully complete the [impaired nurse
12 program] intervention or alternative program for substance use
13 disorder;

14 (18) Knowingly making or causing to be made a false
15 statement or misrepresentation of a material fact, with intent to
16 defraud, for payment pursuant to the provisions of chapter 208 or
17 chapter 630, or for payment from Title XVIII or Title XIX of the
18 federal Medicare program;

19 (19) Failure or refusal to properly guard against
20 contagious, infectious, or communicable diseases or the spread
21 thereof; maintaining an unsanitary office or performing
22 professional services under unsanitary conditions; or failure to
23 report the existence of an unsanitary condition in the office of
24 a physician or in any health care facility to the board, in
25 writing, within thirty days after the discovery thereof;

26 (20) A pattern of personal use or consumption of any
27 controlled substance or any substance which requires a
28 prescription unless it is prescribed, dispensed, or administered

1 by a provider who is authorized by law to do so or a pattern of
2 abuse of any prescription medication;

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

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

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

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

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

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

26 (27) Physical or mental illness, including but not limited
27 to deterioration through the aging process or loss of motor
28 skill, or disability that impairs the licensee's ability to

1 practice the profession with reasonable judgment, skill, or
2 safety. This does not include temporary illness which is
3 expected to resolve within a short period of time;

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

6 3. After the filing of such complaint, the proceedings
7 shall be conducted in accordance with the provisions of chapter
8 621. Upon a finding by the administrative hearing commission
9 that the grounds, provided in subsection 2 of this section, for
10 disciplinary action are met, the board may, singly or in
11 combination, censure or place the person named in the complaint
12 on probation on such terms and conditions as the board deems
13 appropriate for a period not to exceed five years, or may
14 suspend, for a period not to exceed three years, or revoke the
15 license, certificate, or permit.

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

25 5. An individual whose license has been revoked shall wait
26 one year from the date of revocation to apply for relicensure.
27 Relicensure shall be at the discretion of the board after
28 compliance with all the requirements of sections 335.011 to

1 335.096 relative to the licensing of an applicant for the first
2 time.

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

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

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

16 (1) Engaging in sexual conduct as defined in section
17 566.010, with a patient who is not the licensee's spouse,
18 regardless of whether the patient consented;

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

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

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

28 (5) The licensee is adjudicated incapacitated or disabled

1 by a court of competent jurisdiction;

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

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

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

18 9. The board shall submit existing affidavits and existing
19 certified court records together with a complaint alleging the
20 facts in support of the board's request for an emergency
21 suspension or restriction to the administrative hearing
22 commission and shall supply the administrative hearing commission
23 with the last home or business addresses on file with the board
24 for the licensee. Within one business day of the filing of the
25 complaint, the administrative hearing commission shall return a
26 service packet to the board. The service packet shall include
27 the board's complaint and any affidavits or records the board
28 intends to rely on that have been filed with the administrative

1 hearing commission. The service packet may contain other
2 information in the discretion of the administrative hearing
3 commission. Within twenty-four hours of receiving the packet,
4 the board shall either personally serve the licensee or leave a
5 copy of the service packet at all of the licensee's current
6 addresses on file with the board. Prior to the hearing, the
7 licensee may file affidavits and certified court records for
8 consideration by the administrative hearing commission.

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

20 11. (1) The administrative hearing commission shall hold a
21 hearing within forty-five days of the board's filing of the
22 complaint to determine if cause for discipline exists. The
23 administrative hearing commission may grant a request for a
24 continuance, but shall in any event hold the hearing within one
25 hundred twenty days of the board's initial filing. The board
26 shall be granted leave to amend its complaint if it is more than
27 thirty days prior to the hearing. If less than thirty days, the
28 board may be granted leave to amend if public safety requires.

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

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

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

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

25 14. If the administrative hearing commission grants
26 temporary authority to the board to restrict or suspend the
27 nurse's license, such temporary authority of the board shall
28 become final authority if there is no request by the nurse for a

1 full hearing within thirty days of the preliminary hearing. The
2 administrative hearing commission shall, if requested by the
3 nurse named in the complaint, set a date to hold a full hearing
4 under the provisions of chapter 621 regarding the activities
5 alleged in the initial complaint filed by the board.

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

11 16. (1) The board may initiate a hearing before the board
12 for discipline of any licensee's license or certificate upon
13 receipt of one of the following:

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

22 (b) Evidence of final disciplinary action against the
23 licensee's license, certification, or registration issued by any
24 other state, by any other agency or entity of this state or any
25 other state, or the United States or its territories, or any
26 other country;

27 (c) Evidence of certified court records finding the
28 licensee has been judged incapacitated or disabled under Missouri

1 law or under the laws of any other state or of the United States
2 or its territories.

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

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

8 335.067. 1. The state board of nursing may establish an
9 [impaired nurse] intervention program and an alternative program
10 to promote the [early] identification, intervention, treatment,
11 and [rehabilitation] monitoring of nurses or applicants for a
12 nursing license who may be impaired by [reasons of illness,]
13 reason of substance abuse[, or as a result of any mental
14 condition. This program shall be available to anyone holding a
15 current license and may be entered voluntarily, as part of an
16 agreement with the board of nursing, or as a condition of a
17 disciplinary order entered by the board of nursing] or the
18 potential for substance abuse.

19 2. [The board may enter into a contractual agreement with a
20 nonprofit corporation or a nursing association for the purpose of
21 creating, supporting, and maintaining a program to be designated
22 as the impaired nurse program.] The intervention program is
23 available, upon board discretion, to licensees and applicants for
24 licensure who self-refer, test positive in a pre-employment or
25 for-cause drug or alcohol screen, individuals who have pled
26 guilty to or been found guilty of any drug offense, whether
27 felony or misdemeanor, or individuals who have pled guilty to or
28 been found guilty of three or more criminal offenses resulting

1 from or related to the use of drugs or alcohol, whether a felony
2 or misdemeanor. The program shall be a minimum of one year in
3 duration and require random drug and alcohol testing at the
4 participant's expense.

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

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

21 5. Upon successful completion of the intervention or
22 alternative program, the licensee shall be deemed to have no
23 disciplinary action against his or her license and shall not be
24 required to disclose participation in the program. All records
25 shall be deemed confidential and not public records under chapter
26 610 and not subject to court or administration subpoena or
27 subject to discovery or introduction as evidence in any civil,
28 criminal, or administrative proceedings.

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

17 7. If a licensee does not successfully complete the
18 intervention program, the board may pursue disciplinary action as
19 set forth in section 335.066 and chapter 621. If an applicant
20 does not successfully complete the intervention program, the
21 board may issue an order pursuant to the provisions of chapters
22 324, 335, 536, and 621. Records from the program may be used as
23 evidence in any such proceedings initiated under chapters 324,
24 335, 536, and 621. Any such licensee disciplined by the board
25 pursuant to this section or applicant subject to an order
26 pursuant to this section shall not be eligible to participate in
27 the alternative program.

28 8. If a licensee or applicant violates any term of the

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

16 9. If a licensee does not successfully complete the
17 alternative program, the board may pursue disciplinary action as
18 set forth in section 335.066 and chapter 621. If an applicant
19 does not successfully complete the alternative program, the board
20 may issue an order pursuant to the provisions of chapters 324,
21 335, and 621. Records from the program may be used as evidence
22 in any such proceedings conducted pursuant to the provisions of
23 chapters 324, 335, and 621.

24 10. The board may promulgate administrative rules subject
25 to the provisions of this section and chapter 536 to effectuate
26 and implement any [program] programs formed pursuant to this
27 section.

28 [3.] 11. The board may expend appropriated funds necessary

1 to provide for operational expenses of the [program] programs
2 formed pursuant to this section.

3 [4.] 12. Any board member, board staff member, members of
4 the [program] programs, as well as any administrator, staff
5 member, consultant, agent, or employee of the [program] programs,
6 acting within the scope of his or her duties and without actual
7 malice, and all other persons who furnish information to the
8 [program] programs in good faith and without actual malice, shall
9 not be liable for any claim of damages as a result of any
10 statement, decision, opinion, investigation, or action taken by
11 the [program] programs, or by any individual member of the
12 [program] programs, by any board member, or by any board staff
13 member.

14 [5.] 13. All information, interviews, reports, statements,
15 memoranda, drug or alcohol testing results, or other documents
16 furnished to or produced by the [program] programs, as well as
17 communications to or from the [program] programs, any findings,
18 conclusions, interventions, treatment, rehabilitation, or other
19 proceedings of the [program] programs which in any way pertain to
20 a licensee who may be, or who actually is, impaired shall be
21 privileged and confidential, except that the board may share
22 information with the licensee's employer or potential employer
23 upon verification with the licensee that he or she is employed
24 with the employer or actively seeking employment with the
25 potential employer. Any records produced in conjunction with
26 either program shall not be considered public records under
27 chapter 610 and shall not be subject to court subpoena or subject
28 to discovery or introduction as evidence in any civil, criminal,

1 or administrative proceedings except as set forth in subsections
2 14 and 15 of this section.

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

12 7. The program shall disclose]

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

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

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

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

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

25 [8. When pursuing discipline against a licensed practical
26 nurse, registered nurse, or advanced practice registered nurse
27 for violating one or more causes stated in subsection 2 of
28 section 335.066, the board may, if the violation is related to

1 chemical dependency or mental health, require that the licensed
2 practical nurse, registered nurse, or advanced practice
3 registered nurse complete the impaired nurse program under such
4 terms and conditions as are agreed to by the board and the
5 licensee for a period not to exceed five years. If the licensee
6 violates a term or condition of an impaired nurse program
7 agreement entered into under this section, the board may elect to
8 pursue discipline against the licensee pursuant to chapter 621
9 for the original conduct that resulted in the impaired nurse
10 program agreement, or for any subsequent violation of subsection
11 2 of section 335.066. While the licensee participates in the
12 impaired nurse program, the time limitations of section 620.154
13 shall toll under subsection 7 of section 620.154. All records
14 pertaining to the impaired nurse program agreements are
15 confidential and may only be released under subdivision (7) of
16 subsection 14 of section 620.010.

17 9. The board may disclose information and records to the
18 impaired nurse program to assist the program in the
19 identification, intervention, treatment, and rehabilitation of
20 licensed practical nurses, registered nurses, or advanced
21 practice registered nurses who may be impaired by reason of
22 illness, substance abuse, or as the result of any physical or
23 mental condition. The program shall keep all information and
24 records provided by the board confidential to the extent the
25 board is required to treat the information and records closed to
26 the public under chapter 620.]

27 15. The statute of limitations set forth in section 324.043
28 shall be tolled while a licensee or applicant is participating in

1 either the intervention program or the alternative program.

2 336.030. 1. A person is qualified to receive a license as
3 an optometrist:

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

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

6 [(3)] (2) Who has graduated from a college or school of
7 optometry approved by the board; and

8 [(4)] (3) Who has met either of the following conditions:

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

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

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

26 337.020. 1. Each person desiring to obtain a license,
27 whether temporary, provisional or permanent, as a psychologist
28 shall make application to the committee upon such forms and in

1 such manner as may be prescribed by the committee [and shall pay
2 the required application fee]. The form shall include a
3 statement that the applicant has completed two hours of suicide
4 assessment, referral, treatment, and management training that
5 meets the guidelines developed by the committee. The committee
6 shall not charge an application fee until such time that the
7 application has been approved. In the event that an application
8 is denied or rejected, no application fee shall be charged. The
9 application fee shall not be refundable. Each application shall
10 contain a statement that it is made under oath or affirmation and
11 that its representations are true and correct to the best
12 knowledge and belief of the person signing the application,
13 subject to the penalties of making a false affidavit or
14 declaration.

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

26 3. The committee with assistance from the division shall
27 issue a permanent license to and register as a psychologist any
28 applicant who, in addition to having fulfilled the other

1 requirements of sections 337.010 to 337.090, passes the
2 examination for professional practice in psychology and such
3 other examinations in psychology which may be adopted by the
4 committee, except that an applicant fulfilling the requirement of
5 section 337.029 shall upon successful completion of the
6 jurisprudence examination and completion of the oral examination
7 be permanently licensed without having to retake the examination
8 for professional practice in psychology.

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

19 5. A provisional license issued pursuant to subsection 4 of
20 this section shall only authorize and permit the applicant to
21 render those psychological services which are under the
22 supervision and the full professional responsibility and control
23 of such person's postdoctoral degree licensed supervisor. A
24 provisional license shall automatically terminate upon issuance
25 of a permanent license, upon a finding of cause to discipline
26 after notice and hearing pursuant to section 337.035, upon the
27 expiration of one year from the date of issuance whichever event
28 first occurs, or upon termination of supervision by the licensed

1 supervisor. The provisional license may be renewed after one
2 year with a maximum issuance of two years total per provisional
3 licensee. The committee by rule shall provide procedures for
4 exceptions and variances from the requirement of a maximum
5 issuance of two years due to vacations, illness, pregnancy and
6 other good causes.

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

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

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

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

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

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

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

25 337.025. 1. The provisions of this section shall govern
26 the education and experience requirements for initial licensure
27 as a psychologist for the following persons:

28 (1) A person who has not matriculated in a graduate degree

1 program which is primarily psychological in nature on or before
2 August 28, 1990; and

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

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

11 3. A doctoral degree in psychology is defined as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (a) Preinternship and predoctoral postinternship
27 professional experience that occurs following the completion of
28 the first year of the doctoral program or at any time while in a

1 doctoral program after completion of a master's degree in
2 psychology or equivalent as defined by rule by the committee;

3 (b) Up to seven hundred fifty hours obtained while on the
4 internship under subdivision (1) of this subsection but beyond
5 the fifteen hundred hours identified in subdivision (1) of this
6 subsection; or

7 (c) Postdoctoral professional experience obtained in no
8 more than twenty-four consecutive calendar months. In no case
9 shall this experience be accumulated at a rate of more than fifty
10 hours per week. Postdoctoral supervised professional experience
11 for prospective health service providers and other applicants
12 shall involve and relate to the delivery of psychological
13 services in accordance with professional requirements and
14 relevant to the applicant's intended area of practice.

15 5. Experience for those applicants who intend to seek
16 health service provider certification and who have completed a
17 program in one or more of the American Psychological Association
18 designated health service provider delivery areas shall be
19 obtained under the primary supervision of a licensed psychologist
20 who is also a health service provider or who otherwise meets the
21 requirements for health service provider certification.

22 Experience for those applicants who do not intend to seek health
23 service provider certification shall be obtained under the
24 primary supervision of a licensed psychologist or such other
25 qualified mental health professional approved by the committee.

26 6. For postinternship and postdoctoral hours, the
27 psychological activities of the applicant shall be performed
28 pursuant to the primary supervisor's order, control, and full

1 professional responsibility. The primary supervisor shall
2 maintain a continuing relationship with the applicant and shall
3 meet with the applicant a minimum of one hour per month in
4 face-to-face individual supervision. Clinical supervision may be
5 delegated by the primary supervisor to one or more secondary
6 supervisors who are qualified psychologists. The secondary
7 supervisors shall retain order, control, and full professional
8 responsibility for the applicant's clinical work under their
9 supervision and shall meet with the applicant a minimum of one
10 hour per week in face-to-face individual supervision. If the
11 primary supervisor is also the clinical supervisor, meetings
12 shall be a minimum of one hour per week. Group supervision shall
13 not be acceptable for supervised professional experience. The
14 primary supervisor shall certify to the committee that the
15 applicant has complied with these requirements and that the
16 applicant has demonstrated ethical and competent practice of
17 psychology. The changing by an agency of the primary supervisor
18 during the course of the supervised experience shall not
19 invalidate the supervised experience.

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

24 337.029. 1. A psychologist licensed in another
25 jurisdiction who has had no violations and no suspensions and no
26 revocation of a license to practice psychology in any
27 jurisdiction may receive a license in Missouri, provided the
28 psychologist passes a written examination on Missouri laws and

1 regulations governing the practice of psychology and meets one of
2 the following criteria:

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

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

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

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

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

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

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

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

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

27 3. A psychologist who receives a license for the practice
28 of psychology in the state of Missouri on the basis of

1 reciprocity as listed in subsection 1 of this section or by
2 endorsement of the score from the examination of professional
3 practice in psychology score will also be eligible for and shall
4 receive certification from the committee as a health service
5 provider if the psychologist meets one or more of the following
6 criteria:

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

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

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

16 337.033. 1. A licensed psychologist shall limit his or her
17 practice to demonstrated areas of competence as documented by
18 relevant professional education, training, and experience. A
19 psychologist trained in one area shall not practice in another
20 area without obtaining additional relevant professional
21 education, training, and experience through an acceptable program
22 of respecialization.

23 2. A psychologist may not represent or hold himself or
24 herself out as a state certified or registered psychological
25 health service provider unless the psychologist has first
26 received the psychologist health service provider certification
27 from the committee; provided, however, nothing in this section
28 shall be construed to limit or prevent a licensed, whether

1 temporary, provisional or permanent, psychologist who does not
2 hold a health service provider certificate from providing
3 psychological services so long as such services are consistent
4 with subsection 1 of this section.

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

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

27 (1) A doctoral degree or completion of a recognized
28 respecialization program in one or more of the American

1 Psychological Association designated health service provider
2 delivery areas which is accredited, or provisionally accredited,
3 either by the American Psychological Association or the
4 Psychological Clinical Science Accreditation System; or

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

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

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

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

23 5. A person who is lawfully licensed as a psychologist
24 pursuant to the provisions of this chapter on August 28, 1989, or
25 who has been approved to sit for examination prior to August 28,
26 1989, and who subsequently passes the examination shall be deemed
27 to have met all requirements for health service provider
28 certification; provided, however, that such person shall be

1 governed by the provisions of subsection 1 of this section with
2 respect to limitation of practice.

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

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

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

14 337.100. 1. Sections 337.100 to 337.165 shall be known as
15 the "Psychology Interjurisdictional Compact". The party states
16 find that:

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

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

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

1 appropriate authority;

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

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

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

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

15 2. The general purposes of this compact are to:

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

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

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

25 (4) Facilitate the exchange of information between compact
26 states regarding psychologist licensure, adverse actions, and
27 disciplinary history;

28 (5) Promote compliance with the laws governing

1 psychological practice in each compact state; and

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

5 337.105. As used in this compact, the following terms shall
6 mean:

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

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

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

21 (4) "Bylaws", those bylaws established by the psychology
22 interjurisdictional compact commission pursuant to section
23 337.145 for its governance, or for directing and controlling its
24 actions and conduct;

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

1 (6) "Commissioner", the voting representative appointed by
2 each state psychology regulatory authority pursuant to section
3 337.145;

4 (7) "Compact state", a state, the District of Columbia, or
5 United States territory that has enacted this compact legislation
6 and which has not withdrawn pursuant to subsection 3 of section
7 337.160 or been terminated pursuant to subsection 2 of section
8 337.155;

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

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

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

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

25 (12) "E.Passport", a certificate issued by the Association
26 of State and Provincial Psychology Boards (ASPPB) that promotes
27 the standardization in the criteria of interjurisdictional
28 telepsychology practice and facilitates the process for licensed

1 psychologists to provide telepsychological services across state
2 lines;

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

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

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

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

25 (17) "Interjurisdictional practice certificate (IPC)", a
26 certificate issued by the Association of State and Provincial
27 Psychology Boards (ASPPB) that grants temporary authority to
28 practice based on notification to the state psychology regulatory

1 authority of intention to practice temporarily, and verification
2 of one's qualifications for such practice;

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

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

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

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

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

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

24 (24) "Significant investigatory information":

25 (a) Investigative information that a state psychology
26 regulatory authority, after a preliminary inquiry that includes
27 notification and an opportunity to respond if required by state
28 law, has reason to believe, if proven true, would indicate more

1 than a violation of state statute or ethics code that would be
2 considered more substantial than minor infraction; or

3 (b) Investigative information that indicates that the
4 psychologist represents an immediate threat to public health and
5 safety regardless of whether the psychologist has been notified
6 and had an opportunity to respond;

7 (25) "State", a state, commonwealth, territory, or
8 possession of the United States, the District of Columbia;

9 (26) "State psychology regulatory authority", the board,
10 office or other agency with the legislative mandate to license
11 and regulate the practice of psychology;

12 (27) "Telepsychology", the provision of psychological
13 services using telecommunication technologies;

14 (28) "Temporary authorization to practice", a licensed
15 psychologist's authority to conduct temporary in-person, face-to-
16 face practice, within the limits authorized under this compact,
17 in another compact state;

18 (29) "Temporary in-person, face-to-face practice", where a
19 psychologist is physically present, not through the use of
20 telecommunications technologies, in the distant state to provide
21 for the practice of psychology for thirty days within a calendar
22 year and based on notification to the distant state.

23 337.110. 1. The home state shall be a compact state where
24 a psychologist is licensed to practice psychology.

25 2. A psychologist may hold one or more compact state
26 licenses at a time. If the psychologist is licensed in more than
27 one compact state, the home state is the compact state where the
28 psychologist is physically present when the services are

1 delivered as authorized by the authority to practice
2 interjurisdictional telepsychology under the terms of this
3 compact.

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

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

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

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

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

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

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

1 activation of the compact; and

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

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

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

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

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

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

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

20 337.115. 1. Compact states shall recognize the right of a
21 psychologist, licensed in a compact state in conformance with
22 section 337.110, to practice telepsychology in receiving states
23 in which the psychologist is not licensed, under the authority to
24 practice interjurisdictional telepsychology as provided in the
25 compact.

26 2. To exercise the authority to practice
27 interjurisdictional telepsychology under the terms and provisions
28 of this compact, a psychologist licensed to practice in a compact

1 state shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8) Meet other criteria as defined by the rules of the
28 commission.

1 3. The home state maintains authority over the license of
2 any psychologist practicing into a receiving state under the
3 authority to practice interjurisdictional telepsychology.

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

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

21 337.120. 1. Compact states shall also recognize the right
22 of a psychologist, licensed in a compact state in conformance
23 with section 337.110, to practice temporarily in distant states
24 in which the psychologist is not licensed, as provided in the
25 compact.

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

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

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

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

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

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

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

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

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

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

28 (f) The designated director of the program shall be a

1 psychologist and a member of the core faculty;

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

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

7 (i) The curriculum shall encompass a minimum of three
8 academic years of full-time graduate study for doctoral degrees
9 and a minimum of one academic year of full-time graduate study
10 for master's degree;

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

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

15 (4) No history of adverse action that violate the rules of
16 the commission;

17 (5) No criminal record history that violates the rules of
18 the commission;

19 (6) Possess a current, active IPC;

20 (7) Provide attestations in regard to areas of intended
21 practice and work experience and provide a release of information
22 to allow for primary source verification in a manner specified by
23 the commission; and

24 (8) Meet other criteria as defined by the rules of the
25 commission.

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

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

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

16 337.125. A psychologist may practice in a receiving state
17 under the authority to practice interjurisdictional
18 telepsychology only in the performance of the scope of practice
19 for psychology as assigned by an appropriate state psychology
20 regulatory authority, as defined in the rules of the commission,
21 and under the following circumstances:

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

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

27 337.130. 1. A home state shall have the power to impose
28 adverse action against a psychologist's license issued by the

1 home state. A distant state shall have the power to take adverse
2 action on a psychologist's temporary authorization to practice
3 within that distant state.

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

10 3. (1) If a home state takes adverse action against a
11 psychologist's license, that psychologist's authority to practice
12 interjurisdictional telepsychology is terminated and the
13 E.Passport is revoked. Furthermore, that psychologist's
14 temporary authorization to practice is terminated and the IPC is
15 revoked.

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

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

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

27 4. A home state's psychology regulatory authority shall
28 investigate and take appropriate action with respect to reported

1 inappropriate conduct engaged in by a licensee which occurred in
2 a receiving state as it would if such conduct had occurred by a
3 licensee within the home state. In such cases, the home state's
4 law shall control in determining any adverse action against a
5 psychologist's license.

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

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

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

27 337.135. 1. In addition to any other powers granted under
28 state law, a compact state's psychology regulatory authority

1 shall have the authority under this compact to:

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

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

17 2. During the course of any investigation, a psychologist
18 may not change his or her home state licensure. A home state
19 psychology regulatory authority is authorized to complete any
20 pending investigations of a psychologist and to take any actions
21 appropriate under its law. The home state psychology regulatory
22 authority shall promptly report the conclusions of such
23 investigations to the commission. Once an investigation has been
24 completed, and pending the outcome of said investigation, the
25 psychologist may change his or her home state licensure. The
26 commission shall promptly notify the new home state of any such
27 decisions as provided in the rules of the commission. All
28 information provided to the commission or distributed by compact

1 states pursuant to the psychologist shall be confidential, filed
2 under seal and used for investigatory or disciplinary matters.
3 The commission may create additional rules for mandated or
4 discretionary sharing of information by compact states.

5 337.140. 1. The commission shall provide for the
6 development and maintenance of a coordinated licensure
7 information system "coordinated database" and reporting system
8 containing licensure and disciplinary action information on all
9 psychologist individuals to whom this compact is applicable in
10 all compact states as defined by the rules of the commission.

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

15 (1) Identifying information;

16 (2) Licensure data;

17 (3) Significant investigatory information;

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

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

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

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

26 (8) Other information which may facilitate the
27 administration of this compact, as determined by the rules of the
28 commission.

1 3. The coordinated database administrator shall promptly
2 notify all compact states of any adverse action taken against, or
3 significant investigative information on, any licensee in a
4 compact state.

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

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

13 337.145. 1. The compact states hereby create and establish
14 a joint public agency known as the psychology interjurisdictional
15 compact commission.

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

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

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

26 2. The commission shall consist of one voting
27 representative appointed by each compact state who shall serve as
28 that state's commissioner. The state psychology regulatory

1 authority shall appoint its delegate. This delegate shall be
2 empowered to act on behalf of the compact state. This delegate
3 shall be limited to:

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

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

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

10 3. (1) Any commissioner may be removed or suspended from
11 office as provided by the law of the state from which the
12 commissioner is appointed. Any vacancy occurring in the
13 commission shall be filled in accordance with the laws of the
14 compact state in which the vacancy exists.

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

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

25 (4) All meetings shall be open to the public, and public
26 notice of meetings shall be given in the same manner as required
27 under the rulemaking provisions in section 337.150.

28 (5) The commission may convene in a closed, nonpublic

1 meeting if the commission shall discuss:

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

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

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

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

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

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

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

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

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

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

27 (6) If a meeting, or portion of a meeting, is closed
28 pursuant to subdivision (5) of subsection 3 of this section, the

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

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

17 (1) Establishing the fiscal year of the commission;

18 (2) Providing reasonable standards and procedures:

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

20 and

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

23 (3) Providing reasonable procedures for calling and
24 conducting meetings of the commission, ensuring reasonable
25 advance notice of all meetings and providing an opportunity for
26 attendance of such meetings by interested parties, with
27 enumerated exceptions designed to protect the public's interest,
28 the privacy of individuals of such proceedings, and proprietary

1 information, including trade secrets. The commission may meet in
2 closed session only after a majority of the commissioners vote to
3 close a meeting to the public in whole or in part. As soon as
4 practicable, the commission shall make public a copy of the vote
5 to close the meeting revealing the vote of each commissioner with
6 no proxy votes allowed;

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

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

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

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

21 5. (1) The commission shall publish its bylaws in a
22 convenient form and file a copy thereof and a copy of any
23 amendment thereto, with the appropriate agency or officer in each
24 of the compact states;

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

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

1 6. The commission shall have the following powers:

2 (1) The authority to promulgate uniform rules to facilitate
3 and coordinate implementation and administration of this compact.
4 The rule shall have the force and effect of law and shall be
5 binding in all compact states;

6 (2) To bring and prosecute legal proceedings or actions in
7 the name of the commission, provided that the standing of any
8 state psychology regulatory authority or other regulatory body
9 responsible for psychology licensure to sue or be sued under
10 applicable law shall not be affected;

11 (3) To purchase and maintain insurance and bonds;

12 (4) To borrow, accept or contract for services of
13 personnel, including, but not limited to, employees of a compact
14 state;

15 (5) To hire employees, elect or appoint officers, fix
16 compensation, define duties, grant such individuals appropriate
17 authority to carry out the purposes of the compact, and to
18 establish the commission's personnel policies and programs
19 relating to conflicts of interest, qualifications of personnel,
20 and other related personnel matters;

21 (6) To accept any and all appropriate donations and grants
22 of money, equipment, supplies, materials and services, and to
23 receive, utilize and dispose of the same; provided that at all
24 times the commission shall strive to avoid any appearance of
25 impropriety or conflict of interest;

26 (7) To lease, purchase, accept appropriate gifts or
27 donations of, or otherwise to own, hold, improve or use, any
28 property, real, personal or mixed; provided that at all times the

1 commission shall strive to avoid any appearance of impropriety;

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

6 (9) To establish a budget and make expenditures;

7 (10) To borrow money;

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

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

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

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

20 7. (1) The elected officers shall serve as the executive
21 board, which shall have the power to act on behalf of the
22 commission according to the terms of this compact.

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

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

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

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

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

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

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

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

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

15 (c) Prepare and recommend the budget;

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

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

19 (f) Establish additional committees as necessary; and

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

21 8. (1) The commission shall pay, or provide for the
22 payment of the reasonable expenses of its establishment,
23 organization and ongoing activities.

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

27 (3) The commission may levy on and collect an annual
28 assessment from each compact state or impose fees on other

1 parties to cover the cost of the operations and activities of the
2 commission and its staff which shall be in a total amount
3 sufficient to cover its annual budget as approved each year for
4 which revenue is not provided by other sources. The aggregate
5 annual assessment amount shall be allocated based upon a formula
6 to be determined by the commission which shall promulgate a rule
7 binding upon all compact states.

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

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

20 9. (1) The members, officers, executive director,
21 employees and representatives of the commission shall be immune
22 from suit and liability, either personally or in their official
23 capacity, for any claim for damage to or loss of property or
24 personal injury or other civil liability caused by or arising out
25 of any actual or alleged act, error or omission that occurred, or
26 that the person against whom the claim is made had a reasonable
27 basis for believing occurred within the scope of commission
28 employment, duties or responsibilities; provided that nothing in

1 this subsection shall be construed to protect any such person
2 from suit or liability for any damage, loss, injury or liability
3 caused by the intentional or willful or wanton misconduct of that
4 person.

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

17 (3) The commission shall indemnify and hold harmless any
18 member, officer, executive director, employee or representative
19 of the commission for the amount of any settlement or judgment
20 obtained against that person arising out of any actual or alleged
21 act, error or omission that occurred within the scope of
22 commission employment, duties or responsibilities, or that such
23 person had a reasonable basis for believing occurred within the
24 scope of commission employment, duties or responsibilities,
25 provided that the actual or alleged act, error or omission did
26 not result from the intentional or willful or wanton misconduct
27 of that person.

28 337.150. 1. The commission shall exercise its rulemaking

1 powers pursuant to the criteria set forth in this section and the
2 rules adopted thereunder. Rules and amendments shall become
3 binding as of the date specified in each rule or amendment.

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

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

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

14 (1) On the website of the commission; and

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

18 5. The notice of proposed rulemaking shall include:

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

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

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

25 (4) The manner in which interested persons may submit
26 notice to the commission of their intention to attend the public
27 hearing and any written comments.

28 6. Prior to adoption of a proposed rule, the commission

1 shall allow persons to submit written data, facts, opinions, and
2 arguments, which shall be made available to the public.

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

6 (1) At least twenty-five persons who submit comments
7 independently of each other;

8 (2) A governmental subdivision or agency; or

9 (3) A duly appointed person in an association that has at
10 least twenty-five members.

11 8. (1) If a hearing is held on the proposed rule or
12 amendment, the commission shall publish the place, time, and date
13 of the scheduled public hearing.

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

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

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

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

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

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

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

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

26 (1) Meet an imminent threat to public health, safety, or
27 welfare;

28 (2) Prevent a loss of commission or compact state funds;

1 (3) Meet a deadline for the promulgation of an
2 administrative rule that is established by federal law or rule;
3 or

4 (4) Protect public health and safety.

5 13. (1) The commission or an authorized committee of the
6 commission may direct revisions to a previously adopted rule or
7 amendment for purposes of correcting typographical errors, errors
8 in format, errors in consistency, or grammatical errors. Public
9 notice of any revisions shall be posted on the website of the
10 commission. The revision shall be subject to challenge by any
11 person for a period of thirty days after posting. The revision
12 may be challenged only on grounds that the revision results in a
13 material change to a rule.

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

20 337.155. 1. (1) The executive, legislative, and judicial
21 branches of state government in each compact state shall enforce
22 this compact and take all actions necessary and appropriate to
23 effectuate the compact's purposes and intent. The provisions of
24 this compact and the rules promulgated hereunder shall have
25 standing as statutory law.

26 (2) All courts shall take judicial notice of the compact
27 and the rules in any judicial or administrative proceeding in a
28 compact state pertaining to the subject matter of this compact

1 which may affect the powers, responsibilities, or actions of the
2 commission.

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

9 2. (1) If the commission determines that a compact state
10 has defaulted in the performance of its obligations or
11 responsibilities under this compact or the promulgated rules, the
12 commission shall:

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

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

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

26 (3) Termination of membership in the compact shall be
27 imposed only after all other means of securing compliance have
28 been exhausted. Notice of intent to suspend or terminate shall

1 be submitted by the commission to the governor, the majority and
2 minority leaders of the defaulting state's legislature, and each
3 of the compact states.

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

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

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

18 3. (1) Upon request by a compact state, the commission
19 shall attempt to resolve disputes related to the compact which
20 arise among compact states and between compact and noncompact
21 states.

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

25 4. (1) The commission, in the reasonable exercise of its
26 discretion, shall enforce the provisions and rules of this
27 compact.

28 (2) By majority vote, the commission may initiate legal

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

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

12 337.160. 1. The compact shall come into effect on the date
13 on which the compact is enacted into law in the seventh compact
14 state. The provisions which become effective at that time shall
15 be limited to the powers granted to the commission relating to
16 assembly and the promulgation of rules. Thereafter, the
17 commission shall meet and exercise rulemaking powers necessary to
18 the implementation and administration of the compact.

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

25 3. (1) Any compact state may withdraw from this compact by
26 enacting a statute repealing the same.

27 (2) A compact state's withdrawal shall not take effect
28 until six months after enactment of the repealing statute.

1 (3) Withdrawal shall not affect the continuing requirement
2 of the withdrawing state's psychology regulatory authority to
3 comply with the investigative and adverse action reporting
4 requirements of this act prior to the effective date of
5 withdrawal.

6 4. Nothing contained in this compact shall be construed to
7 invalidate or prevent any psychology licensure agreement or other
8 cooperative arrangement between a compact state and a noncompact
9 state which does not conflict with the provisions of this
10 compact.

11 5. This compact may be amended by the compact states. No
12 amendment to this compact shall become effective and binding upon
13 any compact state until it is enacted into the law of all compact
14 states.

15 337.165. This compact shall be liberally construed so as to
16 effectuate the purposes thereof. If this compact shall be held
17 contrary to the constitution of any state member thereto, the
18 compact shall remain in full force and effect as to the remaining
19 compact states.

20 337.315. 1. An applied behavior analysis intervention
21 shall produce socially significant improvements in human behavior
22 through skill acquisition, increase or decrease in behaviors
23 under specific environmental conditions and the reduction of
24 problematic behavior. An applied behavior analysis intervention
25 shall:

26 (1) Be based on empirical research and the identification
27 of functional relations between behavior and environment,
28 contextual factors, antecedent stimuli and reinforcement

1 operations through the direct observation and measurement of
2 behavior, arrangement of events and observation of effects on
3 behavior, as well as other information gathering methods such as
4 record review and interviews; and

5 (2) Utilize changes and arrangements of contextual factors,
6 antecedent stimuli, positive reinforcement, and other
7 consequences to produce behavior change.

8 2. Each person wishing to practice as a licensed behavior
9 analyst shall:

10 (1) Submit a complete application on a form approved by the
11 committee, which shall include a statement that the applicant has
12 completed two hours of suicide assessment, referral, treatment,
13 and management training;

14 (2) Pay all necessary fees as set by the committee;

15 (3) Submit a two-inch or three-inch photograph or passport
16 photograph taken no more than six months prior to the application
17 date;

18 (4) Provide two classified sets of fingerprints for
19 processing by the Missouri state highway patrol under section
20 43.543. One set of fingerprints shall be used by the highway
21 patrol to search the criminal history repository and the second
22 set shall be forwarded to the Federal Bureau of Investigation for
23 searching the federal criminal history files;

24 (5) Have passed an examination and been certified as a
25 board-certified behavior analyst by a certifying entity, as
26 defined in section 337.300;

27 (6) Provide evidence of active status as a board-certified
28 behavior analyst; and

1 (7) If the applicant holds a license as a behavior analyst
2 in another state, a statement from all issuing states verifying
3 licensure and identifying any disciplinary action taken against
4 the license holder by that state.

5 3. Each person wishing to practice as a licensed assistant
6 behavior analyst shall:

7 (1) Submit a complete application on a form approved by the
8 committee;

9 (2) Pay all necessary fees as set by the committee;

10 (3) Submit a two-inch or three-inch photograph or passport
11 photograph taken no more than six months prior to the application
12 date;

13 (4) Provide two classified sets of fingerprints for
14 processing by the Missouri state highway patrol under section
15 43.543. One set of fingerprints shall be used by the highway
16 patrol to search the criminal history repository and the second
17 set shall be forwarded to the Federal Bureau of Investigation for
18 searching the federal criminal history files;

19 (5) Have passed an examination and been certified as a
20 board-certified assistant behavior analyst by a certifying
21 entity, as defined in section 337.300;

22 (6) Provide evidence of active status as a board-certified
23 assistant behavior analyst;

24 (7) If the applicant holds a license as an assistant
25 behavior analyst in another state, a statement from all issuing
26 states verifying licensure and identifying any disciplinary
27 action taken against the license holder by that state; and

28 (8) Submit documentation satisfactory to the committee that

1 the applicant will be directly supervised by a licensed behavior
2 analyst in a manner consistent with the certifying entity.

3 4. The committee shall be authorized to issue a temporary
4 license to an applicant for a behavior analyst license or
5 assistant behavior analyst license upon receipt of a complete
6 application, submission of a fee as set by the committee by rule
7 for behavior analyst or assistant behavior analyst, and a showing
8 of valid licensure as a behavior analyst or assistant behavior
9 analyst in another state, only if the applicant has submitted
10 fingerprints and no disqualifying criminal history appears on the
11 family care safety registry. The temporary license shall expire
12 upon issuance of a license or denial of the application but no
13 later than ninety days from issuance of the temporary license.
14 Upon written request to the committee, the holder of a temporary
15 license shall be entitled to one extension of ninety days of the
16 temporary license.

17 5. (1) The committee shall, in accordance with rules
18 promulgated by the committee, issue a provisional behavior
19 analyst license or a provisional assistant behavior analyst
20 license upon receipt by the committee of a complete application,
21 appropriate fee as set by the committee by rule, and proof of
22 satisfaction of requirements under subsections 2 and 3 of this
23 section, respectively, and other requirements established by the
24 committee by rule, except that applicants for a provisional
25 license as either a behavior analyst or assistant behavior
26 analyst need not have passed an examination and been certified as
27 a board-certified behavior analyst or a board-certified assistant
28 behavior analyst to obtain a provisional behavior analyst or

1 provisional assistant behavior analyst license.

2 (2) A provisional license issued under this subsection
3 shall only authorize and permit the licensee to render behavior
4 analysis under the supervision and the full professional
5 responsibility and control of such licensee's licensed
6 supervisor.

7 (3) A provisional license shall automatically terminate
8 upon issuance of a permanent license, upon a finding of cause to
9 discipline after notice and hearing under section 337.330, upon
10 termination of supervision by a licensed supervisor, or upon the
11 expiration of one year from the date of issuance of the
12 provisional license, whichever first occurs. The provisional
13 license may be renewed after one year, with a maximum issuance of
14 two years. Upon a showing of good cause, the committee by rule
15 shall provide procedures for exceptions and variances from the
16 requirement of a maximum issuance of two years.

17 6. No person shall hold himself or herself out to be
18 licensed behavior analysts or LBA, provisionally licensed
19 behavior analyst or PLBA, provisionally licensed assistant
20 behavior analyst or PLABA, temporary licensed behavior analyst or
21 TLBA, or temporary licensed assistant behavior analyst or TLaBA,
22 licensed assistant behavior analysts or LaBA in the state of
23 Missouri unless they meet the applicable requirements.

24 7. No persons shall practice applied behavior analysis
25 unless they are:

26 (1) Licensed behavior analysts;

27 (2) Licensed assistant behavior analysts working under the
28 supervision of a licensed behavior analyst;

1 (3) An individual who has a bachelor's or graduate degree
2 and completed course work for licensure as a behavior analyst and
3 is obtaining supervised field experience under a licensed
4 behavior analyst pursuant to required supervised work experience
5 for licensure at the behavior analyst or assistant behavior
6 analyst level;

7 (4) Licensed psychologists practicing within the rules and
8 standards of practice for psychologists in the state of Missouri
9 and whose practice is commensurate with their level of training
10 and experience;

11 (5) Provisionally licensed behavior analysts;

12 (6) Provisionally licensed assistant behavior analysts;

13 (7) Temporary licensed behavior analysts; or

14 (8) Temporary licensed assistant behavior analysts.

15 8. Notwithstanding the provisions in subsection 6 of this
16 section, any licensed or certified professional may practice
17 components of applied behavior analysis, as defined in section
18 337.300 if he or she is acting within his or her applicable scope
19 of practice and ethical guidelines.

20 9. All licensed behavior analysts and licensed assistant
21 behavior analysts shall be bound by the code of conduct adopted
22 by the committee by rule.

23 10. Licensed assistant behavior analysts shall work under
24 the direct supervision of a licensed behavior analyst as
25 established by committee rule.

26 11. Persons who provide services under the Individuals with
27 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et
28 seq., or Section 504 of the federal Rehabilitation Act of 1973,

1 29 U.S.C. Section 794, or are enrolled in a course of study at a
2 recognized educational institution through which the person
3 provides applied behavior analysis as part of supervised clinical
4 experience shall be exempt from the requirements of this section.

5 12. A violation of this section shall be punishable by
6 probation, suspension, or loss of any license held by the
7 violator.

8 337.320. 1. The division shall mail a renewal notice to
9 the last known address of each licensee or registrant prior to
10 the renewal date.

11 2. Each person wishing to renew the behavior analyst
12 license or the assistant behavior analyst license shall:

13 (1) Submit a complete application on a form approved by the
14 committee, which shall include a statement that the applicant has
15 completed two hours of suicide assessment, referral, treatment,
16 and management training;

17 (2) Pay all necessary fees as set by the committee; and

18 (3) Submit proof of active certification and fulfillment of
19 all requirements for renewal and recertification with the
20 certifying entity.

21 3. Failure to provide the division with documentation
22 required by subsection 2 of this section or other information
23 required for renewal shall effect a revocation of the license
24 after a period of sixty days from the renewal date.

25 4. Each person wishing to restore the license, within two
26 years of the renewal date, shall:

27 (1) Submit a complete application on a form approved by the
28 committee;

1 (2) Pay the renewal fee and a delinquency fee as set by the
2 committee; and

3 (3) Submit proof of current certification from a certifying
4 body approved by the committee.

5 5. A new license to replace any certificate lost,
6 destroyed, or mutilated may be issued subject to the rules of the
7 committee, upon payment of a fee established by the committee.

8 6. The committee shall set the amount of the fees
9 authorized by sections 337.300 to 337.345 and required by rules
10 promulgated under section 536.021. The fees shall be set at a
11 level to produce revenue which shall not substantially exceed the
12 cost and expense of administering sections 337.300 to 337.345.

13 7. The committee is authorized to issue an inactive license
14 to any licensee who makes written application for such license on
15 a form provided by the committee and remits the fee for an
16 inactive license established by the committee. An inactive
17 license may be issued only to a person who has previously been
18 issued a license to practice as a licensed behavior analyst or a
19 licensed assistant behavior analyst who is no longer regularly
20 engaged in such practice and who does not hold himself or herself
21 out to the public as being professionally engaged in such
22 practice in this state. Each inactive license shall be subject
23 to all provisions of this chapter, except as otherwise
24 specifically provided. Each inactive license may be renewed by
25 the committee subject to all provisions of this section and all
26 other provisions of this chapter. The inactive licensee shall
27 not be required to submit evidence of completion of continuing
28 education as required by this chapter.

1 8. An inactive licensee may apply for a license to
2 regularly engage in the practice of behavioral analysis by:

3 (1) Submitting a complete application on a form approved by
4 the committee;

5 (2) Paying the reactivation fee as set by the committee;
6 and

7 (3) Submitting proof of current certification from a
8 certifying body approved by the committee.

9 337.507. 1. Applications for examination and licensure as
10 a professional counselor shall be in writing, submitted to the
11 division on forms prescribed by the division and furnished to the
12 applicant. The form shall include a statement that the applicant
13 has completed two hours of suicide assessment, referral,
14 treatment, and management training. The application shall
15 contain the applicant's statements showing his education,
16 experience and such other information as the division may
17 require. Each application shall contain a statement that it is
18 made under oath or affirmation and that the information contained
19 therein is true and correct to the best knowledge and belief of
20 the applicant, subject to the penalties provided for the making
21 of a false affidavit or declaration. Each application shall be
22 accompanied by the fees required by the committee.

23 2. The division shall mail a renewal notice to the last
24 known address of each licensee prior to the registration renewal
25 date. Failure to provide the division with the information
26 required for registration, or to pay the registration fee after
27 such notice shall effect a revocation of the license after a
28 period of sixty days from the registration renewal date. The

1 license shall be restored if, within two years of the
2 registration date, the applicant provides written application and
3 the payment of the registration fee and a delinquency fee.

4 3. A new certificate to replace any certificate lost,
5 destroyed or mutilated may be issued subject to the rules of the
6 committee, upon payment of a fee.

7 4. The committee shall set the amount of the fees which
8 sections 337.500 to 337.540 authorize and require by rules and
9 regulations promulgated pursuant to section 536.021. The fees
10 shall be set at a level to produce revenue which shall not
11 substantially exceed the cost and expense of administering the
12 provisions of sections 337.500 to 337.540. All fees provided for
13 in sections 337.500 to 337.540 shall be collected by the director
14 who shall deposit the same with the state treasurer in a fund to
15 be known as the "Committee of Professional Counselors Fund".

16 5. The provisions of section 33.080 to the contrary
17 notwithstanding, money in this fund shall not be transferred and
18 placed to the credit of general revenue until the amount in the
19 fund at the end of the biennium exceeds two times the amount of
20 the appropriation from the committee's fund for the preceding
21 fiscal year or, if the committee requires by rule renewal less
22 frequently than yearly then three times the appropriation from
23 the committee's fund for the preceding fiscal year. The amount,
24 if any, in the fund which shall lapse is that amount in the fund
25 which exceeds the appropriate multiple of the appropriations from
26 the committee's fund for the preceding fiscal year.

27 6. The committee shall hold public examinations at least
28 two times per year, at such times and places as may be fixed by

1 the committee, notice of such examinations to be given to each
2 applicant at least ten days prior thereto.

3 337.510. 1. Each applicant for licensure as a professional
4 counselor shall furnish evidence to the committee that the
5 applicant is at least eighteen years of age, is of good moral
6 character, is a United States citizen or is legally present in
7 the United States; and

8 (1) The applicant has completed a course of study as
9 defined by the board rule leading to a master's, specialist's, or
10 doctoral degree with a major in counseling, except any applicant
11 who has held a license as a professional counselor in this state
12 or currently holds a license as a professional counselor in
13 another state shall not be required to have completed any courses
14 related to career development; and

15 (2) The applicant has completed acceptable supervised
16 counseling as defined by board rule. If the applicant has a
17 master's degree with a major in counseling as defined by board
18 rule, the applicant shall complete at least two years of
19 acceptable supervised counseling experience subsequent to the
20 receipt of the master's degree. The composition and number of
21 hours comprising the acceptable supervised counseling experience
22 shall be defined by board rule. An applicant may substitute
23 thirty semester hours of post master's graduate study for one of
24 the two required years of acceptable supervised counseling
25 experience if such hours are clearly related to counseling;

26 (3) After August 28, 2007, each applicant shall have
27 completed a minimum of three hours of graduate level coursework
28 in diagnostic systems either in the curriculum leading to a

1 degree or as post master's graduate level course work;

2 (4) Upon examination, the applicant is possessed of
3 requisite knowledge of the profession, including techniques and
4 applications, research and its interpretation, and professional
5 affairs and ethics.

6 2. Any person who previously held a valid unrevoked,
7 unsuspended license as a professional counselor in this state and
8 who held a valid license as a professional counselor in another
9 state at the time of application to the committee shall be
10 granted a license to engage in professional counseling in this
11 state upon application to the committee accompanied by the
12 appropriate fee as established by the committee pursuant to
13 section 337.507.

14 3. Any person holding a current license, certificate of
15 registration, or permit from another state or territory of the
16 United States to practice as a professional counselor who is at
17 least eighteen years of age, is of good moral character, and is a
18 United States citizen or is legally present in the United States
19 may be granted a license without examination to engage in the
20 practice of professional counseling in this state upon the
21 application to the board, payment of the required fee as
22 established by the board, and satisfying one of the following
23 requirements:

24 (1) Approval by the American Association of State
25 Counseling Boards (AASCB) or its successor organization according
26 to the eligibility criteria established by AASCB. The successor
27 organization shall be defined by board rule; or

28 (2) In good standing and currently certified by the

1 National Board for Certified Counselors or its successor
2 organization and has completed acceptable supervised counseling
3 experience as defined by board rule. The successor organization
4 shall be defined by board rule; or

5 (3) Determination by the board that the requirements of the
6 other state or territory are substantially the same as Missouri
7 and certified by the applicant's current licensing entity that
8 the applicant has a current license. The applicant shall also
9 consent to examination of any disciplinary history.

10 4. The committee shall issue a license to each person who
11 files an application and fee and who furnishes evidence
12 satisfactory to the committee that the applicant has complied
13 with the provisions of this act and has taken and passed a
14 written, open-book examination on Missouri laws and regulations
15 governing the practice of professional counseling as defined in
16 section 337.500. The division shall issue a provisional
17 professional counselor license to any applicant who meets all
18 requirements of this section, but who has not completed the
19 required acceptable supervised counseling experience and such
20 applicant may reapply for licensure as a professional counselor
21 upon completion of such acceptable supervised counseling
22 experience.

23 5. All persons licensed to practice professional counseling
24 in this state shall pay on or before the license renewal date a
25 renewal license fee and shall furnish to the committee
26 satisfactory evidence of the completion of the requisite number
27 of hours of continuing education as required by rule, including
28 two hours of suicide assessment, referral, treatment, and

1 management training, which shall be no more than forty hours
2 biennially. The continuing education requirements may be waived
3 by the committee upon presentation to the committee of
4 satisfactory evidence of the illness of the licensee or for other
5 good cause.

6 337.612. 1. Applications for licensure as a clinical
7 social worker, baccalaureate social worker, advanced macro social
8 worker or master social worker shall be in writing, submitted to
9 the committee on forms prescribed by the committee and furnished
10 to the applicant. The form shall include a statement that the
11 applicant has completed two hours of suicide assessment,
12 referral, treatment, and management training. The application
13 shall contain the applicant's statements showing the applicant's
14 education, experience, and such other information as the
15 committee may require. Each application shall contain a
16 statement that it is made under oath or affirmation and that the
17 information contained therein is true and correct to the best
18 knowledge and belief of the applicant, subject to the penalties
19 provided for the making of a false affidavit or declaration.
20 Each application shall be accompanied by the fees required by the
21 committee.

22 2. The committee shall mail a renewal notice to the last
23 known address of each licensee prior to the licensure renewal
24 date. Failure to provide the committee with the information
25 required for licensure, or to pay the licensure fee after such
26 notice shall effect a revocation of the license after a period of
27 sixty days from the licensure renewal date. The license shall be
28 restored if, within two years of the licensure date, the

1 applicant provides written application and the payment of the
2 licensure fee and a delinquency fee.

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

6 4. The committee shall set the amount of the fees which
7 sections 337.600 to 337.689 authorize and require by rules and
8 regulations promulgated pursuant to section 536.021. The fees
9 shall be set at a level to produce revenue which shall not
10 substantially exceed the cost and expense of administering the
11 provisions of sections 337.600 to 337.689. All fees provided for
12 in sections 337.600 to 337.689 shall be collected by the director
13 who shall deposit the same with the state treasurer in a fund to
14 be known as the "Clinical Social Workers Fund". After August 28,
15 2007, the clinical social workers fund shall be called the
16 "Licensed Social Workers Fund" and after such date all references
17 in state law to the clinical social workers fund shall be
18 considered references to the licensed social workers fund.

19 5. The provisions of section 33.080 to the contrary
20 notwithstanding, money in this fund shall not be transferred and
21 placed to the credit of general revenue until the amount in the
22 fund at the end of the biennium exceeds two times the amount of
23 the appropriations from the clinical social workers fund for the
24 preceding fiscal year or, if the committee requires by rule
25 renewal less frequently than yearly, then three times the
26 appropriation from the committee's fund for the preceding fiscal
27 year. The amount, if any, in the fund which shall lapse is that
28 amount in the fund which exceeds the appropriate multiple of the

1 appropriations from the clinical social workers fund for the
2 preceding fiscal year.

3 337.618. Each license issued pursuant to the provisions of
4 sections 337.600 to 337.689 shall expire on a renewal date
5 established by the director. The term of licensure shall be
6 twenty-four months. The committee shall require a minimum number
7 of thirty clock hours of continuing education for renewal of a
8 license issued pursuant to sections 337.600 to 337.689, including
9 two hours of suicide assessment, referral, treatment, and
10 management training. The committee shall renew any license upon
11 application for a renewal, completion of the required continuing
12 education hours and upon payment of the fee established by the
13 committee pursuant to the provisions of section 337.612. As
14 provided by rule, the board may waive or extend the time
15 requirements for completion of continuing education for reasons
16 related to health, military service, foreign residency, or for
17 other good cause. All requests for waivers or extensions of time
18 shall be made in writing and submitted to the board before the
19 renewal date.

20 337.662. 1. Applications for licensure as a baccalaureate
21 social worker shall be in writing, submitted to the committee on
22 forms prescribed by the committee and furnished to the applicant.
23 The form shall include a statement that the applicant has
24 completed two hours of suicide assessment, referral, treatment,
25 and management training. The application shall contain the
26 applicant's statements showing the applicant's education,
27 experience and such other information as the committee may
28 require. Each application shall contain a statement that it is

1 made under oath or affirmation and that the information contained
2 therein is true and correct to the best knowledge and belief of
3 the applicant, subject to the penalties provided for the making
4 of a false affidavit or declaration. Each application shall be
5 accompanied by the fees required by the committee.

6 2. The committee shall mail a renewal notice to the last
7 known address of each licensee prior to the licensure renewal
8 date. Failure to provide the committee with the information
9 required for licensure as provided in subsection 1 of this
10 section, or to pay the licensure fee after such notice shall
11 effect a revocation of the license after a period of sixty days
12 from the licensure renewal date. The license shall be restored
13 if, within two years of the licensure date, the applicant
14 provides written application and the payment of the licensure fee
15 and a delinquency fee.

16 3. A new certificate to replace any certificate lost,
17 destroyed or mutilated may be issued subject to the rules of the
18 committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which
20 sections 337.650 to 337.689 authorize and require by rules and
21 regulations promulgated pursuant to chapter 536. The fees shall
22 be set at a level to produce revenue which shall not
23 substantially exceed the cost and expense of administering the
24 provisions of sections 337.650 to 337.689. All fees provided for
25 in sections 337.650 to 337.689 shall be collected by the director
26 who shall deposit the same with the state treasurer in the
27 clinical social workers fund established in section 337.612.

28 337.712. 1. Applications for licensure as a baccalaureate

1 social worker shall be in writing, submitted to the committee on
2 forms prescribed by the committee and furnished to the applicant.
3 The form shall include a statement that the applicant has
4 completed two hours of suicide assessment, referral, treatment,
5 and management training. The application shall contain the
6 applicant's statements showing the applicant's education,
7 experience and such other information as the committee may
8 require. Each application shall contain a statement that it is
9 made under oath or affirmation and that the information contained
10 therein is true and correct to the best knowledge and belief of
11 the applicant, subject to the penalties provided for the making
12 of a false affidavit or declaration. Each application shall be
13 accompanied by the fees required by the committee.

14 2. The committee shall mail a renewal notice to the last
15 known address of each licensee prior to the licensure renewal
16 date. Failure to provide the committee with the information
17 required for licensure, or to pay the licensure fee after such
18 notice shall effect a revocation of the license after a period of
19 sixty days from the licensure renewal date. The license shall be
20 restored if, within two years of the licensure date, the
21 applicant provides written application and the payment of the
22 licensure fee and a delinquency fee.

23 3. A new certificate to replace any certificate lost,
24 destroyed or mutilated may be issued subject to the rules of the
25 committee, upon payment of a fee.

26 4. The committee shall set the amount of the fees which
27 sections 337.650 to 337.689 authorize and require by rules and
28 regulations promulgated pursuant to chapter 536. The fees shall

1 be set at a level to produce revenue which shall not
2 substantially exceed the cost and expense of administering the
3 provisions of sections 337.650 to 337.689. All fees provided for
4 in sections 337.650 to 337.689 shall be collected by the director
5 who shall deposit the same with the state treasurer in the
6 clinical social workers fund established in section 337.612.

7 337.718. 1. Each license issued pursuant to the provisions
8 of sections 337.700 to 337.739 shall expire on a renewal date
9 established by the director. The term of licensure shall be
10 twenty-four months; however, the director may establish a shorter
11 term for the first licenses issued pursuant to sections 337.700
12 to 337.739. The division shall renew any license upon
13 application for a renewal and upon payment of the fee established
14 by the division pursuant to the provisions of section 337.712.
15 Effective August 28, 2008, as a prerequisite for renewal, each
16 licensed marital and family therapist shall furnish to the
17 committee satisfactory evidence of the completion of the
18 requisite number of hours of continuing education as defined by
19 rule, which shall be no more than forty contact hours biennially.
20 At least two hours of continuing education shall be in suicide
21 assessment, referral, treatment, and management training. The
22 continuing education requirements may be waived by the committee
23 upon presentation to the committee of satisfactory evidence of
24 illness or for other good cause.

25 2. The committee may issue temporary permits to practice
26 under extenuating circumstances as determined by the committee
27 and defined by rule.

28 344.030. 1. An applicant for an initial license shall file

1 a completed application with the board on a form provided by the
2 board, accompanied by an application fee as provided by rule
3 payable to the department of health and senior services.

4 Information provided in the application shall be attested by
5 signature to be true and correct to the best of the applicant's
6 knowledge and belief.

7 2. No initial license shall be issued to a person as a
8 nursing home administrator unless:

9 (1) The applicant provides the board satisfactory proof
10 that the applicant is [twenty-one years of age or over,] of good
11 moral character and a high school graduate or equivalent;

12 (2) The applicant provides the board satisfactory proof
13 that the applicant has had a minimum of three years' experience
14 in health care administration or two years of postsecondary
15 education in health care administration or has satisfactorily
16 completed a course of instruction and training prescribed by the
17 board, which includes instruction in the needs properly to be
18 served by nursing homes, the protection of the interests of
19 residents therein, and the elements of good nursing home
20 administration, or has presented evidence satisfactory to the
21 board of sufficient education, training, or experience in the
22 foregoing fields to administer, supervise and manage a nursing
23 home; and

24 (3) The applicant passes the examinations administered by
25 the board. If an applicant fails to make a passing grade on
26 either of the examinations such applicant may make application
27 for reexamination on a form furnished by the board and may be
28 retested. If an applicant fails either of the examinations a

1 third time, the applicant shall be required to complete a course
2 of instruction prescribed and approved by the board. After
3 completion of the board-prescribed course of instruction, the
4 applicant may reapply for examination. With regard to the
5 national examination required for licensure, no examination
6 scores from other states shall be recognized by the board after
7 the applicant has failed his or her third attempt at the national
8 examination. There shall be a separate, nonrefundable fee for
9 each examination. The board shall set the amount of the fee for
10 examination by rules and regulations promulgated pursuant to
11 section 536.021. The fee shall be set at a level to produce
12 revenue which shall not substantially exceed the cost and expense
13 of administering the examination.

14 3. The board may issue a license through reciprocity to any
15 person who is regularly licensed as a nursing home administrator
16 in any other state, territory, or the District of Columbia, if
17 the regulations for securing such license are equivalent to those
18 required in the state of Missouri. However, no license by
19 reciprocity shall be issued until the applicant passes a special
20 examination approved by the board, which will examine the
21 applicant's knowledge of specific provisions of Missouri statutes
22 and regulations pertaining to nursing homes. The applicant shall
23 furnish satisfactory evidence that such applicant is of good
24 moral character and has acted in the capacity of a nursing home
25 administrator in such state, territory, or the District of
26 Columbia at least one year after the securing of the license.
27 The board, in its discretion, may enter into written reciprocal
28 agreements pursuant to this section with other states which have

1 equivalent laws and regulations.

2 4. Nothing in sections 344.010 to 344.108, or the rules or
3 regulations thereunder shall be construed to require an applicant
4 for a license as a nursing home administrator, who is employed by
5 an institution listed and certified by the Commission for
6 Accreditation of Christian Science Nursing
7 Organizations/Facilities, Inc., to administer institutions
8 certified by such commission for the care and treatment of the
9 sick in accordance with the creed or tenets of a recognized
10 church or religious denomination, to demonstrate proficiency in
11 any techniques or to meet any educational qualifications or
12 standards not in accord with the remedial care and treatment
13 provided in such institutions. The applicant's license shall be
14 endorsed to confine the applicant's practice to such
15 institutions.

16 5. The board may issue a temporary emergency license for a
17 period not to exceed ninety days to a person twenty-one years of
18 age or over, of good moral character and a high school graduate
19 or equivalent to serve as an acting nursing home administrator,
20 provided such person is replacing a licensed nursing home
21 administrator who has died, has been removed or has vacated the
22 nursing home administrator's position. No temporary emergency
23 license may be issued to a person who has had a nursing home
24 administrator's license denied, suspended or revoked. A
25 temporary emergency license may be renewed for one additional
26 ninety-day period upon a showing that the person seeking the
27 renewal of a temporary emergency license meets the qualifications
28 for licensure and has filed an application for a regular license,

1 accompanied by the application fee, and the applicant has taken
2 the examination or examinations but the results have not been
3 received by the board. No temporary emergency license may be
4 renewed more than one time.

5 374.715. 1. Applications for examination and licensure as
6 a bail bond agent or general bail bond agent shall be in writing
7 and on forms prescribed and furnished by the department, and
8 shall contain such information as the department requires. Each
9 application shall be accompanied by proof satisfactory to the
10 department that the applicant is a citizen of the United States,
11 [is at least twenty-one years of age,] has a high school diploma
12 or general education development certificate (GED), is of good
13 moral character, and meets the qualifications for surety on bail
14 bonds as provided by supreme court rule. Each application shall
15 be accompanied by the examination and application fee set by the
16 department. Individuals currently employed as bail bond agents
17 and general bail bond agents shall not be required to meet the
18 education requirements needed for licensure pursuant to this
19 section.

20 2. In addition, each applicant for licensure as a general
21 bail bond agent shall furnish proof satisfactory to the
22 department that the applicant or, if the applicant is a
23 corporation, that each officer thereof has completed at least two
24 years as a bail bond agent, and that the applicant possesses
25 liquid assets of at least ten thousand dollars, along with a duly
26 executed assignment of ten thousand dollars to the state of
27 Missouri. The assignment shall become effective upon the
28 applicant's violating any provision of sections 374.695 to

1 374.789. The assignment required by this section shall be in the
2 form and executed in the manner prescribed by the department.
3 The director may require by regulation conditions by which
4 additional assignments of assets of the general bail bond agent
5 may occur when the circumstances of the business of the general
6 bail bond agent warrants additional funds. However, such
7 additional funds shall not exceed twenty-five thousand dollars.

8 374.784. 1. Applications for examination and licensure as
9 a surety recovery agent shall be submitted on forms prescribed by
10 the department and shall contain such information as the
11 department requires, along with a copy of the front and back of a
12 photographic identification card.

13 2. Each application shall be accompanied by proof
14 satisfactory to the director that the applicant is a citizen of
15 the United States[, is at least twenty-one years of age,] and has
16 a high school diploma or a general educational development
17 certificate (GED). An applicant shall furnish evidence of such
18 person's qualifications by completing an approved surety recovery
19 agent course with at least twenty-four hours of initial minimum
20 training. The director shall determine which institutions,
21 organizations, associations, and individuals shall be eligible to
22 provide said training. Said instructions and fees associated
23 therewith shall be identical or similar to those prescribed in
24 section 374.710 for bail bond agents and general bail bond
25 agents.

26 3. In addition to said twenty-four hours of initial minimum
27 training, licensees shall be required to receive eight hours of
28 biennial continuing education of which said instructions and fees

1 shall be identical or similar to those prescribed in section
2 374.710 for bail bond agents and general bail bond agents.

3 4. Applicants for surety recovery agents licensing shall be
4 exempt from said requirements of the twenty-four hours of initial
5 minimum training if applicants provide proof of prior training as
6 a law enforcement officer with at least two years of such service
7 within the ten years prior to the application being submitted to
8 the department.

9 5. The director may refuse to issue any license pursuant to
10 sections 374.783 to 374.789, for any one or any combination of
11 causes stated in section 374.787. The director shall notify the
12 applicant in writing of the reason or reasons for refusal and
13 shall advise the applicant of the right to file a complaint with
14 the administrative hearing commission to appeal the refusal as
15 provided by chapter 621.

16 632.005. As used in chapter 631 and this chapter, unless
17 the context clearly requires otherwise, the following terms shall
18 mean:

19 (1) "Comprehensive psychiatric services", any one, or any
20 combination of two or more, of the following services to persons
21 affected by mental disorders other than intellectual disabilities
22 or developmental disabilities: inpatient, outpatient, day
23 program or other partial hospitalization, emergency, diagnostic,
24 treatment, liaison, follow-up, consultation, education,
25 rehabilitation, prevention, screening, transitional living,
26 medical prevention and treatment for alcohol abuse, and medical
27 prevention and treatment for drug abuse;

28 (2) "Council", the Missouri advisory council for

1 comprehensive psychiatric services;

2 (3) "Court", the court which has jurisdiction over the
3 respondent or patient;

4 (4) "Division", the division of comprehensive psychiatric
5 services of the department of mental health;

6 (5) "Division director", director of the division of
7 comprehensive psychiatric services of the department of mental
8 health, or his designee;

9 (6) "Head of mental health facility", superintendent or
10 other chief administrative officer of a mental health facility,
11 or his designee;

12 (7) "Judicial day", any Monday, Tuesday, Wednesday,
13 Thursday or Friday when the court is open for business, but
14 excluding Saturdays, Sundays and legal holidays;

15 (8) "Licensed physician", a physician licensed pursuant to
16 the provisions of chapter 334 or a person authorized to practice
17 medicine in this state pursuant to the provisions of section
18 334.150;

19 (9) "Licensed professional counselor", a person licensed as
20 a professional counselor under chapter 337 and with a minimum of
21 one year training or experience in providing psychiatric care,
22 treatment, or services in a psychiatric setting to individuals
23 suffering from a mental disorder;

24 (10) "Likelihood of serious harm" means any one or more of
25 the following but does not require actual physical injury to have
26 occurred:

27 (a) A substantial risk that serious physical harm will be
28 inflicted by a person upon his own person, as evidenced by recent

1 threats, including verbal threats, or attempts to commit suicide
2 or inflict physical harm on himself. Evidence of substantial
3 risk may also include information about patterns of behavior that
4 historically have resulted in serious harm previously being
5 inflicted by a person upon himself;

6 (b) A substantial risk that serious physical harm to a
7 person will result or is occurring because of an impairment in
8 his capacity to make decisions with respect to his
9 hospitalization and need for treatment as evidenced by his
10 current mental disorder or mental illness which results in an
11 inability to provide for his own basic necessities of food,
12 clothing, shelter, safety or medical care or his inability to
13 provide for his own mental health care which may result in a
14 substantial risk of serious physical harm. Evidence of that
15 substantial risk may also include information about patterns of
16 behavior that historically have resulted in serious harm to the
17 person previously taking place because of a mental disorder or
18 mental illness which resulted in his inability to provide for his
19 basic necessities of food, clothing, shelter, safety or medical
20 or mental health care; or

21 (c) A substantial risk that serious physical harm will be
22 inflicted by a person upon another as evidenced by recent overt
23 acts, behavior or threats, including verbal threats, which have
24 caused such harm or which would place a reasonable person in
25 reasonable fear of sustaining such harm. Evidence of that
26 substantial risk may also include information about patterns of
27 behavior that historically have resulted in physical harm
28 previously being inflicted by a person upon another person;

1 (11) "Mental health coordinator", a mental health
2 professional who has knowledge of the laws relating to hospital
3 admissions and civil commitment and who is authorized by the
4 director of the department, or his designee, to serve a
5 designated geographic area or mental health facility and who has
6 the powers, duties and responsibilities provided in this chapter;

7 (12) "Mental health facility", any residential facility,
8 public or private, or any public or private hospital, which can
9 provide evaluation, treatment and, inpatient care to persons
10 suffering from a mental disorder or mental illness and which is
11 recognized as such by the department or any outpatient treatment
12 program certified by the department of mental health. No
13 correctional institution or facility, jail, regional center or
14 developmental disability facility shall be a mental health
15 facility within the meaning of this chapter;

16 (13) "Mental health professional", a psychiatrist, resident
17 in psychiatry, psychiatric physician assistant, psychiatric
18 assistant physician, psychiatric advanced practice registered
19 nurse, psychologist, psychiatric nurse, licensed professional
20 counselor, or psychiatric social worker;

21 (14) "Mental health program", any public or private
22 residential facility, public or private hospital, public or
23 private specialized service or public or private day program that
24 can provide care, treatment, rehabilitation or services, either
25 through its own staff or through contracted providers, in an
26 inpatient or outpatient setting to persons with a mental disorder
27 or mental illness or with a diagnosis of alcohol abuse or drug
28 abuse which is recognized as such by the department. No

1 correctional institution or facility or jail may be a mental
2 health program within the meaning of this chapter;

3 (15) "Ninety-six hours" shall be construed and computed to
4 exclude Saturdays, Sundays and legal holidays which are observed
5 either by the court or by the mental health facility where the
6 respondent is detained;

7 (16) "Peace officer", a sheriff, deputy sheriff, county or
8 municipal police officer or highway patrolman;

9 (17) "Psychiatric advanced practice registered nurse", a
10 registered nurse who is currently recognized by the board of
11 nursing as an advanced practice registered nurse, who has at
12 least two years of experience in providing psychiatric treatment
13 to individuals suffering from mental disorders;

14 (18) "Psychiatric assistant physician", a licensed
15 assistant physician under chapter 334 and who has had at least
16 two years of experience as an assistant physician in providing
17 psychiatric treatment to individuals suffering from mental health
18 disorders;

19 (19) "Psychiatric nurse", a registered professional nurse
20 who is licensed under chapter 335 and who has had at least two
21 years of experience as a registered professional nurse in
22 providing psychiatric nursing treatment to individuals suffering
23 from mental disorders;

24 [(18)] (20) "Psychiatric physician assistant", a licensed
25 physician assistant under chapter 334 and who has had at least
26 two years of experience as a physician assistant in providing
27 psychiatric treatment to individuals suffering from mental health
28 disorders or a graduate of a postgraduate residency or fellowship

1 for physician assistants in psychiatry or is currently in a
2 postgraduate physician assistant residency or fellowship in
3 psychiatry;

4 (21) "Psychiatric social worker", a person with a master's
5 or further advanced degree from an accredited school of social
6 work, practicing pursuant to chapter 337, and with a minimum of
7 one year training or experience in providing psychiatric care,
8 treatment or services in a psychiatric setting to individuals
9 suffering from a mental disorder;

10 [(19)] (22) "Psychiatrist", a licensed physician who in
11 addition has successfully completed a training program in
12 psychiatry approved by the American Medical Association, the
13 American Osteopathic Association or other training program
14 certified as equivalent by the department;

15 [(20)] (23) "Psychologist", a person licensed to practice
16 psychology under chapter 337 with a minimum of one year training
17 or experience in providing treatment or services to mentally
18 disordered or mentally ill individuals;

19 [(21)] (24) "Resident in psychiatry", a licensed physician
20 who is in a training program in psychiatry approved by the
21 American Medical Association, the American Osteopathic
22 Association or other training program certified as equivalent by
23 the department;

24 [(22)] (25) "Respondent", an individual against whom
25 involuntary civil detention proceedings are instituted pursuant
26 to this chapter;

27 [(23)] (26) "Treatment", any effort to accomplish a
28 significant change in the mental or emotional conditions or the

1 behavior of the patient consistent with generally recognized
2 principles or standards in the mental health professions.

3 [328.100. The board may at any time require any
4 barber to whom a certificate of registration is issued
5 to be examined at the licensee's expense by a licensed
6 physician to ascertain if such barber is free of
7 infectious or contagious diseases and is not afflicted
8 with any physical or mental ailment which would render
9 him unfit to practice the occupation of barbering.]

10
11 Section B. The enactment of sections 337.100, 337.105,
12 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140,
13 337.145, 337.150, 337.155, 337.160, and 337.165 shall become
14 effective upon notification by the commission to the revisor of
15 statutes that seven states have adopted the psychology
16 interjurisdictional compact.