

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 184, Page 1, Section A, Line 3, by
2 inserting after said section and line the following:

3
4 "214.276. 1. The division may refuse to issue or renew any license, required pursuant to
5 sections 214.270 to 214.516 for one or any combination of causes stated in subsection 2 of this
6 section. The division shall notify the applicant in writing of the reasons for the refusal and shall
7 advise the applicant of his or her right to file a complaint with the administrative hearing
8 commission as provided by chapter 621.

9 2. The division may cause a complaint to be filed with the administrative hearing
10 commission as provided in chapter 621 against any holder of any license, required by sections
11 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or any
12 combination of the following causes:

13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
14 extent that such use impairs a person's ability to perform the work of any profession licensed or
15 regulated by sections 214.270 to 214.516;

16 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
17 nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States
18 or any country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~]
19 ~~duties [of any profession licensed or regulated pursuant to sections 214.270 to 214.516, for any~~
20 ~~offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense~~
21 ~~involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012,~~
22 regardless of whether or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued
24 pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination given or
25 required pursuant to sections 214.270 to 214.516;

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

28 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
29 the performance of the functions or duties of any profession regulated by sections 214.270 to
30 214.516;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to
33 214.516;

34 (7) Impersonation of any person holding a license or allowing any person to use his or her
35 license;

36 (8) Disciplinary action against the holder of a license or other right to practice any

Action Taken _____ Date _____

1 profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal
2 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

4 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
5 or regulated by sections 214.270 to 214.516 who is not registered and currently eligible to practice
6 pursuant to sections 214.270 to 214.516;

7 (11) Issuance of a license based upon a material mistake of fact;

8 (12) Failure to display a valid license;

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

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

12 (15) Willfully and through undue influence selling a burial space, cemetery services or
13 merchandise.

14 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
15 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
16 grounds, provided in subsection 2 of this section, for disciplinary action are met, the division may
17 singly or in combination, censure or place the person named in the complaint on probation on such
18 terms and conditions as the division deems appropriate for a period not to exceed five years, or may
19 suspend, or revoke the license or permit or may impose a penalty allowed by subsection 4 of section
20 214.410. No new license shall be issued to the owner or operator of a cemetery or to any
21 corporation controlled by such owner for three years after the revocation of the certificate of the
22 owner or of a corporation controlled by the owner.

23 4. The division may settle disputes arising under subsections 2 and 3 of this section by
24 consent agreement or settlement agreement between the division and the holder of a license. Within
25 such a settlement agreement, the division may singly or in combination impose any discipline or
26 penalties allowed by this section or subsection 4 of section 214.410. Settlement of such disputes
27 shall be entered into pursuant to the procedures set forth in section 621.045.

28 5. Use of the procedures set out in this section shall not preclude the application of any other
29 remedy provided by this chapter.

30 256.477. 1. No person shall employ fraud or deceit in obtaining the certificate of
31 registration. A violation of this subsection shall be a class B misdemeanor.

32 2. Any person found to have performed geologic work regulated under sections 256.450 to
33 256.483 in a negligent manner shall be guilty of a class B misdemeanor.

34 3. Any person who uses the seal of a registered geologist, other than the person to whom the
35 seal was issued, shall be guilty of a class B misdemeanor.

36 4. The board shall revoke the certification of registration for ~~[a] any person [convicted of~~
37 ~~any felony or any crime involving moral turpitude or sentence of imprisonment or probation in lieu~~
38 ~~thereof, or for any misdemeanor relating to or arising out of the practice of geology affecting public~~
39 ~~health, safety and welfare]~~ who has been finally adjudicated and found guilty, or entered a plea of
40 guilty or nolo contendere, in a criminal prosecution under the laws of any state, the United States, or
41 any country, for any offense directly related to the duties and responsibilities of the occupation, as
42 set forth in section 324.012, regardless of whether or not sentence is imposed.

43 317.015. 1. Any person wishing to make a complaint against a licensee under sections
44 317.001 to 317.014 shall file the written complaint with the division setting forth supporting details.
45 If the division determines that the charges warrant a hearing to ascertain whether the licensee shall
46 be disciplined, it shall file a complaint with the administrative hearing commission as provided in
47 chapter 621. Any person holding more than one license issued by the division and disciplined under
48 one license will automatically be disciplined under all licenses.

49 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for one

1 or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
 2 subsection. The division shall notify the applicant in writing of the reasons for the refusal and shall
 3 advise the applicant of their rights to file a complaint or an appeal with the administrative hearing
 4 commission as provided in chapter 621.

5 (2) The division may file a complaint with the administrative hearing commission, as
 6 provided in chapter 621, against any holder of any permit or license issued pursuant to this chapter,
 7 or against any person who has failed to renew or has surrendered their permit or license, for any one
 8 or more of the following reasons:

9 (a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195,
 10 before or during a bout;

11 (b) The person has been finally adjudicated and found guilty or has entered a plea of guilty
 12 or nolo contendere in a criminal prosecution under ~~[any state or federal law]~~ the laws of any state,
 13 the United States, or any country for any offense ~~[reasonably]~~ directly related to the ~~[qualifications,~~
 14 ~~functions or]~~ duties and responsibilities of ~~[any profession licensed or regulated under this chapter,~~
 15 ~~for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any~~
 16 ~~offense involving moral turpitude,]~~ the occupation, as set forth in section 324.012, regardless of
 17 whether or not a sentence is imposed;

18 (c) Use of fraud, deception, misrepresentation or bribery in securing any permit or license
 19 issued pursuant to this chapter;

20 (d) Providing false information on applications or medical forms;

21 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
 22 the performing of the functions or duties of any profession licensed or regulated by this chapter;

23 (f) Violating or enabling any person to violate any provision of this chapter or any rule
 24 adopted pursuant to this chapter;

25 (g) Impersonating any permit or license holder or allowing any person to use their permit or
 26 license;

27 (h) Contestants failing to put forth their best effort during a bout;

28 (i) Disciplinary action against the holder of a license or other right to practice any
 29 profession regulated by this chapter and issued by another state, territory, federal agency or country
 30 upon grounds for which revocation or suspension is authorized in this state;

31 (j) A person adjudged mentally incompetent by a court of competent jurisdiction;

32 (k) Use of any advertisement or solicitation which is false, misleading or deceptive to the
 33 general public or persons to whom the advertisement or solicitation is primarily directed;

34 (l) Use of foul or abusive language or mannerisms or threats of physical harm by any person
 35 associated with any bout or contest licensed pursuant to this chapter; or

36 (m) Issuance of a permit or license based upon a mistake of fact.

37 (3) After the complaint is filed, the proceeding shall be conducted in accordance with the
 38 provisions of chapter 621. If the administrative hearing commission finds that a person has violated
 39 one or more of the grounds as provided in paragraphs (a) through (m) of subdivision (2) of this
 40 subsection, the division may censure or place the person named in the complaint on probation on
 41 appropriate terms and conditions for a period not to exceed five years, may suspend the person's
 42 license for a period not to exceed three years, or may revoke the person's license.

43 3. Upon a finding that the grounds provided in subsection 2 of this section for disciplinary
 44 action are met, the office may, singly or in combination, censure or place on probation on such terms
 45 and conditions as the office deems appropriate for a period not to exceed five years, or may suspend
 46 for a period not to exceed three years or revoke the certificate, license, or permit. In any order of
 47 revocation, the office may provide that the person shall not apply for a new license for a maximum
 48 of three years and one day following the date of the order of revocation. All stay orders shall toll
 49 the disciplinary time periods allotted herein. In lieu of or in addition to any remedy specifically

1 provided in subsection 1 of this section, the office may require of a licensee:

2 (1) Satisfactory completion of medical testing and/or rehabilitation programs as the office
3 may specify; and/or

4 (2) A review conducted as the office may specify and satisfactory completion of medical
5 testing and/or rehabilitation programs as the office may specify.

6 324.012. 1. This section shall be known and may be cited as the "Fresh Start Act of 2019".

7 2. As used in this section, the following terms mean:

8 (1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo
9 contendere;

10 (2) "Licensing", any required training, education, or fee to work in a specific occupation,
11 profession, or activity in the state;

12 (3) "Licensing authority", an agency, examining board, credentialing board, or other office
13 of the state with the authority to impose occupational fees or licensing requirements on any
14 profession;

15 (4) "Political subdivision", a city, town, village, municipality, or county.

16 3. Notwithstanding any other provision of law, beginning January 1, 2020, no person shall
17 be disqualified by a state licensing authority from pursuing, practicing, or engaging in any
18 occupation for which a license is required solely or in part because of a prior conviction of a crime
19 in this state or another state, unless the criminal conviction directly relates to the duties and
20 responsibilities for the licensed occupation.

21 4. All state and political subdivision licensing authorities shall revise their existing licensing
22 requirements to explicitly list the specific criminal offenses, civil penalties or judgments, or
23 disciplinary actions taken by other licensing authorities that may disqualify an applicant from
24 receiving a license. Such lists shall be made available to the public. Beginning August 28, 2019,
25 applicants for examination of licensure who have pleaded guilty to, entered a plea of nolo
26 contendere to, or been found guilty of any of the following offenses or offenses of a similar nature
27 established under the laws of this state, any other state, United States, or any other country,
28 notwithstanding whether sentence is imposed, may be considered by state and political subdivision
29 licensing authorities to have committed a criminal offense that directly relates to the duties and
30 responsibilities of a licensed profession:

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

32 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
33 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
34 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
35 statutory sodomy in the second degree, child molestation in the first degree, child molestation in the
36 second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a
37 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28,
38 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the
39 first or second degree, enticement of a child, or attempting to entice a child;

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

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

1 5. (1) Before January 1, 2020, each state licensing authority shall revise its existing
2 licensing requirements to list the categories or specific criminal convictions that could disqualify an
3 applicant from receiving a license. Licensing authorities shall not use vague or generic terms
4 including, but not limited to, "moral turpitude" and "good character", or consider arrests without a
5 subsequent conviction. Licensing authorities shall only list criminal convictions that are specific
6 and directly related to the duties and responsibilities for the licensed occupation.

7 (2) The licensing authority shall use the clear and convincing standard of proof in
8 examining the factors to determine whether an applicant with a criminal conviction listed under
9 subdivision (1) of this subsection will be denied a license. The licensing authority shall make its
10 determination based on the following factors:

11 (a) The nature and seriousness of the crime for which the individual was convicted;

12 (b) The passage of time since the commission of the crime, including consideration of the
13 factors listed under subdivision (3) of this subsection;

14 (c) The relationship of the crime to the ability, capacity, and fitness required to perform the
15 duties and discharge the responsibilities of the occupation; and

16 (d) Any evidence of rehabilitation or treatment undertaken by the individual that might
17 mitigate against a direct relation.

18 (3) If an individual has a valid criminal conviction for a crime that could disqualify the
19 individual from receiving a license, the disqualification shall not last longer than five years from the
20 date of conviction, provided that the conviction is not for any crime set forth in subsection 4 of this
21 section and the individual has not been convicted of any other crime directly related to the duties
22 and responsibilities for the licensed occupation during the five-year disqualification period. If an
23 individual was incarcerated at any time during the previous five years for a crime that could
24 disqualify the individual from receiving a license, the disqualification may last longer than five
25 years but shall not last longer than five years from the date the individual was incarcerated, provided
26 that the incarceration was not for a crime set forth in subsection 4 of this section. The provisions of
27 this subdivision shall not apply to an individual who has been exonerated for a crime for which he or
28 she has previously been convicted of or incarcerated.

29 6. An individual with a criminal record may petition a licensing authority at any time for a
30 determination of whether the individual's criminal record will disqualify the individual from
31 obtaining a license. This petition shall include details on the individual's criminal record. The
32 licensing authority shall inform the individual of his or her standing within thirty days after the
33 licensing authority has met, but in no event more than four months after receiving the petition from
34 the applicant. The decision shall be binding, unless the individual has subsequent criminal
35 convictions or failed to disclose information in his or her petition. The licensing authority may
36 charge a fee to recoup its costs not to exceed twenty-five dollars for each petition.

37 7. (1) If a licensing authority denies an individual a license solely or in part because of the
38 individual's prior conviction of a crime, the licensing authority shall notify the individual in writing
39 of the following:

40 (a) The grounds and reasons for the denial or disqualification;

41 (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the
42 licensing authority's decision;

43 (c) The earliest date the person may reapply for a license; and

44 (d) That evidence of rehabilitation may be considered upon reapplication.

45 (2) Any written determination by the licensing authority that an applicant's criminal
46 conviction is a specifically listed disqualifying conviction and is directly related to the duties and
47 responsibilities for the licensed occupation shall be documented with written findings for each of the
48 grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing
49 evidence sufficient for a reviewing court.

1 (3) In any administrative hearing or civil litigation authorized under this subsection, the
 2 licensing authority shall carry the burden of proof on the question of whether the applicant's
 3 criminal conviction directly relates to the occupation for which the license is sought.

4 8. The provisions of this section shall apply to any profession for which an occupational
 5 license is issued in this state, including any new occupational license created by a state licensing
 6 authority after August 28, 2019.

7 9. The provisions of this section shall apply to any profession for which an occupational
 8 license is issued in this state, including any new occupational license created by a state licensing
 9 authority after August 28, 2019. Notwithstanding any other provision of law, political subdivisions
 10 shall be prohibited from creating any new occupational licenses after August 28, 2019. The
 11 provisions of this section shall not apply to business licenses, where the terms "occupational
 12 licenses" and "business licenses" are used interchangeably in a city charter definition.

13 10. The provisions of this section shall not apply to peace officers or other law enforcement
 14 personnel licensed under the provisions of chapter 590 or to persons under the supervision or
 15 jurisdiction of the Missouri director of finance appointed pursuant to chapter 361.

16 11. Any department with oversight over a licensing authority may promulgate all necessary
 17 rules and regulations for the implementation of this section. Any rule or portion of a rule, as that
 18 term is defined in section 536.010, that is created under the authority delegated in this section shall
 19 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 20 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
 21 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
 22 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
 23 rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and
 24 void.

25 324.086. 1. The board may refuse to issue or renew any certificate of registration or
 26 authority, permit or license required pursuant to sections 324.050 to 324.089 for one or any
 27 combination of causes stated in subsection 2 of this section. The board shall notify the applicant in
 28 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
 29 complaint with the administrative hearing commission as provided by chapter 621.

30 2. The board may cause a complaint to be filed with the administrative hearing commission
 31 as provided by chapter 621 against any holder of any certificate of registration or authority, permit
 32 or license required by sections 324.050 to 324.089 or any person who has failed to renew or has
 33 surrendered his or her certificate of registration or authority, permit or license for any one or any
 34 combination of the following causes:

35 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or
 36 alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an
 37 occupational therapist or occupational therapy assistant;

38 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 39 nolo contendere, in a criminal prosecution under the laws of any state or of the United States or any
 40 country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of
 41 any profession licensed or regulated by sections 324.050 to 324.089, for any offense an essential
 42 element of which is fraud, dishonesty or an act of violence, or for any offense involving moral
 43 turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of
 44 whether or not sentence is imposed;

45 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
 46 registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in
 47 obtaining permission to take any examination given or required pursuant to sections 324.050 to
 48 324.089;

49 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by

1 fraud, deception or misrepresentation;

2 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
3 the performance of the functions and duties of any profession licensed or regulated by sections
4 324.050 to 324.089;

5 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
6 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections 324.050 to
7 324.089;

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

11 (8) Disciplinary action against the holder of a license or other right to practice any
12 profession regulated by sections 324.050 to 324.089 granted by another state, territory, federal
13 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

15 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
16 or regulated by sections 324.050 to 324.089 who is not registered and currently eligible to practice
17 pursuant to sections 324.050 to 324.089;

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

20 (12) Violation of any professional trust or confidence;

21 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to the
22 general public or persons to whom the advertisement or solicitation is primarily directed;

23 (14) Unethical conduct as defined in the ethical standards for occupational therapists and
24 occupational therapy assistants adopted by the board and filed with the secretary of state;

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

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

33 4. An individual whose license has been revoked shall wait at least one year from the date of
34 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after
35 compliance with all requirements of sections 324.050 to 324.089 relative to the licensing of the
36 applicant for the first time.

37 324.217. 1. The committee may refuse to issue any license or renew any license required by
38 the provisions of sections 324.200 to 324.225 for one or any combination of reasons stated in
39 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for
40 the refusal and shall advise the applicant of the right to file a complaint with the administrative
41 hearing commission as provided in chapter 621.

42 2. The committee may cause a complaint to be filed with the administrative hearing
43 commission as provided in chapter 621 against the holder of any license required by sections
44 324.200 to 324.225 or any person who has failed to renew or has surrendered the person's license for
45 any one or any combination of the following causes:

46 (1) Use of fraud, deception, misrepresentation or bribery in securing a license issued
47 pursuant to the provisions of sections 324.200 to 324.225 or in obtaining permission to take the
48 examination required pursuant to sections 324.200 to 324.225;

49 (2) Impersonation of any person holding a license or allowing any person to use his or her

1 license or diploma from any school;

2 (3) Disciplinary action against the holder of a license or other right to practice medical
3 nutrition therapy by another state, territory, federal agency or country upon grounds for which
4 revocation or suspension is authorized in this state;

5 (4) Issuance of a license based upon a material mistake of fact;

6 (5) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
7 nolo contendere, in a criminal prosecution pursuant to the laws of any state or the United States or
8 any country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions, or~~] duties
9 [~~of the professional who is regulated pursuant to sections 324.200 to 324.225, for any offense an~~
10 ~~essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~
11 ~~turpitude,~~] and responsibilities of the occupation, as set forth in section 324.012, regardless of
12 whether or not sentence is imposed;

13 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
14 the performance of the functions or duties of the profession that is regulated by sections 324.200 to
15 324.225;

16 (7) Violation of, or assisting or enabling any person to violate, any provision of sections
17 324.200 to 324.225, or any lawful rule or regulation adopted pursuant to such sections;

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

19 (9) Use of any advertisement or solicitation that is false, misleading or deceptive to the
20 general public or persons to whom the advertisement or solicitation is primarily directed;

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

23 (11) Use or unlawful possession of any controlled substance, as defined in chapter 195, or
24 alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any
25 profession that is licensed or regulated by sections 324.200 to 324.225;

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

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

29 3. Any person, organization, association or corporation who reports or provides information
30 to the committee pursuant to the provisions of sections 324.200 to 324.225 and who does so in good
31 faith shall not be subject to an action for civil damages as a result thereof.

32 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
33 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the
34 administrative hearing commission that the grounds, provided in subsection 2 of this section, for
35 disciplinary action are met, the committee may, singly or in combination, censure or place the
36 person named in the complaint on probation on such terms and conditions as the committee deems
37 appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three
38 years, or revoke the license of the person. An individual whose license has been revoked shall wait
39 one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion
40 of the committee after compliance with all requirements of sections 324.200 to 324.225 relative to
41 the licensing of an applicant for the first time.

42 5. The committee shall maintain an information file containing each complaint filed with the
43 committee relating to a holder of a license.

44 6. The committee shall recommend for prosecution violations of sections 324.200 to
45 324.225 to an appropriate prosecuting or circuit attorney.

46 324.262. 1. The board may refuse to issue, renew or reinstate any license required by
47 sections 324.240 to 324.275 for one or any combination of causes stated in subsection 2 of this
48 section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise
49 the applicant of his or her right to file a complaint with the administrative hearing commission as

1 provided by chapter 621.

2 2. The board may cause a complaint to be filed with the administrative hearing commission
3 as provided by chapter 621 against any holder of any license issued pursuant to sections 324.240 to
4 324.275 or any person who has failed to renew or has surrendered his or her license for any one or
5 any combination of the following causes:

6 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
7 nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States
8 or any country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~]
9 duties [of the profession regulated pursuant to sections 324.240 to 324.275, for any offense an
10 essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral
11 turpitude,] and responsibilities of the occupation, as set forth in section 324.012, whether or not
12 sentence is imposed;

13 (2) Use of fraud, deception, misrepresentation or bribery in securing any license issued
14 pursuant to sections 324.240 to 324.275 or in obtaining permission to take any examination given or
15 required pursuant to sections 324.240 to 324.275;

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

18 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
19 the performance of the functions or duties of the profession regulated by sections 324.240 to
20 324.275;

21 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
22 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to
23 324.275, including providing massage therapy under subdivision (7) of section 324.240 at a massage
24 business as defined in subdivision (5) of section 324.240 that is not licensed under this chapter;

25 (6) Impersonation of any person holding a license or allowing any other person to use his or
26 her certificate or diploma from any school;

27 (7) Disciplinary action against the holder of a license or other right to practice the
28 profession regulated by sections 324.240 to 324.275 granted by another state, territory, federal
29 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

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

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

34 3. Any person, organization, association or corporation who reports or provides information
35 to the division pursuant to the provisions of sections 324.240 to 324.275 and who does so in good
36 faith and without negligence shall not be subject to an action for civil damages as a result thereof.

37 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
38 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the
39 administrative hearing commission that one or more of the grounds for disciplinary action provided
40 in subsection 2 of this section are met, the board may, singly or in combination, censure or place the
41 person named in the complaint on probation or suspension or revoke the license of the person on
42 such terms and conditions as the division deems appropriate.

43 324.265. 1. A person desiring a license to practice massage therapy shall be at least
44 eighteen years of age, [~~shall be of good moral character,~~] shall pay the appropriate required
45 application fee, and shall submit satisfactory evidence to the board of meeting at least one of the
46 following requirements:

47 (1) Has passed a statistically valid examination on therapeutic massage and body work
48 which is approved by the board, prior to August 28, 1999, and applies for such license by December
49 31, 2000; or

1 (2) Has completed a program of massage therapy studies, as defined by the board,
2 consisting of at least five hundred hours of supervised instruction and subsequently passing an
3 examination approved by the board. The examination may consist of school examinations. The
4 program and course of instruction shall be approved by the board.

5 (a) The five hundred hours of supervised instruction shall consist of three hundred hours
6 dedicated to massage theory and practice techniques, one hundred hours dedicated to the study of
7 anatomy and physiology, fifty hours dedicated to business practice, professional ethics, hygiene and
8 massage law in the state of Missouri, and fifty hours dedicated to ancillary therapies, including
9 cardiopulmonary resuscitation (CPR) and first aid.

10 (b) A person completing a massage therapy program comprised of less than five hundred
11 hours of supervised instruction may submit an application for licensure and the board shall establish
12 requirements for the applicant to complete the requirements of paragraph (a) of subdivision (2) of
13 this subsection.

14 2. A person who has practiced less than three years or has less than one hundred hours of
15 training may request a waiver of the requirements of subsection 1 of this section and apply for a
16 temporary two-year license which shall not be renewable. By the end of such two-year period, such
17 person shall complete at least one hundred additional hours of formal training, including at least
18 twenty-five hours in anatomy and physiology, in a school approved by the board. Such person shall
19 have until December 31, 2000, to apply for a temporary license pursuant to this subsection.

20 3. Each license issued pursuant to the provisions of this section shall expire on its renewal
21 date. The board shall renew any license upon:

22 (1) Application for renewal;

23 (2) Proof, as provided by rule, that the therapist has completed twelve hours of continuing
24 education; and

25 (3) Payment of the appropriate renewal fee.

26 Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain
27 required documentation is a violation of this subsection. As provided by rule, the board may waive
28 or extend the time requirements for completion of continuing education for reasons related to health,
29 military service, foreign residency, or other good cause. All requests for waivers or extensions of
30 time shall be made in writing and submitted to the board before the renewal date.

31 4. An applicant who possesses the qualifications specified in subsection 2 of this section to
32 take the examination approved by the board may be granted a provisional license to engage in the
33 practice of massage therapy. An applicant for a provisional license shall submit proof that the
34 applicant has applied for the examination approved by the board. A provisional license shall be
35 valid for one year from the date of issuance and shall be deemed void upon its expiration date. A
36 provisional licensee is prohibited from practicing massage therapy after expiration of the provisional
37 license.

38 5. As determined by the board, students making substantial progress toward completion of
39 their training in an approved curriculum shall be granted a student license for the purpose of
40 practicing massage therapy on the public while under the supervision of a massage therapy
41 instructor.

42 6. A student license may be renewed until the student completes such student's training.
43 Upon request, the board may extend a provisional license for good cause at the discretion of the
44 board. An application for the extension of a provisional license shall be submitted to the board prior
45 to the expiration of the provisional license.

46 7. The following practitioners are exempt from the provisions of this section upon filing
47 written proof with the board that they meet one or more of the following:

48 (1) Persons who act under a Missouri state license, registration, or certification and perform
49 soft tissue manipulation within their scope of practice;

1 (2) Persons who restrict their manipulation of the soft tissues of the human body to the
2 hands, feet or ears;

3 (3) Persons who use touch and words to deepen awareness of existing patterns of movement
4 in the human body as well as to suggest new possibilities of movement;

5 (4) Persons who manipulate the human body above the neck, below the elbow, and below
6 the knee and do not disrobe the client in performing such manipulation.

7 8. Any nonresident person licensed, registered, or certified by another state or territory of
8 the United States, the District of Columbia, or foreign territory or recognized certification system
9 determined as acceptable by the board shall be exempt from licensure as defined in this chapter, if
10 such persons are incidentally called into the state to teach a course related to massage or body work
11 therapy or to provide massage therapy services as part of an emergency response team working in
12 conjunction with disaster relief officials.

13 9. Any nonresident person holding a current license, registration, or certification in massage
14 therapy from another state or recognized national certification system determined as acceptable by
15 the board shall be exempt from licensure as defined in this chapter when temporarily present in this
16 state for the purpose of providing massage therapy services at special events such as conventions,
17 sporting events, educational field trips, conferences, and traveling shows or exhibitions.

18 324.496. 1. The board, with recommendation by the committee, may refuse to issue, renew
19 or reinstate any license required by sections 324.475 to 324.499 for one or any combination of
20 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the
21 reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the
22 administrative hearing commission as provided by chapter 621.

23 2. The board, with recommendation by the committee, may cause a complaint to be filed
24 with the administrative hearing commission as provided by chapter 621 against any holder of any
25 license issued pursuant to sections 324.475 to 324.499 or any person who has failed to renew or has
26 surrendered his or her license for any one or any combination of the following causes:

27 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
28 nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States
29 or any country, for any offense [reasonably] directly related to the [qualifications, functions or]
30 duties [of the profession regulated pursuant to sections 324.475 to 324.499, for any offense an
31 essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral
32 turpitude,] and responsibilities of the occupation, as set forth in section 324.012, whether or not
33 sentence is imposed;

34 (2) Use of fraud, deception, misrepresentation or bribery in securing any license issued
35 pursuant to sections 324.475 to 324.499 or in obtaining permission to take any examination given or
36 required pursuant to sections 324.475 to 324.499;

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

39 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
40 the performance of the functions or duties of the profession regulated by sections 324.475 to
41 324.499;

42 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
43 324.475 to 324.499, or of any lawful rule or regulation adopted pursuant to such sections;

44 (6) Impersonation of any person holding a license or allowing any person to use his or her
45 certificate or diploma from any school or certification entity;

46 (7) Disciplinary action against the holder of a license or other right to practice the
47 profession regulated by sections 324.475 to 324.499 granted by another state, territory, federal
48 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

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

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

4 (11) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
5 extent that such use impairs a person's ability to perform the work of any profession licensed or
6 regulated by sections 324.475 to 324.499.

7 3. Any person, organization, association or corporation who reports or provides information
8 to the division, board or committee pursuant to the provisions of sections 324.475 to 324.499 and
9 who does so in good faith and without negligence shall not be subject to an action for civil damages
10 as a result thereof.

11 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
12 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the
13 administrative hearing commission that the grounds, provided in subsection 2 of this section, for
14 disciplinary action are met, the board may, upon recommendation of the committee, singly or in
15 combination, censure or place the person named in the complaint on probation, suspension or revoke
16 the license of the person on such terms and conditions as the division deems appropriate.

17 324.523. 1. The division may refuse to issue or cause a complaint to be filed with the
18 administrative hearing commission as provided by chapter 621 against any holder of any certificate
19 of registration or authority, permit or license required under sections 324.520 to 324.526, or any
20 person who has failed to renew or has surrendered his or her certificate of registration or authority,
21 permit, or license for any one or any combination of the following causes:

22 (1) Use or illegal possession of any controlled substance, as defined in chapter 195, or use
23 of any alcoholic beverage to an extent that such use impairs a person's ability to perform the work of
24 any profession that is licensed or regulated under sections 324.520 to 324.526;

25 (2) Final adjudication and finding of guilt, or the ~~entrance of a~~ plea of guilty or nolo
26 contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, or any
27 country for any offense [reasonably] directly related to the [qualifications, functions, or] duties [of
28 any profession that is licensed or regulated under sections 324.520 to 324.526, and the regulations
29 promulgated thereunder, for any offense an essential element of which is fraud, dishonesty or act of
30 violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set
31 forth in section 324.012, whether or not sentence is imposed;

32 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
33 registration or authority, permit or license required under sections 324.520 to 324.526;

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

36 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
37 the performance of the functions or duties of any profession that is licensed or regulated under
38 sections 324.520 to 324.526;

39 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
40 324.520 to 324.526, or any lawful rule or regulation adopted under sections 324.520 to 324.526;

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

44 (8) Disciplinary action against the holder of a license or other right to practice any
45 profession regulated under sections 324.520 to 324.526 granted by another state, territory, federal
46 agency, or country upon grounds for which revocation or suspension is authorized in this state;

47 (9) Final adjudication by a court of competent jurisdiction that a person is insane or
48 incompetent;

49 (10) Assisting or enabling any person to practice or offer to practice any profession licensed

1 or regulated under sections 324.520 to 324.526 who is licensed and is currently ineligible to practice
2 under sections 324.520 to 324.526;

3 (11) Causing the division to issue a certificate of registration or authority, permit, or license
4 based upon a material mistake of fact;

5 (12) Failure to display a valid license;

6 (13) Violation of any advertisement or solicitation that is false, misleading, or deceptive to
7 the general public, or persons to whom the advertisement or solicitation is primarily directed;

8 (14) Failure or refusal to properly guard against contagious, infectious, or communicable
9 diseases and the spread thereof.

10 2. After the filing of such complaint, the proceedings shall be conducted in accordance with
11 the provisions of chapter 621. Upon a finding by the administrative hearing commission that
12 grounds, provided in subsection 1 of this section, for disciplinary action are met, the division may,
13 singly, or in combination, censure or place the person named in the complaint on probation on such
14 terms and conditions as the division deems appropriate for a period not to exceed five years, or may
15 suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

16 3. The division, acting upon its own knowledge or written or verified complaint filed by any
17 person, may discipline a person as provided in subsections 1 or 2 of this section or the division may
18 bring an action to enjoin any person, establishment, firm, or corporation from engaging in an
19 occupation regulated by the provisions of sections 324.520 to 324.526, if such person, firm, or
20 corporation without being licensed to do so by the division engages in or practices an occupation
21 licensed under sections 324.520 to 324.526. The action shall be brought in the county in which such
22 person resides, or, in the case of an establishment, firm, or corporation, where the establishment,
23 firm, or corporation maintains its principal office; and unless it appears that such person,
24 establishment, firm, or corporation so engaging or practicing such occupation is licensed, the
25 injunction shall be issued, and such person, firm, or corporation shall be perpetually enjoined from
26 engaging in such activities throughout the state.

27 324.1112. 1. The board may deny a request for a license if the applicant:

28 (1) Has committed any act which, if committed by a licensee, would be grounds for the
29 suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

30 (2) Has been convicted of or entered a plea of guilty or nolo contendere ~~to a felony offense,~~
31 ~~including the receiving of a suspended imposition of sentence following a plea or finding of guilty~~
32 ~~to a felony offense;~~

33 ~~—— (3) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor~~
34 ~~offense involving moral turpitude, including receiving a suspended imposition of sentence following~~
35 ~~a plea of guilty to a misdemeanor offense] in a criminal prosecution under the laws of any state, or~~
36 ~~the United States, or any country, for any offense directly related to the duties and responsibilities of~~
37 ~~the occupation, as set forth in section 324.012, regardless of whether or not a sentence has been~~
38 ~~imposed;~~

39 [(4)] (3) Has been refused a license under sections 324.1100 to 324.1148 or had a license
40 revoked or denied in this state or any other state;

41 [(5)] (4) Has falsified or willfully misrepresented information in an employment
42 application, records of evidence, or in testimony under oath;

43 [(6)] (5) Has been dependent on or abused alcohol or drugs; or

44 [(7)] (6) Has used, possessed, or trafficked in any illegal substance;

45 [(8)] (7) While unlicensed, committed or aided and abetted the commission of any act for
46 which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

47 [(9)] (8) Knowingly made any false statement in the application to the board.

48 2. The board shall consider any evidence of the applicant's rehabilitation when considering a
49 request for licensure.

1 324.1118. A private investigator agency or private fire investigator agency shall not hire an
2 individual, who is not licensed as a private investigator or private fire investigator, as an employee if
3 the individual:

4 (1) Has committed any act which, if committed by a licensee, would be grounds for the
5 suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

6 (2) Within two years prior to the application date:

7 (a) Has been convicted of or entered a plea of guilty or nolo contendere ~~[to a felony offense,~~
8 ~~including the receiving of a suspended imposition of sentence following a plea or finding of guilty~~
9 ~~to a felony offense;~~

10 ~~——(b) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor~~
11 ~~offense involving moral turpitude, including receiving a suspended imposition of sentence following~~
12 ~~a plea of guilty to a misdemeanor offense] in a criminal prosecution under the laws of any state, or~~
13 ~~the United States, or any country, for any offense directly related to the duties and responsibilities of~~
14 ~~the occupation, as set forth in section 324.012, regardless of whether or not a sentence has been~~
15 ~~imposed;~~

16 ~~[(e)]~~ (b) Has falsified or willfully misrepresented information in an employment
17 application, records of evidence, or in testimony under oath;

18 ~~[(d)]~~ (c) Has been dependent on or abused alcohol or drugs; or

19 ~~[(e)]~~ (d) Has used, possessed, or trafficked in any illegal substance;

20 (3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or had
21 a license revoked, denied, or refused in this state or in any other state;

22 (4) While unlicensed, committed or aided and abetted the commission of any act for which a
23 license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

24 (5) Knowingly made any false statement in the application.

25 326.280. 1. A license shall be granted by the board to any person who meets the
26 requirements of this chapter and who:

27 (1) Is a resident of this state or has a place of business in this state or, as an employee, is
28 regularly employed in this state;

29 (2) Has attained the age of eighteen years;

30 (3) ~~[Is of good moral character;~~

31 ~~——(4)]~~ Either:

32 (a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate
33 degree conferred by an accredited college or university recognized by the board, with a
34 concentration in accounting or the substantial equivalent of a concentration in accounting as
35 determined by the board; or

36 (b) Applied for the initial examination on or after June 30, 1999, and has at least one
37 hundred fifty semester hours of college education, including a baccalaureate or higher degree
38 conferred by an accredited college or university recognized by the board, with the total educational
39 program including an accounting concentration or equivalent as determined by board rule to be
40 appropriate;

41 ~~[(5)]~~ (4) Has passed an examination in accounting, auditing and such other related subjects
42 as the board shall determine is appropriate; and

43 ~~[(6)]~~ (5) Has had one year of experience. Experience shall be verified by a licensee and
44 shall include any type of service or advice involving the use of accounting, attest, compilation,
45 management advisory, financial advisory, tax or consulting skills including governmental
46 accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning the
47 verifying licensee's review of the applicant's experience.

48 2. The board may prescribe by rule the terms and conditions for reexaminations and fees to
49 be paid for reexaminations.

1 3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the laws
2 of this state shall not be required to obtain additional licenses pursuant to sections 326.280 to
3 326.286, and the licenses issued shall be considered licenses issued pursuant to sections 326.280 to
4 326.286. However, such persons shall be subject to the provisions of section 326.286 for renewal of
5 licenses.

6 4. Upon application, the board may issue a temporary license to an applicant pursuant to this
7 subsection for a person who has made a prima facie showing that the applicant meets all of the
8 requirements for a license and possesses the experience required. The temporary license shall be
9 effective only until the board has had the opportunity to investigate the applicant's qualifications for
10 licensure pursuant to subsection 1 of this section and notify the applicant that the applicant's
11 application for a license has been granted or rejected. In no event shall a temporary license be in
12 effect for more than twelve months after the date of issuance nor shall a temporary license be
13 reissued to the same applicant. No fee shall be charged for a temporary license. The holder of a
14 temporary license which has not expired, been suspended or revoked shall be deemed to be the
15 holder of a license issued pursuant to this section until the temporary license expires, is terminated,
16 suspended or revoked.

17 5. An applicant for an examination who meets the educational requirements of subdivision
18 (4) of subsection 1 of this section or who reasonably expects to meet those requirements within sixty
19 days after the examination shall be eligible for examination if the applicant also meets the
20 requirements of subdivisions (1), (2) and (3) of subsection 1 of this section. For an applicant
21 admitted to examination on the reasonable expectation that the applicant will meet the educational
22 requirements within sixty days, no license shall be issued nor credit for the examination or any part
23 thereof given unless the educational requirement is in fact met within the sixty-day period.

24 326.289. 1. The board may grant or renew permits to practice as a certified public
25 accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

26 (1) The following shall hold a permit issued under this chapter:

27 (a) Any firm with an office in this state, as defined by the board by rule, offering or
28 performing attest or compilation services; or

29 (b) Any firm with an office in this state that uses the title "CPA" or "CPA firm".

30 (2) Any firm that does not have an office in this state may offer or perform attest or
31 compilation services in this state without a valid permit only if it meets each of the following
32 requirements:

33 (a) It complies with the qualifications described in subdivision (1) of subsection 4 of this
34 section;

35 (b) It complies with the requirements of peer review as set forth in this chapter and the
36 board's promulgated regulations;

37 (c) It performs such services through an individual with practice privileges under section
38 326.283; and

39 (d) It can lawfully do so in the state where said individual with the privilege to practice has
40 his or her principal place of business.

41 (3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this
42 subsection may perform other nonattest or noncompilation services while using the title "CPA" or
43 "CPA firm" in this state without a permit issued under this section only if it:

44 (a) Performs such services through an individual with the privilege to practice under section
45 326.283; and

46 (b) Can lawfully do so in the state where said individual with privilege to practice has his or
47 her principal place of business.

48 (4) (a) All firms practicing public accounting in this state shall register with the secretary of
49 state.

1 (b) Firms which may be exempt from this requirement include:

2 a. Sole proprietorships;

3 b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural
4 person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or
5 326.286;

6 c. General partnerships not operating as a limited liability partnership; or

7 d. Foreign professional corporations which do not meet criteria of chapter 356 due to name
8 or ownership, shall obtain a certificate of authority as a general corporation. Notwithstanding the
9 provisions of chapter 356, the secretary of state may issue a certificate of authority to a foreign
10 professional corporation which does not meet the criteria of chapter 356 due to name or ownership,
11 if the corporation meets the requirements of this section and the rules of the board.

12 2. Permits shall be initially issued and renewed for periods of not more than three years or
13 for a specific period as prescribed by board rule following issuance or renewal.

14 3. The board shall determine by rule the form for application and renewal of permits and
15 shall annually determine the fees for permits and their renewals.

16 4. An applicant for initial issuance or renewal of a permit to practice under this section shall
17 be required to show that:

18 (1) A simple majority of the ownership of the firm, in terms of financial interests and voting
19 rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees
20 who are licensed in some state, and the partners, officers, principals, shareholders, members or
21 managers, whose principal place of business is in this state and who perform professional services in
22 this state are licensees under section 326.280 or the corresponding provision of prior law. Although
23 firms may include nonlicensee owners, the firm and its ownership shall comply with rules
24 promulgated by the board;

25 (2) Any certified public accounting firm may include owners who are not licensees provided
26 that:

27 (a) The firm designates a licensee of this state, or in the case of a firm which must have a
28 permit under this section designates a licensee of another state who meets the requirements of
29 section 326.283, who is responsible for the proper registration of the firm and identifies that
30 individual to the board;

31 (b) All nonlicensee owners are active individual participants in the certified public
32 accounting firm or affiliated entities; and

33 (c) ~~All owners are of good moral character; and~~

34 ~~—(d)]~~ The firm complies with other requirements as the board may impose by rule;

35 (3) Any licensee who is responsible for supervising attest services, or signs or authorizes
36 someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet
37 competency requirements as determined by the board by rule which shall include one year of
38 experience in addition to the experience required under subdivision (6) of subsection 1 of section
39 326.280 and shall be verified by a licensee. The additional experience required by this subsection
40 shall include experience in attest work supervised by a licensee.

41 5. An applicant for initial issuance or renewal of a permit to practice shall register each
42 office of the firm within this state with the board and show that all attest and compilation services
43 rendered in this state are under the charge of a licensee.

44 6. No licensee or firm holding a permit under this chapter shall use a professional or firm
45 name or designation that is misleading as to:

46 (1) The legal form of the firm;

47 (2) The persons who are partners, officers, members, managers or shareholders of the firm;

48 or

49 (3) Any other matter.

1 The names of one or more former partners, members or shareholders may be included in the name
2 of a firm or its successor unless the firm becomes a sole proprietorship because of the death or
3 withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious
4 name if the fictitious name is registered with the board and is not otherwise misleading. The name
5 of a firm shall not include the name or initials of an individual who is not a present or a past partner,
6 member or shareholder of the firm or its predecessor. The name of the firm shall not include the
7 name of an individual who is not a licensee.

8 7. Applicants for initial issuance or renewal of permits shall list in their application all states
9 in which they have applied for or hold permits as certified public accounting firms and list any past
10 denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or
11 applicant for a permit under this section shall notify the board in writing within thirty days after its
12 occurrence of any change in the identities of partners, principals, officers, shareholders, members or
13 managers whose principal place of business is in this state; any change in the number or location of
14 offices within this state; any change in the identity of the persons in charge of such offices; and any
15 issuance, denial, revocation, suspension or any discipline of a permit by any other state.

16 8. Firms which fall out of compliance with the provisions of this section due to changes in
17 firm ownership or personnel after receiving or renewing a permit shall take corrective action to
18 bring the firm back into compliance as quickly as possible. The board may grant a reasonable
19 period of time for a firm to take such corrective action. Failure to bring the firm back into
20 compliance within a reasonable period as defined by the board may result in the suspension or
21 revocation of the firm permit.

22 9. The board shall require by rule, as a condition to the renewal of permits, that firms
23 undergo, no more frequently than once every three years, peer reviews conducted in a manner as the
24 board shall specify. The review shall include a verification that individuals in the firm who are
25 responsible for supervising attest and compilation services or sign or authorize someone to sign the
26 accountant's report on the financial statements on behalf of the firm meet the competency
27 requirements set out in the professional standards for such services, provided that any such rule:

28 (1) Shall include reasonable provision for compliance by a firm showing that it has within
29 the preceding three years undergone a peer review that is a satisfactory equivalent to peer review
30 generally required under this subsection;

31 (2) May require, with respect to peer reviews, that peer reviews be subject to oversight by
32 an oversight body established or sanctioned by board rule, which shall periodically report to the
33 board on the effectiveness of the review program under its charge and provide to the board a listing
34 of firms that have participated in a peer review program that is satisfactory to the board; and

35 (3) Shall require, with respect to peer reviews, that the peer review processes be operated
36 and documents maintained in a manner designed to preserve confidentiality, and that the board or
37 any third party other than the oversight body shall not have access to documents furnished or
38 generated in the course of the peer review of the firm except as provided in subdivision (2) of this
39 subsection.

40 10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee
41 charged shall be substantially equivalent to the cost of oversight.

42 11. In connection with proceedings before the board or upon receipt of a complaint
43 involving the licensee performing peer reviews, the board shall not have access to any documents
44 furnished or generated in the course of the performance of the peer reviews except for peer review
45 reports, letters of comment and summary review memoranda. The documents shall be furnished to
46 the board only in a redacted manner that does not specifically identify any firm or licensee being
47 peer reviewed or any of their clients.

48 12. The peer review processes shall be operated and the documents generated thereby be
49 maintained in a manner designed to preserve their confidentiality. No third party, other than the

oversight body, the board, subject to the provisions of subsection 11 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.

326.310. 1. The board may refuse to issue any license or permit required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may file a complaint with the administrative hearing commission as provided by chapter 621 or may initiate settlement procedures as provided by section 621.045 against any certified public accountant or permit holder required by this chapter or any person who fails to renew or surrenders the person's certificate, license or permit for any one or any combination of the following causes:

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

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

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

(7) Impersonation of any person holding a certificate or permit or allowing any person to use his or her certificate or permit or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or

1 other right to practice any profession regulated by this chapter by another state, territory, federal
 2 agency or country, whether voluntarily agreed to by the certified public accountant or applicant,
 3 including but not limited to the denial of licensure, surrender of a license, allowing a license to
 4 expire or lapse, or discontinuing or limiting the practice of accounting while subject to an
 5 investigation or while actually under investigation by any licensing authority, branch of the Armed
 6 Forces of the United States of America, court, agency of the state or federal government, PCAOB,
 7 or employer;

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

9 (10) Assisting or enabling any person to practice or offer to practice accountancy pursuant
 10 to this chapter who is not eligible to practice pursuant to this chapter;

11 (11) Issuance of a license or permit based upon a material mistake of fact;

12 (12) Failure to display a valid certificate, license, or permit required by this chapter or any
 13 rule promulgated pursuant to this chapter;

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

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

17 (15) Violation of professional standards or rules of professional conduct applicable to the
 18 accountancy profession as promulgated by the board;

19 (16) Failure to comply with any final order of a court of competent jurisdiction enforcing a
 20 subpoena or subpoena duces tecum from the board;

21 (17) Failure to comply with any final order of the board;

22 (18) Failure to maintain documentation evidencing compliance with the board's continuing
 23 professional education requirements;

24 (19) Failure, on the part of a holder of a certificate, license or permit pursuant to section
 25 326.280 or 326.289, to maintain compliance with the requirements for issuance or renewal of such
 26 certificate, license, permit or provisional license or to report changes to the board pursuant to
 27 sections 326.280 to 326.289;

28 (20) Making any false or misleading statement or verification in support of an application
 29 for a certificate, license or permit filed by another.

30 3. Proceedings pursuant to this section shall be conducted in accordance with the provisions
 31 of chapter 621. Upon a finding that the grounds provided in subsection 2 of this section for
 32 disciplinary action are met, the board may, singly or in combination, assess an administrative
 33 penalty not to exceed two thousand dollars per violation, censure or place on probation on such
 34 terms and conditions as the board deems appropriate for a period not to exceed five years, or may
 35 suspend for a period not to exceed three years or revoke the certificate, license or permit. In any
 36 order of revocation, the board may provide that the person shall not apply for a new license for a
 37 maximum of three years and one day following the date of the order of revocation. All stay orders
 38 shall toll this time period. In lieu of or in addition to any remedy specifically provided in subsection
 39 1 of this section, the board may require of a licensee:

40 (1) A peer review conducted as the board may specify; or

41 (2) Satisfactory completion of continuing professional education programs or other training
 42 as the board may specify; or

43 (3) A peer review conducted as the board may specify and satisfactory completion of
 44 continuing professional education programs as the board may specify.

45 327.131. Any person may apply to the board for licensure as an architect who is over the
 46 age of twenty-one, ~~[is of good moral character,]~~ has acquired an accredited degree from an
 47 accredited degree program from a school of architecture, holds a certified Intern Development
 48 Program (IDP) record with the National Council of Architectural Registration Boards, and has taken
 49 and passed all divisions of the Architect Registration Examination.

1 327.221. Any person may apply to the board for licensure as a professional engineer ~~[who is~~
2 ~~of good moral character, and]~~ who is a graduate of and holds a degree in engineering from an
3 accredited school of engineering, or who possesses an education which includes at the minimum a
4 baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the
5 education received by a graduate of an accredited school, and has acquired at least four years of
6 satisfactory engineering experience, after such person has graduated and has received a degree or
7 education as provided in this section; provided that the board shall by rule provide what shall
8 constitute satisfactory engineering experience based upon recognized education and training
9 equivalents, but in any event such rule shall provide that no more than one year of satisfactory
10 postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering
11 subjects accomplished after a person has graduated from and has received a degree from an
12 accredited school of engineering or after receiving an education as provided in this section shall
13 count as equivalent years of satisfactory engineering experience.

14 327.312. 1. Any person may apply to the board for enrollment as a land surveyor-in-
15 training ~~[who is of good moral character,]~~ who is a high school graduate, or who holds a Missouri
16 certificate of high school equivalence (GED), and either:

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

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

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

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

36 327.381. The board may license, in its discretion, any architect, professional engineer,
37 professional land surveyor, or professional landscape architect licensed in another state or territory
38 of the United States, province of Canada, or in another country, when such applicant has
39 qualifications which are at least equivalent to the requirements for licensure as an architect,
40 professional engineer, professional land surveyor, or professional landscape architect in this state,
41 and provided further that the board may establish by rule the conditions under which it shall require
42 any such applicant to take any examination it considers necessary, ~~[and provided further that the~~
43 ~~board is satisfied by proof adduced by such applicant that the applicant is of good moral character,]~~
44 and provided further that any such application is accompanied by the required fee.

45 327.441. 1. The board may refuse to issue any license or certificate of authority required
46 pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section.
47 The board shall notify the applicant in writing of the reasons for the refusal and shall advise the
48 applicant of the applicant's right to file a complaint with the administrative hearing commission as
49 provided by chapter 621.

1 2. The board may cause a complaint to be filed with the administrative hearing commission
2 as provided by chapter 621 against any holder of any license or certificate of authority required by
3 this chapter or any person who has failed to renew or has surrendered such person's license or
4 certificate of authority, for any one or any combination of the following causes:

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

8 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
9 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
10 country, for any offense ~~[reasonably]~~ directly related to the ~~[qualifications, functions or]~~ duties ~~[of~~
11 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
12 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,]~~ and
13 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
14 sentence is imposed;

15 (3) Use of fraud, deception, misrepresentation or bribery in securing any license or
16 certificate of authority issued pursuant to this chapter or in obtaining permission to take any
17 examination given or required pursuant to this chapter;

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

20 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
21 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

24 (7) Impersonation of any person holding a license or certificate of authority, or allowing any
25 person to use his or her license or certificate of authority, or diploma from any school;

26 (8) Disciplinary action against the holder of a license or a certificate of authority, or other
27 right to practice any profession regulated by this chapter granted by another state, territory, federal
28 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

31 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
32 or regulated by this chapter who is not licensed and currently eligible to practice pursuant to this
33 chapter;

34 (11) Issuance of a professional license or a certificate of authority based upon a material
35 mistake of fact;

36 (12) Failure to display a valid license or certificate of authority if so required by this chapter
37 or any rule promulgated pursuant to this chapter;

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

39 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the
40 general public or persons to whom the advertisement or solicitation is primarily directed.

41 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
42 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
43 grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may,
44 singly or in combination, censure or place the person named in the complaint on probation on such
45 terms and conditions as the board deems appropriate for a period not to exceed five years, or may
46 suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or
47 revoke the license or certificate of authority of the person named in the complaint.

48 327.612. Any person who ~~[is of good moral character,]~~ has attained the age of twenty-one
49 years, and has a degree in landscape architecture from an accredited school of landscape architecture

1 and has acquired at least three years satisfactory landscape architectural experience after acquiring
2 such a degree may apply to the board for licensure as a professional landscape architect.

3 328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall
4 apply to the board, shall be registered as an apprentice with the board, and shall pay the appropriate
5 fees prior to beginning their apprenticeship. Barber apprentices [~~shall be of good moral character~~
6 ~~and~~] shall be at least seventeen years of age.

7 2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first
8 possess a license to practice the occupation of barbering, apply to the board, pay the appropriate
9 fees, complete an eight-hour apprentice supervision instruction course certified by the board, and be
10 issued a license as a barber apprentice supervisor prior to supervising barber apprentices.

11 3. The board may promulgate rules establishing the criteria for the supervision and training
12 of barber apprentices.

13 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
14 under the authority delegated in this section shall become effective only if it complies with and is
15 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
16 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
17 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
18 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
19 August 28, 2004, shall be invalid and void.

20 328.150. 1. The board may refuse to issue any certificate of registration or authority, permit
21 or license required pursuant to this chapter for one or any combination of causes stated in subsection
22 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
23 shall advise the applicant of his right to file a complaint with the administrative hearing commission
24 as provided by chapter 621.

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

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

33 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
34 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
35 country for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~] duties [~~of~~
36 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
37 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,~~] and
38 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
39 sentence is imposed;

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

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

45 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
46 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

49 (7) Impersonation of any person holding a certificate of registration or authority, permit or

1 license or allowing any person to use his or her certificate of registration or authority, permit, license
2 or diploma from any school;

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

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

7 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
8 or regulated by this chapter who is not registered and currently eligible to practice under this
9 chapter;

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

12 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
13 promulgated hereunder;

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

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

17 (15) Failure or refusal to properly guard against contagious, infectious or communicable
18 diseases or the spread thereof.

19 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
20 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
21 grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in
22 combination, censure or place the person named in the complaint on probation on such terms and
23 conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for
24 a period not to exceed three years, or revoke the license, certificate, or permit.

25 329.140. 1. The board may refuse to issue any certificate of registration or authority, permit
26 or license required pursuant to this chapter for one or any combination of causes stated in subsection
27 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
28 shall advise the applicant of the applicant's right to file a complaint with the administrative hearing
29 commission as provided by chapter 621.

30 2. The board may cause a complaint to be filed with the administrative hearing commission
31 as provided by chapter 621 against any holder of any certificate of registration or authority, permit
32 or license required by this chapter or any person who has failed to renew or has surrendered the
33 person's certificate of registration or authority, permit or license for any one or any combination of
34 the following causes:

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

38 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
39 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
40 country, for any offense ~~reasonably~~ directly related to the ~~qualifications, functions or~~ duties ~~of~~
41 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
42 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,~~ and
43 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
44 sentence is imposed;

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

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

1 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
2 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

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

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

12 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
13 or regulated by this chapter who is not licensed and currently eligible to practice under this chapter;

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

16 (12) Failure to display a valid license if so required by this chapter or any rule promulgated
17 hereunder;

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

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

21 (15) Failure or refusal to properly guard against contagious, infectious or communicable
22 diseases or the spread thereof.

23 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
24 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
25 grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in
26 combination, censure or place the person named in the complaint on probation on such terms and
27 conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for
28 a period not to exceed three years, or revoke the license, certificate, or permit.

29 4. The board, acting upon its own knowledge or written or verified complaint filed by any
30 person, may discipline a person as provided in subsections 1 to 3 of this section or the board may
31 bring an action to enjoin any person, firm or corporation from engaging in an occupation regulated
32 by the provisions of this chapter, if such person, firm or corporation without being licensed to do so
33 by the board, engages in or practices an occupation licensed pursuant to this chapter. The action
34 shall be brought in the county in which such person resides, or, in the case of a firm or corporation,
35 where the firm or corporation maintains its principal office; and, unless it appears that such person,
36 firm or corporation so engaging or practicing such occupation is licensed, the injunction shall be
37 issued, and such person, firm or corporation shall be perpetually enjoined from engaging in such
38 activities throughout the state.

39 331.030. 1. No person shall engage in the practice of chiropractic without having first
40 secured a chiropractic license as provided in this chapter.

41 2. Any person desiring to procure a license authorizing the person to practice chiropractic in
42 this state shall make application on the form prescribed by the board. The application shall contain
43 a statement that it is made under oath or affirmation and that representations contained thereon are
44 true and correct to the best knowledge and belief of the person signing the application, subject to the
45 penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age,
46 sex, name of chiropractic schools or colleges which the person attended or of which the person is a
47 graduate, and such other reasonable information as the board may require. The applicant shall give
48 evidence satisfactory to the board of the successful completion of the educational requirements of
49 this chapter, ~~[that the applicant is of good moral character,]~~ and that the chiropractic school or

1 college of which the applicant is a graduate is teaching chiropractic in accordance with the
2 requirements of this chapter. The board may make a final determination as to whether or not the
3 school from which the applicant graduated is so teaching.

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

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

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

37 6. The board shall issue a license without examination to persons who have been regularly
38 licensed to practice chiropractic in any foreign country, provided that the regulations for securing a
39 license in the other country are equivalent to those required for licensure in the state of Missouri,
40 when the applicant furnishes satisfactory evidence that the applicant has continuously practiced
41 chiropractic for at least one year immediately preceding the applicant's application to the board ~~and~~
42 ~~that the applicant is of good moral character~~, and upon the payment of the reciprocity license fee as
43 established by rule of the board. The board may require an applicant to successfully complete the
44 Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of
45 Chiropractic Examiners if the requirements for securing a license in the other country are not
46 equivalent to those required for licensure in the state of Missouri at the time application is made for
47 licensure under this subsection.

48 7. Any applicant who has failed any portion of the practical examination administered or
49 approved by the board three times shall be required to return to an accredited chiropractic college

1 for a semester of additional study in the subjects failed, as provided by rule of the board.

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

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

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

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

17 331.060. 1. The board may refuse to issue any certificate of registration or authority, permit
18 or license required pursuant to this chapter for one or any combination of causes stated in subsection
19 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
20 shall advise the applicant of his right to file a complaint with the administrative hearing commission
21 as provided by chapter 621.

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

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

30 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
31 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
32 country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of
33 any profession licensed or regulated under this chapter, for any offense an essential element of
34 which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and
35 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
36 sentence is imposed;

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

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

42 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
43 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

49 (8) Disciplinary action against the holder of a license or other right to practice any

1 profession regulated by this chapter granted by another state, territory, federal agency or country
2 upon grounds for which revocation or suspension is authorized in this state;

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

4 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
5 or regulated by this chapter who is not registered and currently eligible to practice under this
6 chapter;

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

9 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
10 promulgated hereunder;

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

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

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

17 (b) Any self-laudatory statement;

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

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

27 (e) Failure to use the term "chiropractor", "doctor of chiropractic", "chiropractic physician",
28 or "D.C." in any advertisement, solicitation, sign, letterhead, or any other method of addressing the
29 public;

30 (f) Attempting to attract patronage in any manner which castigates, impugns, disparages,
31 discredits or attacks other healing arts and sciences or other chiropractic physicians;

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

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

36 (17) Fails to maintain a chiropractic office in a safe and sanitary condition;

37 (18) Engaging in unprofessional or improper conduct in the practice of chiropractic;

38 (19) Administering or prescribing any drug or medicine or attempting to practice medicine,
39 surgery, or osteopathy within the meaning of chapter 334;

40 (20) Being unable to practice as a chiropractic physician with reasonable skill and safety to
41 patients because of one of the following: professional incompetency; illness, drunkenness, or
42 excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this
43 subdivision the board shall, after a hearing before the board, upon a finding of probable cause,
44 require the chiropractor for the purpose of establishing his competency to practice as a chiropractic
45 physician to submit to a reexamination, which shall be conducted in accordance with rules adopted
46 for this purpose by the board, including rules to allow the examination of the chiropractic
47 physician's professional competence by at least three chiropractic physicians, or to submit to a
48 mental or physical examination or combination thereof by at least three physicians. One examiner
49 shall be selected by the chiropractic physician compelled to take the examination, one selected by

1 the board, and one shall be selected by the two examiners so selected. Notice of the physical or
 2 mental examination shall be given by personal service or certified mail. Failure of the chiropractic
 3 physician to submit to an examination when directed shall constitute an admission of the allegations
 4 against him, unless the failure was due to circumstances beyond his control. A chiropractic
 5 physician whose right to practice has been affected under this subdivision shall, at reasonable
 6 intervals, be afforded an opportunity to demonstrate that he can resume competent practice with
 7 reasonable skill and safety to patients.

8 (a) In any proceeding under this subdivision, neither the record of proceedings nor the
 9 orders entered by the board shall be used against a chiropractic physician in any other proceeding.
 10 Proceedings under this subdivision shall be conducted by the board without the filing of a complaint
 11 with the administrative hearing commission;

12 (b) When the board finds any person unqualified because of any of the grounds set forth in
 13 this subdivision, it may enter an order imposing one or more of the following: denying his
 14 application for a license; permanently withholding issuance of a license; administering a public or
 15 private reprimand; suspending or limiting or restricting his license to practice as a chiropractic
 16 physician for a period of not more than five years; revoking his license to practice as a chiropractic
 17 physician; requiring him to submit to the care, counseling or treatment of physicians designated by
 18 the chiropractic physician compelled to be treated. For the purpose of this subdivision, "license"
 19 includes the certificate of registration, or license, or both, issued by the board.

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

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

26 (2) May suspend the license, certificate or permit for a period not to exceed three years; or

27 (3) Revoke the license, certificate or permit.

28 4. If at any time after disciplinary sanctions have been imposed under this section or under
 29 any provision of this chapter, the licensee removes himself from the state of Missouri, ceases to be
 30 currently licensed under the provisions of this chapter, or fails to keep the Missouri state board of
 31 chiropractic examiners advised of his current place of business and residence, the time of his
 32 absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of
 33 the time of discipline so imposed.

34 332.231. Any person [~~who is of good moral character and reputation and~~] who has
 35 satisfactorily completed a course in dental hygiene in an accredited dental hygiene school may apply
 36 to the board for examination and registration as a dental hygienist in Missouri.

37 332.251. 1. Each applicant for examination as a dental hygienist shall [~~after the board has~~
 38 ~~determined that he is a person of good moral character and reputation,~~] appear before the board at
 39 the time and place specified by the board in a written notice to each such applicant. The fee
 40 accompanying the application as provided in section 332.241 shall not be refunded to any applicant
 41 who fails to appear at the time and place so specified, but the board for good cause shown, as
 42 defined by rule, may permit any applicant to take the examination or examinations at a later time
 43 without paying an additional fee.

44 2. The board shall determine and specify by rule whether dental hygienist examinations
 45 shall be written or oral or clinical or all three, but in any event the examination shall be of such form
 46 and of such content and character as to thoroughly test the qualifications of the applicant to practice
 47 as a dental hygienist in Missouri. Completion of the national board theoretical examination with
 48 scores acceptable to the board, as promulgated by rule, is a prerequisite to taking the dental
 49 hygienist examinations.

1 3. Any applicant who passes the dental hygienist examination or examinations with the
2 average grade specified in a rule promulgated by the board shall be entitled to registration as a
3 dental hygienist in Missouri, and shall receive a certificate of registration. Irrespective of the fact
4 that an applicant may have made passing grades on his examinations, he shall not be entitled to a
5 certificate of registration as a dental hygienist if the board finds that at any time prior to the issuance
6 of the certificate the applicant has cheated on his examination or examinations, or has made false or
7 misleading statements in any application filed for such examination with intent to deceive the
8 board~~], or that he is not a person of good moral character and reputation].~~

9 4. The board shall determine and specify by rule the number of times an applicant may fail
10 all or a portion of the dental hygiene examinations without completing additional education in an
11 accredited dental hygiene school, and shall specify by rule the type and amount of additional
12 education which shall be required of an applicant, which type and amount may vary depending upon
13 the failed portions of the dental hygiene examinations. However, no applicant shall be refused
14 permission to take the dental hygiene examinations twice without completing additional education,
15 nor shall additional education be required if the applicant only fails an examination over Missouri
16 laws.

17 332.281. The board shall grant without examination a certificate of registration and license
18 to a dental hygienist who has been licensed in another state for at least two consecutive years
19 immediately preceding his application to practice in Missouri if the board is satisfied by proof
20 adduced by the applicant that his qualifications are at least equivalent to the requirements for initial
21 registration as a dental hygienist in Missouri under the provisions of this chapter ~~[and that he is of~~
22 ~~good moral character and reputation]~~; provided that the board may by rule require an applicant
23 under this section to take any examination over Missouri laws given to dental hygienist initially
24 seeking licensure under section 332.251 and to take a practical examination if his licensure in any
25 state was ever denied, revoked or suspended for incompetency or inability to practice in a safe
26 manner, or if he has failed any practical examination given as a prerequisite to licensure as a dental
27 hygienist in any state. Any such dental hygienist applying to be so registered and licensed shall
28 accompany his application with a fee not greater than the dental hygienist examination and license
29 fees and if registered and licensed shall renew his license as provided in section 332.261.

30 332.291. Any person registered and currently licensed as a dental hygienist~~], who is of good~~
31 ~~moral character,~~ who has been practicing as a dental hygienist in Missouri immediately preceding
32 the date of his application under the continuous supervision of a registered and currently licensed
33 dentist in Missouri, may apply to the board for a certificate to be signed and attested by a designee
34 of the board and bearing the board's seal, certifying that the holder is a person of good moral
35 character, that he was registered and licensed in Missouri as a dental hygienist on the _____ day of
36 _____, 20_____, and has been practicing as a dental hygienist continuously under the supervision
37 of a duly registered and currently licensed dentist in Missouri for _____ year(s) immediately
38 preceding the date of the certificate, and that he has represented to the board that he intends to apply
39 to practice as a dental hygienist in the state of _____; provided that the required fee shall
40 accompany each application.

41 333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence
42 to establish to the satisfaction of the board that he or she is~~:-~~
43 ~~——(1)] at least eighteen years of age, and possesses a high school diploma, a general~~
44 ~~equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board]; and~~
45 ~~——(2) A person of good moral character].~~

46 2. Every person desiring to enter the profession of embalming dead human bodies within the
47 state of Missouri and who is enrolled in a program accredited by the American Board of Funeral
48 Service Education, any successor organization, or other accrediting entity as approved by the board
49 shall register with the board as a practicum student upon the form provided by the board. After such

1 registration, a student may assist, under the direct supervision of Missouri licensed embalmers and
 2 funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum.
 3 The form for registration as a practicum student shall be accompanied by a fee in an amount
 4 established by the board.

5 3. Each applicant for a license to practice embalming shall furnish evidence to establish to
 6 the satisfaction of the board that he or she:

7 (1) Is at least eighteen years of age, and possesses a high school diploma, a general
 8 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

9 ~~(2) [Is a person of good moral character;~~

10 ~~——(3)]~~ Has completed a funeral service education program accredited by the American Board
 11 of Funeral Service Education, any successor organization, or other accrediting entity as approved by
 12 the board. If an applicant does not complete all requirements for licensure within five years from
 13 the date of his or her completion of an accredited program, his or her registration as an apprentice
 14 embalmer shall be automatically cancelled. The applicant shall be required to file a new application
 15 and pay applicable fees. No previous apprenticeship shall be considered for the new application;

16 ~~[(4)]~~ (3) Upon due examination administered by the board, is possessed of a knowledge of
 17 the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry,
 18 restorative art, together with statutes, rules and regulations governing the care, custody, shelter and
 19 disposition of dead human bodies and the transportation thereof or has passed the national board
 20 examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass
 21 the state examination, he or she may retake the examination at the next regular examination
 22 meeting. The applicant shall notify the board office of his or her desire to retake the examination at
 23 least thirty days prior to the date of the examination. Each time the examination is retaken, the
 24 applicant shall pay a new examination fee in an amount established by the board;

25 ~~[(5)]~~ (4) Has been employed full time in funeral service in a licensed funeral establishment
 26 and has personally embalmed at least twenty-five dead human bodies under the personal supervision
 27 of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship
 28 of not less than twelve consecutive months. "Personal supervision" means that the licensed
 29 embalmer shall be physically present during the entire embalming process in the first six months of
 30 the apprenticeship period and physically present at the beginning of the embalming process and
 31 available for consultation and personal inspection within a period of not more than one hour in the
 32 remaining six months of the apprenticeship period. All transcripts and other records filed with the
 33 board shall become a part of the board files.

34 4. If the applicant does not complete the application process within the five years after his or
 35 her completion of an approved program, then he or she must file a new application and no fees paid
 36 previously shall apply toward the license fee.

37 5. Examinations required by this section and section 333.042 shall be held at least twice a
 38 year at times and places fixed by the board. The board shall by rule and regulation prescribe the
 39 standard for successful completion of the examinations.

40 6. Upon establishment of his or her qualifications as specified by this section or section
 41 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming,
 42 as the case may require, and shall register the applicant as a duly licensed funeral director or a duly
 43 licensed embalmer. Any person having the qualifications required by this section and section
 44 333.042 may be granted both a license to practice funeral directing and to practice embalming.

45 7. The board shall, upon request, waive any requirement of this chapter and issue a
 46 temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or
 47 the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or
 48 conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

49 333.151. 1. The state board of embalmers and funeral directors shall consist of six

1 members, including one voting public member appointed by the governor with the advice and
2 consent of the senate. Each member, other than the public member, appointed shall possess either a
3 license to practice embalming or a license to practice funeral directing in this state or both said
4 licenses and shall have been actively engaged in the practice of embalming or funeral directing for a
5 period of five years next before his or her appointment. Each member shall be a United States
6 citizen, a resident of this state for a period of at least one year, and a qualified voter of this state [~~and~~
7 ~~shall be of good moral character~~]. Not more than three members of the board shall be of the same
8 political party. The nonpublic members shall be appointed by the governor, with the advice and
9 consent of the senate. A majority of the members shall constitute a quorum. Members shall be
10 appointed to represent diversity in gender, race, ethnicity, and the various geographic regions of the
11 state.

12 2. Each member of the board shall serve for a term of five years. Any vacancy on the board
13 shall be filled by the governor and the person appointed to fill the vacancy shall possess the
14 qualifications required by this chapter and shall serve until the end of the unexpired term of his or
15 her predecessor, if any.

16 3. The public member shall be at the time of his or her appointment a person who is not and
17 never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of
18 such person; and a person who does not have and never has had a material, financial interest in
19 either the providing of the professional services regulated by this chapter, or an activity or
20 organization directly related to any profession licensed or regulated pursuant to this chapter. All
21 members, including public members, shall be chosen from lists submitted by the director of the
22 division of professional registration. The duties of the public member shall not include the
23 determination of the technical requirements to be met for licensure or whether any person meets
24 such technical requirements or of the technical competence or technical judgment of a licensee or a
25 candidate for licensure.

26 334.414. 1. The board shall issue a certificate of registration to any applicant that meets the
27 qualifications for an anesthesiologist assistant and that has paid the required fees.

28 2. The board shall promulgate rules and regulations pertaining to:

29 (1) Establishing application forms to be furnished to all persons seeking registration
30 pursuant to sections 334.400 to 334.430;

31 (2) Accepting certification by the National Commission on Certification of Anesthesiologist
32 Assistants or its successor in lieu of examinations for applicants for registration pursuant to sections
33 334.400 to 334.430;

34 (3) Determining the form and design of the registration to be issued pursuant to sections
35 334.400 to 334.430;

36 (4) Setting the amount of the fees for registration, licensure, and renewal pursuant to
37 sections 334.400 to 334.430. The fees shall be set at a level to produce revenue which shall not
38 substantially exceed the cost and expense of administering the provisions of sections 334.400 to
39 334.430;

40 (5) Keeping a record of all of its proceedings regarding sections 334.400 to 334.430 and of
41 all anesthesiologist assistants registered in this state.

42 No rule or portion of a rule promulgated pursuant to the authority of sections 334.400 to 334.430
43 shall become effective unless it has been promulgated pursuant to chapter 536.

44 3. The board shall have the authority to:

45 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to
46 deny, suspend, or revoke registration; and

47 (2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400 to
48 334.430.

49 4. The board may refuse to issue, suspend, revoke, or renew any certificate of registration or

1 authority, permit, or license required pursuant to sections 334.400 to 334.430 for one or any
 2 combination of causes stated in subsection 5 of this section. The board shall notify the applicant in
 3 writing of the reasons for the refusal, suspension, or revocation and shall advise the applicant of the
 4 right to file a complaint with the administrative hearing commission as provided by chapter 621.

5 5. The board may cause a complaint to be filed with the administrative hearing commission
 6 as provided by chapter 621 against any holder of any certificate of registration or authority, permit,
 7 or license required pursuant to sections 334.400 to 334.430 or against any person who has failed to
 8 renew or has surrendered a certificate of registration or authority, permit, or license for any one or
 9 any combination of the following causes:

10 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or
 11 alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an
 12 anesthesiologist assistant;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 14 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
 15 country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions, or~~] duties [~~of~~
 16 ~~an anesthesiologist assistant, for any offense for which an essential element is fraud, dishonesty or~~
 17 ~~act of violence, or for any offense involving moral turpitude,~~] and responsibilities of the occupation,
 18 as set forth in section 324.012, regardless of whether or not sentence is imposed;

19 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
 20 registration or authority, permit or license issued pursuant to sections 334.400 to 334.430 or in
 21 obtaining permission to take any examination given or required pursuant to sections 334.400 to
 22 334.430;

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

25 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
 26 the performance of the functions and duties of an anesthesiologist assistant;

27 (6) Violation of, or assisting or enabling any person to violate any provision of sections
 28 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections 334.400 to
 29 334.430;

30 (7) Impersonation of any person holding a certificate of registration or authority, permit, or
 31 license, or allowing any person to use a certificate of registration or authority, permit, license or
 32 diploma from any school;

33 (8) Disciplinary action against the holder of a license or other right relating to the practice of
 34 an anesthesiologist assistant granted by another state, territory, federal agency, or country upon
 35 grounds for which revocation or suspension is authorized in this state;

36 (9) Final adjudication of insanity or incompetency by a court of competent jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice as an anesthesiologist
 38 assistant who is not registered and currently eligible to practice pursuant to sections 334.400 to
 39 334.430;

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

42 (12) Violation of any professional trust or confidence;

43 (13) Violation of the ethical standards for an anesthesiologist assistant as defined by board
 44 rule; or

45 (14) Violation of chapter 195 or rules and regulations of this state, any other state, or the
 46 federal government.

47 6. After the filing of such complaint, the proceedings shall be conducted in accordance with
 48 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
 49 grounds, provided in subsection 5 of this section, for disciplinary action are met, the board may,

1 singly or in combination, censure or place the person named in the complaint on probation with such
2 terms and conditions as the board deems appropriate for a period not to exceed ten years, or suspend
3 his or her license for a period not to exceed seven years, or revoke his or her license, certificate, or
4 permit.

5 7. An individual whose license has been revoked shall wait at least one year from the date of
6 revocation to apply for relicensure and shall not be eligible for a temporary license. Relicensure
7 shall be at the discretion of the board after compliance with all requirements of sections 334.400 to
8 334.430.

9 8. Any person who violates any of the provisions of sections 334.400 to 334.430 is guilty of
10 class A misdemeanor.

11 334.530. 1. A candidate for license to practice as a physical therapist shall furnish evidence
12 of such person's ~~[good moral character and the person's]~~ educational qualifications by submitting
13 satisfactory evidence of completion of a program of physical therapy education approved as
14 reputable by the board. A candidate who presents satisfactory evidence of the person's graduation
15 from a school of physical therapy approved as reputable by the American Medical Association or, if
16 graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988,
17 the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to
18 have complied with the educational qualifications of this subsection.

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

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

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

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

36 334.613. 1. The board may refuse to issue or renew a license to practice as a physical
37 therapist or physical therapist assistant for one or any combination of causes stated in subsection 2
38 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall
39 advise the applicant of the applicant's right to file a complaint with the administrative hearing
40 commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to
41 practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a
42 license which is subject to probation, restriction, or limitation to an applicant for licensure for any
43 one or any combination of causes stated in subsection 2 of this section. The board's order of
44 probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis
45 therefor, the date such action shall become effective, and a statement that the applicant has thirty
46 days to request in writing a hearing before the administrative hearing commission. If the board
47 issues a probationary, limited, or restricted license to an applicant for licensure, either party may file
48 a written petition with the administrative hearing commission within thirty days of the effective date
49 of the probationary, limited, or restricted license seeking review of the board's determination. If no

1 written request for a hearing is received by the administrative hearing commission within the thirty-
2 day period, the right to seek review of the board's decision shall be considered as waived.

3 2. The board may cause a complaint to be filed with the administrative hearing commission
4 as provided by chapter 621 against any holder of a license to practice as a physical therapist or
5 physical therapist assistant who has failed to renew or has surrendered his or her license for any one
6 or any combination of the following causes:

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

10 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
11 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
12 country, for any offense ~~[reasonably]~~ directly related to the ~~[qualifications, functions, or]~~ duties ~~[of a~~
13 ~~physical therapist or physical therapist assistant, for any offense an essential element of which is~~
14 ~~fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and~~
15 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
16 sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

49 (j) Terminating the care of a patient without adequate notice or without making other

1 arrangements for the continued care of the patient;

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

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

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

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

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

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

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

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

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

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

29 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
30 censure, probation, or other final disciplinary action against a physical therapist or physical therapist
31 assistant for a license or other right to practice as a physical therapist or physical therapist assistant
32 by another state, territory, federal agency or country, whether or not voluntarily agreed to by the
33 licensee or applicant, including but not limited to the denial of licensure, surrender of the license,
34 allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy
35 while subject to an investigation or while actually under investigation by any licensing authority,
36 medical facility, branch of the Armed Forces of the United States of America, insurance company,
37 court, agency of the state or federal government, or employer;

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

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

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

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

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

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

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

10 (16) Knowingly making or causing to be made a false statement or misrepresentation of a
11 material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment
12 from Title XVIII or Title XIX of the Social Security Act;

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

17 (18) Any candidate for licensure or person licensed to practice as a physical therapist or
18 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section
19 334.010 to the contrary, practicing or offering to practice professional physical therapy independent
20 of the prescription and direction of a person licensed and registered as a physician and surgeon
21 under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as
22 a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered
23 nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or
24 advanced practice registered nurse practicing in another jurisdiction, whose license is in good
25 standing;

26 (19) Any candidate for licensure or person licensed to practice as a physical therapist or
27 physical therapist assistant treating or attempting to treat ailments or other health conditions of
28 human beings other than by professional physical therapy and as authorized by sections 334.500 to
29 334.685;

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

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

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

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

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

49 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding

1 of probable cause, require a physical therapist or physical therapist assistant to submit to a
2 reexamination for the purpose of establishing his or her competency to practice as a physical
3 therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose
4 by the board, including rules to allow the examination of the pattern and practice of such physical
5 therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical
6 examination or combination thereof by a facility or professional approved by the board;

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

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

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

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

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

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

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

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

42 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an
43 indefinite period of time;

44 (4) Revoke the physical therapist's or physical therapist assistant's license;

45 (5) Administer a public or private reprimand;

46 (6) Deny the physical therapist's or physical therapist assistant's application for a license;

47 (7) Permanently withhold issuance of a license;

48 (8) Require the physical therapist or physical therapist assistant to submit to the care,
49 counseling or treatment of physicians designated by the board at the expense of the physical

1 therapist or physical therapist assistant to be examined;

2 (9) Require the physical therapist or physical therapist assistant to attend such continuing
3 educational courses and pass such examinations as the board may direct.

4 4. In any order of revocation, the board may provide that the physical therapist or physical
5 therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist
6 assistant's license for a period of time ranging from two to seven years following the date of the
7 order of revocation. All stay orders shall toll this time period.

8 5. Before restoring to good standing a license issued under this chapter which has been in a
9 revoked, suspended, or inactive state for any cause for more than two years, the board may require
10 the applicant to attend such continuing medical education courses and pass such examinations as the
11 board may direct.

12 6. In any investigation, hearing or other proceeding to determine a physical therapist's,
13 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of
14 the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board
15 and admissible into evidence, regardless of any statutory or common law privilege which such
16 physical therapist, physical therapist assistant, applicant, record custodian, or patient might
17 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or
18 record custodian may withhold records or testimony bearing upon a physical therapist's, physical
19 therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such
20 physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

21 334.616. 1. A license issued under this chapter by the Missouri state board of registration
22 for the healing arts shall be automatically revoked at such time as the final trial proceedings are
23 concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty
24 or nolo contendere, in a ~~[felony]~~ criminal prosecution under the laws of ~~[the state of Missouri, the~~
25 ~~laws of any other]~~ any state, or the laws of the United States ~~[of America], or any country,~~ for any
26 offense ~~[reasonably]~~ directly related to the ~~[qualifications, functions or]~~ duties ~~[of their profession,~~
27 ~~or for any felony offense, an essential element of which is fraud, dishonesty or act of violence, or for~~
28 ~~any offense involving moral turpitude,]~~ and responsibilities of the occupation, as set forth in section
29 324.012, regardless of whether or not sentence is imposed, or, upon the final and unconditional
30 revocation of the license to practice their profession in another state or territory upon grounds for
31 which revocation is authorized in this state following a review of the record of the proceedings and
32 upon a formal motion of the state board of registration for the healing arts. The license of any such
33 licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside
34 upon final appeal in any court of competent jurisdiction.

35 2. Anyone who has been denied a license, permit, or certificate to practice in another state
36 shall automatically be denied a license to practice in this state. However, the board of healing arts
37 may set up other qualifications by which such person may ultimately be qualified and licensed to
38 practice in Missouri.

39 334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall
40 furnish evidence of the person's ~~[good moral character and of the person's]~~ educational
41 qualifications. The educational requirements for licensure as a physical therapist assistant are:

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

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

45 2. Persons desiring to practice as a physical therapist assistant in this state shall appear
46 before the board at such time and place as the board may direct and be examined as to the person's
47 fitness to engage in such practice. Applications for examination shall be on a form furnished by the
48 board and shall include evidence satisfactory to the board that the applicant possesses the
49 qualifications provided in subsection 1 of this section. Each application shall contain a statement

1 that the statement is made under oath of affirmation and that its representations are true and correct
2 to the best knowledge and belief of the person signing the statement, subject to the penalties of
3 making a false affidavit or declaration.

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

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

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

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

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

25 334.715. 1. The board may refuse to issue or renew any license required under sections
26 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any
27 cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the
28 refusal and shall advise the applicant of the applicant's right to file a complaint with the
29 administrative hearing commission as provided in chapter 621. As an alternative to a refusal to
30 issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a
31 license which is subject to reprimand, probation, restriction, or limitation to an applicant for
32 licensure for any one or any combination of causes listed in subsection 2 of this section or section
33 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a
34 statement of the discipline imposed, the basis therefor, the date such action shall become effective,
35 and a statement that the applicant has thirty days to request in writing a hearing before the
36 administrative hearing commission. If the board issues a probationary, limited, or restricted license
37 to an applicant for licensure, either party may file a written petition with the administrative hearing
38 commission within thirty days of the effective date of the probationary, limited, or restricted license
39 seeking review of the board's determination. If no written request for a hearing is received by the
40 administrative hearing commission within the thirty-day period, the right to seek review of the
41 board's decision shall be considered waived.

42 2. The board may cause a complaint to be filed with the administrative hearing commission
43 as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or
44 license required by sections 334.700 to 334.725 or any person who has failed to renew or has
45 surrendered the person's certification of registration or license for any one or any combination of the
46 following causes:

47 (1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any
48 provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

49 (2) Has been found guilty of unethical conduct as defined in the ethical standards of the

1 National Athletic Trainers Association or the National Athletic Trainers Association Board of
 2 Certification, or its successor agency, as adopted and published by the committee and the board and
 3 filed with the secretary of state, except the board shall not use any determinations based on vague or
 4 generic terms, including but not limited to "moral turpitude" and "good character", when making
 5 such determination; or

6 (3) Any cause listed in section 334.100.

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

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

13 (2) Suspend the person's license, certificate, or permit for a period not to exceed three years;
 14 or

15 (3) Administer a public or private reprimand; or

16 (4) Deny the person's application for a license; or

17 (5) Permanently withhold issuance of a license or require the person to submit to the care,
 18 counseling, or treatment of physicians designated by the board at the expense of the individual to be
 19 examined; or

20 (6) Require the person to attend such continuing education courses and pass such
 21 examinations as the board may direct; or

22 (7) Restrict or limit the person's license for an indefinite period of time; or

23 (8) Revoke the person's license.

24 4. In any order of revocation, the board may provide that the person shall not apply for
 25 reinstatement of the person's license for a period of time ranging from two to seven years following
 26 the date of the order of revocation. All stay orders shall toll such time period.

27 5. Before restoring to good standing a license, certificate, or permit issued under this chapter
 28 which has been in a revoked, suspended, or inactive state for any cause for more than two years, the
 29 board may require the applicant to attend such continuing education courses and pass such
 30 examinations as the board may direct.

31 334.920. 1. The board may refuse to issue or renew any certificate of registration or
 32 authority, permit or license required pursuant to sections 334.800 to 334.930 for one or any
 33 combination of causes stated in subsection 2 of this section. The board shall notify the applicant in
 34 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
 35 complaint with the administrative hearing commission as provided by chapter 621.

36 2. The board may cause a complaint to be filed with the administrative hearing commission
 37 as provided by chapter 621 against any holder of any certificate of registration or authority, permit
 38 or license required by sections 334.800 to 334.930 or any person who has failed to renew or has
 39 surrendered his or her certificate of registration or authority, permit or license for any one or any
 40 combination of the following causes:

41 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or
 42 alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a
 43 respiratory care practitioner;

44 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 45 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
 46 country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of a
 47 respiratory care practitioner, for any offense an essential element is fraud, dishonesty or act of
 48 violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set
 49 forth in section 324.012, regardless of whether or not sentence is imposed;

1 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
2 registration or authority, permit or license issued pursuant to sections 334.800 to 334.930 or in
3 obtaining permission to take any examination given or required pursuant to sections 334.800 to
4 334.930;

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

7 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
8 the performance of the functions and duties of a respiratory care practitioner;

9 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
10 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to
11 334.930;

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

15 (8) Disciplinary action against the holder of a license or other right to practice any
16 profession regulated by sections 334.800 to 334.930 granted by another state, territory, federal
17 agency or country upon grounds for which revocation or suspension is authorized in this state;

18 (9) A person if finally adjudged insane or incompetent by a court of competent jurisdiction;

19 (10) Assisting or enabling any person to practice or offer to practice as a respiratory care
20 practitioner who is not registered and currently eligible to practice pursuant to sections 334.800 to
21 334.930;

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

24 (12) Violation of any professional trust or confidence;

25 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to the
26 general public or persons to whom the advertisement or solicitation is primarily directed;

27 (14) Committing unethical conduct as defined in the ethical standards for respiratory care
28 practitioners adopted by the division and filed with the secretary of state; or

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

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

37 4. An individual whose license has been revoked shall wait at least one year from the date of
38 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after
39 compliance with all requirements of sections 334.800 to 334.930 relative to the licensing of the
40 applicant for the first time.

41 5. Any person who violates any of the provisions of sections 334.800 to 334.930 is guilty of
42 class A misdemeanor.

43 335.046. 1. An applicant for a license to practice as a registered professional nurse shall
44 submit to the board a written application on forms furnished to the applicant. The original
45 application shall contain the applicant's statements showing the applicant's education and other such
46 pertinent information as the board may require. The applicant shall ~~be of good moral character~~
47 ~~and~~ have completed at least the high school course of study, or the equivalent thereof as determined
48 by the state board of education, and have successfully completed the basic professional curriculum
49 in an accredited or approved school of nursing and earned a professional nursing degree or diploma.

1 Each application shall contain a statement that it is made under oath or affirmation and that its
2 representations are true and correct to the best knowledge and belief of the person signing same,
3 subject to the penalties of making a false affidavit or declaration. Applicants from non-English-
4 speaking lands shall be required to submit evidence of proficiency in the English language. The
5 applicant must be approved by the board and shall pass an examination as required by the board.
6 The board may require by rule as a requirement for licensure that each applicant shall pass an oral or
7 practical examination. Upon successfully passing the examination, the board may issue to the
8 applicant a license to practice nursing as a registered professional nurse. The applicant for a license
9 to practice registered professional nursing shall pay a license fee in such amount as set by the board.
10 The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as
11 prescribed by rule.

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

30 3. Upon refusal of the board to allow any applicant to sit for either the registered
31 professional nurses' examination or the licensed practical nurses' examination, as the case may be,
32 the board shall comply with the provisions of section 621.120 and advise the applicant of his or her
33 right to have a hearing before the administrative hearing commission. The administrative hearing
34 commission shall hear complaints taken pursuant to section 621.120.

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

37 335.066. 1. The board may refuse to issue or reinstate any certificate of registration or
38 authority, permit or license required pursuant to this chapter for one or any combination of causes
39 stated in subsection 2 of this section or the board may, as a condition to issuing or reinstating any
40 such permit or license, require a person to submit himself or herself for identification, intervention,
41 treatment, or monitoring by the intervention program and alternative program as provided in section
42 335.067. The board shall notify the applicant in writing of the reasons for the refusal and shall
43 advise the applicant of his or her right to file a complaint with the administrative hearing
44 commission as provided by chapter 621.

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

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

6 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
7 nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States,
8 or any country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~]
9 ~~duties [of any profession licensed or regulated pursuant to sections 335.011 to 335.096, for any~~
10 ~~offense an essential element of which is fraud, dishonesty or act of violence, or for any offense~~
11 ~~involving moral turpitude,]~~ and responsibilities of the occupation, as set forth in section 324.012,
12 regardless of whether or not sentence is imposed;

13 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
14 registration or authority, permit or license issued pursuant to sections 335.011 to 335.096 or in
15 obtaining permission to take any examination given or required pursuant to sections 335.011 to
16 335.096;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (n) A departure from or failure to conform to nursing standards;
2 (o) Failure to establish, maintain, or communicate professional boundaries with the patient.
3 A nurse may provide health care services to a person with whom the nurse has a personal
4 relationship as long as the nurse otherwise meets the standards of the profession;
5 (p) Violating the confidentiality or privacy rights of the patient, resident, or client;
6 (q) Failing to assess, accurately document, or report the status of a patient, resident, or
7 client, or falsely assessing, documenting, or reporting the status of a patient, resident, or client;
8 (r) Intentionally or negligently causing physical or emotional harm to a patient, resident, or
9 client;
10 (s) Failing to furnish appropriate details of a patient's, client's, or resident's nursing needs to
11 succeeding nurses legally qualified to provide continuing nursing services to a patient, client, or
12 resident;
13 (7) Violation of, or assisting or enabling any person to violate, any provision of sections
14 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to
15 335.096;
16 (8) Impersonation of any person holding a certificate of registration or authority, permit or
17 license or allowing any person to use his or her certificate of registration or authority, permit, license
18 or diploma from any school;
19 (9) Disciplinary action against the holder of a license or other right to practice any
20 profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal
21 agency or country upon grounds for which revocation or suspension is authorized in this state;
22 (10) A person is finally adjudged insane or incompetent by a court of competent
23 jurisdiction;
24 (11) Assisting or enabling any person to practice or offer to practice any profession licensed
25 or regulated by sections 335.011 to 335.096 who is not registered and currently eligible to practice
26 pursuant to sections 335.011 to 335.096;
27 (12) Issuance of a certificate of registration or authority, permit or license based upon a
28 material mistake of fact;
29 (13) Violation of any professional trust or confidence;
30 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the
31 general public or persons to whom the advertisement or solicitation is primarily directed;
32 (15) Violation of the drug laws or rules and regulations of this state, any other state or the
33 federal government;
34 (16) Placement on an employee disqualification list or other related restriction or finding
35 pertaining to employment within a health-related profession issued by any state or federal
36 government or agency following final disposition by such state or federal government or agency;
37 (17) Failure to successfully complete the intervention or alternative program for substance
38 use disorder;
39 (18) Knowingly making or causing to be made a false statement or misrepresentation of a
40 material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or
41 chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare program;
42 (19) Failure or refusal to properly guard against contagious, infectious, or communicable
43 diseases or the spread thereof; maintaining an unsanitary office or performing professional services
44 under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office
45 of a physician or in any health care facility to the board, in writing, within thirty days after the
46 discovery thereof;
47 (20) A pattern of personal use or consumption of any controlled substance or any substance
48 which requires a prescription unless it is prescribed, dispensed, or administered by a provider who is
49 authorized by law to do so or a pattern of abuse of any prescription medication;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (2) Engaging in sexual misconduct with a minor or person the licensee believes to be a

1 minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under
2 state or federal law;

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

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

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

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

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

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

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

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

37 11. (1) The administrative hearing commission shall hold a hearing within forty-five days
38 of the board's filing of the complaint to determine if cause for discipline exists. The administrative
39 hearing commission may grant a request for a continuance, but shall in any event hold the hearing
40 within one hundred twenty days of the board's initial filing. The board shall be granted leave to
41 amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the
42 board may be granted leave to amend if public safety requires.

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

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

1 any discipline otherwise authorized by state law.

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

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

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

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

19 16. (1) The board may initiate a hearing before the board for discipline of any licensee's
20 license or certificate upon receipt of one of the following:

21 (a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a
22 criminal prosecution under the laws of any state or of the United States, or any country, for any
23 offense ~~[involving the qualifications, functions, or duties of any profession licensed or regulated~~
24 ~~under this chapter, for any offense involving fraud, dishonesty or act of violence, or for any offense~~
25 ~~involving moral turpitude,]~~ directly related to the duties and responsibilities of the occupation, as set
26 forth in section 324.012, regardless of whether or not sentence is imposed;

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

30 (c) Evidence of certified court records finding the licensee has been judged incapacitated or
31 disabled under Missouri law or under the laws of any other state or of the United States or its
32 territories.

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

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

37 336.030. 1. A person is qualified to receive a license as an optometrist:

38 (1) ~~[Who is of good moral character;~~

39 ~~——(2)]~~ Who has graduated from a college or school of optometry approved by the board; and

40 ~~[(3)]~~ (2) Who has met either of the following conditions:

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

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

49 2. The board may adopt reasonable rules and regulations providing for the examination and

1 certification of optometrists who apply to the board for the authority to practice optometry in this
2 state.

3 336.110. 1. The board may refuse to issue any certificate of registration or authority, permit
4 or license required pursuant to this chapter for one or any combination of causes stated in subsection
5 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
6 shall advise the applicant of his right to file a complaint with the administrative hearing commission
7 as provided by chapter 621.

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

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

16 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
17 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
18 country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~] duties [~~of~~
19 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
20 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,~~] and
21 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
22 sentence is imposed;

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

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

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
29 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

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

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

39 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
40 or regulated by this chapter who is not registered and currently eligible to practice under this
41 chapter;

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

44 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
45 promulgated hereunder;

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

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

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

3 (b) Any self-laudatory statement;

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

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

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

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

17 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
18 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
19 grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in
20 combination, censure or place the person named in the complaint on probation on such terms and
21 conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for
22 a period not to exceed three years, or revoke the license, certificate, or permit.

23 337.020. 1. Each person desiring to obtain a license, whether temporary, provisional or
24 permanent, as a psychologist shall make application to the committee upon such forms and in such
25 manner as may be prescribed by the committee and shall pay the required application fee. The form
26 shall include a statement that the applicant has completed two hours of suicide assessment, referral,
27 treatment, and management training that meets the guidelines developed by the committee. The
28 committee shall not charge an application fee until such time that the application has been approved.
29 In the event that an application is denied or rejected, no application fee shall be charged. The
30 application fee shall not be refundable. Each application shall contain a statement that it is made
31 under oath or affirmation and that its representations are true and correct to the best knowledge and
32 belief of the person signing the application, subject to the penalties of making a false affidavit or
33 declaration.

34 2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit
35 evidence satisfactory to the committee that the applicant is at least twenty-one years of age, ~~is of~~
36 ~~good moral character,~~ and meets the appropriate educational requirements as set forth in either
37 section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section
38 337.029. In determining the acceptability of the applicant's qualifications, the committee may
39 require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall
40 furnish the evidence in the manner required by the committee.

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

48 4. The committee, with assistance from the division, shall issue a provisional license to, and
49 register as being a provisionally licensed psychologist, any applicant who is a graduate of a

1 recognized educational institution with a doctoral degree in psychology as defined in section
2 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for
3 passage of the national and state licensing exams, oral examination and completion of the required
4 period of postdegree supervised experience as specified in subsection 2 of section 337.025.

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

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

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

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

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

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

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

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

47 337.035. 1. The committee may refuse to issue any certificate of registration or authority,
48 permit or license required pursuant to this chapter for one or any combination of causes stated in
49 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for

1 the refusal and shall advise the applicant of the applicant's right to file a complaint with the
2 administrative hearing commission as provided by chapter 621.

3 2. The committee may cause a complaint to be filed with the administrative hearing
4 commission as provided by chapter 621 against any holder of any certificate of registration or
5 authority, permit or license required by this chapter or any person who has failed to renew or has
6 surrendered the person's certificate of registration or authority, permit or license for any one or any
7 combination of the following causes:

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

11 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
12 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
13 country, for any offense ~~reasonably~~ directly related to the ~~qualifications, functions or~~ duties ~~of~~
14 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
15 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and~~
16 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
17 sentence is imposed;

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

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

23 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
24 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

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

33 (9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

34 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
35 or regulated by this chapter who is not registered and currently eligible to practice as provided this
36 chapter;

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

39 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
40 promulgated pursuant to this chapter;

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

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

44 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted
45 by the committee and filed with the secretary of state.

46 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
47 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
48 grounds, provided in subsection 2, for disciplinary action are met, the committee may, singly or in
49 combination, censure or place the person named in the complaint on probation on such terms and

1 conditions as the department deems appropriate for a period not to exceed five years, or may
2 suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

3 4. An interested third party may file a complaint or appear or present evidence relative to
4 such complaint or another complaint filed pursuant to this section. For purposes of this section, an
5 interested third party includes a parent or guardian of a person who received treatment by a
6 psychologist or any person who is related within the second degree of consanguinity or affinity and
7 who is financially responsible for the payment of such treatment.

8 337.330. 1. The committee may refuse to issue any license required under this chapter for
9 one or any combination of causes stated in subsection 2 of this section. The committee shall notify
10 the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's
11 right to file a complaint with the administrative hearing commission as provided by chapter 621.

12 2. The committee may cause a complaint to be filed with the administrative hearing
13 commission, as provided by chapter 621, against any holder of any license required by this chapter
14 or any person who has failed to renew or has surrendered the person's license for any one or any
15 combination of the following causes:

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

19 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
20 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
21 country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions, or~~] duties [~~of~~
22 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
23 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,~~] and
24 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
25 sentence is imposed;

26 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license
27 issued under this chapter or in obtaining permission to take any examination given or required under
28 sections 337.300 to 337.345;

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

31 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
32 the performance of the functions or duties of any profession licensed by sections 337.300 to
33 337.345;

34 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
35 337.300 to 337.345, or of any lawful rule adopted thereunder;

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

39 (8) Disciplinary action against the holder of a license or other right to practice any
40 profession regulated by sections 337.300 to 337.345 granted by another state, territory, federal
41 agency, or country upon grounds for which revocation or suspension is authorized in this state;

42 (9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

43 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
44 or regulated by sections 337.300 to 337.345 who is not registered and currently eligible to practice
45 as provided in sections 337.300 to 337.345;

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

48 (12) Failure to display a valid certificate or license if so required by sections 337.300 to
49 337.345 or any rule promulgated thereunder;

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

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

4 (15) Being guilty of unethical conduct as defined in the code of conduct as adopted by the
5 committee and filed with the secretary of state.

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

12 337.510. 1. Each applicant for licensure as a professional counselor shall furnish evidence
13 to the committee that the applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a
14 United States citizen or is legally present in the United States; and

15 (1) The applicant has completed a course of study as defined by the board rule leading to a
16 master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has
17 held a license as a professional counselor in this state or currently holds a license as a professional
18 counselor in another state shall not be required to have completed any courses related to career
19 development; and

20 (2) The applicant has completed acceptable supervised counseling as defined by board rule.
21 If the applicant has a master's degree with a major in counseling as defined by board rule, the
22 applicant shall complete at least two years of acceptable supervised counseling experience
23 subsequent to the receipt of the master's degree. The composition and number of hours comprising
24 the acceptable supervised counseling experience shall be defined by board rule. An applicant may
25 substitute thirty semester hours of post master's graduate study for one of the two required years of
26 acceptable supervised counseling experience if such hours are clearly related to counseling;

27 (3) After August 28, 2007, each applicant shall have completed a minimum of three hours of
28 graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as
29 post master's graduate level course work;

30 (4) Upon examination, the applicant is possessed of requisite knowledge of the profession,
31 including techniques and applications, research and its interpretation, and professional affairs and
32 ethics.

33 2. Any person holding a current license, certificate of registration, or permit from another
34 state or territory of the United States to practice as a professional counselor who does not meet the
35 requirements in section 324.009 and who is at least eighteen years of age, ~~[is of good moral~~
36 ~~character,]~~ and is a United States citizen or is legally present in the United States may be granted a
37 license without examination to engage in the practice of professional counseling in this state upon
38 the application to the board, payment of the required fee as established by the board, and satisfying
39 one of the following requirements:

40 (1) Approval by the American Association of State Counseling Boards (AASCB) or its
41 successor organization according to the eligibility criteria established by AASCB. The successor
42 organization shall be defined by board rule; or

43 (2) In good standing and currently certified by the National Board for Certified Counselors
44 or its successor organization and has completed acceptable supervised counseling experience as
45 defined by board rule. The successor organization shall be defined by board rule.

46 3. The committee shall issue a license to each person who files an application and fee and
47 who furnishes evidence satisfactory to the committee that the applicant has complied with the
48 provisions of this act and has taken and passed a written, open-book examination on Missouri laws
49 and regulations governing the practice of professional counseling as defined in section 337.500.

1 The division shall issue a provisional professional counselor license to any applicant who meets all
 2 requirements of this section, but who has not completed the required acceptable supervised
 3 counseling experience and such applicant may reapply for licensure as a professional counselor
 4 upon completion of such acceptable supervised counseling experience.

5 4. All persons licensed to practice professional counseling in this state shall pay on or before
 6 the license renewal date a renewal license fee and shall furnish to the committee satisfactory
 7 evidence of the completion of the requisite number of hours of continuing education as required by
 8 rule, including two hours of suicide assessment, referral, treatment, and management training, which
 9 shall be no more than forty hours biennially. The continuing education requirements may be waived
 10 by the committee upon presentation to the committee of satisfactory evidence of the illness of the
 11 licensee or for other good cause.

12 337.525. 1. The committee may refuse to issue or renew any license required by the
 13 provisions of sections 337.500 to 337.540 for one or any combination of causes stated in subsection
 14 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal
 15 and shall advise the applicant of his right to file a complaint with the administrative hearing
 16 commission as provided by chapter 621.

17 2. The committee may cause a complaint to be filed with the administrative hearing
 18 commission as provided by chapter 621 against any holder of any license required by sections
 19 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one
 20 or any combination of the following causes:

21 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
 22 extent that such use impairs a person's ability to engage in the occupation of professional counselor;

23 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 24 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
 25 country, for any offense [reasonably] directly related to [the qualifications, functions or] duties [of a
 26 professional counselor; for any offense an essential element of which is fraud, dishonesty or act of
 27 violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set
 28 forth in section 324.012, regardless of whether or not sentence is imposed;

29 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
 30 pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to take any
 31 examination given or required pursuant to the provisions of sections 337.500 to 337.540;

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

34 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of
 35 the functions or duties of a professional counselor;

36 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
 37 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to
 38 337.540;

39 (7) Impersonation of any person holding a license or allowing any person to use his or her
 40 license or diploma from any school;

41 (8) Revocation or suspension of a license or other right to practice counseling granted by
 42 another state, territory, federal agency or country upon grounds for which revocation or suspension
 43 is authorized in this state;

44 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

45 (10) Assisting or enabling any person to practice or offer to practice professional counseling
 46 who is not licensed and currently eligible to practice under the provisions of sections 337.500 to
 47 337.540;

48 (11) Issuance of a license based upon a material mistake of fact;

49 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or any

1 rule promulgated hereunder;

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

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

5 (15) Being guilty of unethical conduct as defined in the ethical standards for counselors
6 adopted by the division and filed with the secretary of state.

7 3. Any person, organization, association or corporation who reports or provides information
8 to the committee pursuant to the provisions of this chapter and who does so in good faith shall not
9 be subject to an action for civil damages as a result thereof.

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

16 337.615. 1. Each applicant for licensure as a clinical social worker shall furnish evidence to
17 the committee that:

18 (1) The applicant has a master's degree from a college or university program of social work
19 accredited by the council of social work education or a doctorate degree from a school of social
20 work acceptable to the committee;

21 (2) The applicant has completed at least three thousand hours of supervised clinical
22 experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-
23 four months and no more than forty-eight consecutive calendar months. For any applicant who has
24 successfully completed at least four thousand hours of supervised clinical experience with a
25 qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in
26 this subsection, the applicant shall be eligible for application of licensure at three thousand hours
27 and shall be furnished a certificate by the state committee for social workers acknowledging the
28 completion of said additional hours;

29 (3) The applicant has achieved a passing score, as defined by the committee, on an
30 examination approved by the committee. The eligibility requirements for such examination shall be
31 promulgated by rule of the committee;

32 (4) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United
33 States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during~~
34 ~~the ten years immediately prior to application for licensure]~~ finally adjudicated and found guilty, or
35 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or
36 of the United States, or any country, for any offense directly related to the occupation, as set forth in
37 section 324.012, regardless of whether or not sentence has been imposed.

38 2. Any person holding a current license, certificate of registration, or permit from another
39 state or territory of the United States or the District of Columbia to practice clinical social work who
40 does not meet the requirements of section 324.009 and who has had no disciplinary action taken
41 against the license, certificate of registration, or permit for the preceding five years may be granted a
42 license to practice clinical social work in this state if the person has received a masters or doctoral
43 degree from a college or university program of social work accredited by the council of social work
44 education and has been licensed to practice clinical social work for the preceding five years.

45 3. The committee shall issue a license to each person who files an application and fee as
46 required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to
47 the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of
48 subsection 1 of this section or with the provisions of subsection 2 of this section.

49 337.630. 1. The committee may refuse to issue or renew any license required by the

1 provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection
 2 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal
 3 and shall advise the applicant of the applicant's right to file a complaint with the administrative
 4 hearing commission as provided by chapter 621.

5 2. The committee may cause a complaint to be filed with the administrative hearing
 6 commission as provided by chapter 621 against any holder of any license required by sections
 7 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for
 8 any one or any combination of the following causes:

9 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
 10 extent that such use impairs a person's ability to engage in the occupation of social work licensed
 11 under this chapter; except that the fact that a person has undergone treatment for past substance or
 12 alcohol abuse and/or has participated in a recovery program, shall not by itself be cause for refusal
 13 to issue or renew a license;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 15 nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States,
 16 or any country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~]
 17 ~~duties [of a social worker licensed under this chapter; for any offense an essential element of which~~
 18 ~~is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and~~
 19 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
 20 sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
 22 pursuant to the provisions of sections 337.600 to 337.689 or in obtaining permission to take any
 23 examination given or required pursuant to the provisions of sections 337.600 to 337.689;

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

26 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of
 27 the functions or duties of a social worker licensed pursuant to this chapter;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
 29 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to
 30 337.689;

31 (7) Impersonation of any person holding a license or allowing any person to use the person's
 32 license or diploma from any school;

33 (8) Revocation or suspension of a license or other right to practice social work licensed
 34 pursuant to this chapter granted by another state, territory, federal agency or country upon grounds
 35 for which revocation or suspension is authorized in this state;

36 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice social work licensed
 38 pursuant to this chapter who is not licensed and currently eligible to practice pursuant to the
 39 provisions of sections 337.600 to 337.689;

40 (11) Obtaining a license based upon a material mistake of fact;

41 (12) Failure to display a valid license if so required by sections 337.600 to 337.689 or any
 42 rule promulgated hereunder;

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

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

46 (15) Being guilty of unethical conduct as defined in the ethical standards for clinical social
 47 workers adopted by the committee by rule and filed with the secretary of state.

48 3. Any person, organization, association or corporation who reports or provides information
 49 to the committee pursuant to the provisions of sections 337.600 to 337.689 and who does so in good

1 faith shall not be subject to an action for civil damages as a result thereof.

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

8 337.644. 1. Each applicant for licensure as a master social worker shall furnish evidence to
9 the committee that:

10 (1) The applicant has a master's or doctorate degree in social work from an accredited social
11 work degree program approved by the council of social work education;

12 (2) The applicant has achieved a passing score, as defined by the committee, on an
13 examination approved by the committee. The eligibility requirements for such examination shall be
14 determined by the state committee for social workers;

15 (3) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United
16 States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during~~
17 ~~the ten years immediately prior to application for licensure]~~ finally adjudicated and found guilty, or
18 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or
19 of the United States, or any country, for any offense directly related to the duties and responsibilities
20 of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

21 (4) The applicant has submitted a written application on forms prescribed by the state board;

22 (5) The applicant has submitted the required licensing fee, as determined by the committee.

23 2. Any applicant who answers in the affirmative to any question on the application that
24 relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn
25 affidavit setting forth in detail the facts which explain such answer and copies of appropriate
26 documents related to such answer.

27 3. The committee shall issue a license to each person who files an application and fee as
28 required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to
29 the committee that the applicant has complied with the provisions of subsection 1 of this section.
30 The license shall refer to the individual as a licensed master social worker and shall recognize that
31 individual's right to practice licensed master social work as defined in section 337.600.

32 337.645. 1. Each applicant for licensure as an advanced macro social worker shall furnish
33 evidence to the committee that:

34 (1) The applicant has a master's degree from a college or university program of social work
35 accredited by the council of social work education or a doctorate degree from a school of social
36 work acceptable to the committee;

37 (2) The applicant has completed at least three thousand hours of supervised advanced macro
38 experience with a qualified advanced macro supervisor as defined in section 337.600 in no less than
39 twenty-four months and no more than forty-eight consecutive calendar months. For any applicant
40 who has successfully completed at least four thousand hours of supervised advanced macro
41 experience with a qualified advanced macro supervisor, as defined in section 337.600, within the
42 same time frame prescribed in this subsection, the applicant shall be eligible for application of
43 licensure at three thousand hours and shall be furnished a certificate by the state committee for
44 social workers acknowledging the completion of said additional hours;

45 (3) The applicant has achieved a passing score, as defined by the committee, on an
46 examination approved by the committee. The eligibility requirements for such examination shall be
47 promulgated by rule of the committee;

48 (4) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United
49 States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during~~

1 ~~the ten years immediately prior to application for licensure]~~ finally adjudicated and found guilty, or
 2 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or
 3 of the United States, or any country, for any offense directly related to the duties and responsibilities
 4 of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.

5 2. Any person holding a current license, certificate of registration, or permit from another
 6 state or territory of the United States or the District of Columbia to practice advanced macro social
 7 work who has had no disciplinary action taken against the license, certificate of registration, or
 8 permit for the preceding five years may be granted a license to practice advanced macro social work
 9 in this state if the person meets one of the following criteria:

10 (1) Has received a master's or doctoral degree from a college or university program of social
 11 work accredited by the council of social work education and has been licensed to practice advanced
 12 macro social work for the preceding five years; or

13 (2) Is currently licensed or certified as an advanced macro social worker in another state,
 14 territory of the United States, or the District of Columbia having substantially the same requirements
 15 as this state for advanced macro social workers.

16 3. The committee shall issue a license to each person who files an application and fee as
 17 required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to
 18 the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of
 19 subsection 1 of this section or with the provisions of subsection 2 of this section.

20 337.665. 1. Each applicant for licensure as a baccalaureate social worker shall furnish
 21 evidence to the committee that:

22 (1) The applicant has a baccalaureate degree in social work from an accredited social work
 23 degree program approved by the council of social work education;

24 (2) The applicant has achieved a passing score, as defined by the committee, on an
 25 examination approved by the committee. The eligibility requirements for such examination shall be
 26 determined by the state committee for social work;

27 (3) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United
 28 States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during~~
 29 ~~the ten years immediately prior to application for licensure]~~ finally adjudicated and found guilty, or
 30 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or
 31 of the United States, or any country, for any offense directly related to the duties and responsibilities
 32 of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

33 (4) The applicant has submitted a written application on forms prescribed by the state board;

34 (5) The applicant has submitted the required licensing fee, as determined by the committee.

35 2. Any applicant who answers in the affirmative to any question on the application that
 36 relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn
 37 affidavit setting forth in detail the facts which explain such answer and copies of appropriate
 38 documents related to such answer.

39 3. The committee shall issue a license to each person who files an application and fee as
 40 required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to
 41 the committee that the applicant has complied with the provisions of subsection 1 of this section.

42 4. The committee shall issue a certificate to practice independently under subsection 3 of
 43 section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three
 44 thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than
 45 twenty-four months and no more than forty-eight consecutive calendar months.

46 337.715. 1. Each applicant for licensure or provisional licensure as a marital and family
 47 therapist shall furnish evidence to the committee that:

48 (1) The applicant has a master's degree or a doctoral degree in marital and family therapy
 49 from a program accredited by the Commission on Accreditation for Marriage and Family Therapy

1 Education, or its equivalent as defined by committee regulation, from an educational institution
 2 accredited by a regional accrediting body that is recognized by the United States Department of
 3 Education;

4 (2) The applicant for licensure as a marital and family therapist has twenty-four months of
 5 postgraduate supervised clinical experience acceptable to the committee, as the state committee
 6 determines by rule;

7 (3) After August 28, 2008, the applicant shall have completed a minimum of three semester
 8 hours of graduate-level course work in diagnostic systems either within the curriculum leading to a
 9 degree as defined in subdivision (1) of this subsection or as post-master's graduate-level course
 10 work. Each applicant shall demonstrate supervision of diagnosis as a core component of the
 11 postgraduate supervised clinical experience as defined in subdivision (2) of this subsection;

12 (4) Upon examination, the applicant is possessed of requisite knowledge of the profession,
 13 including techniques and applications research and its interpretation and professional affairs and
 14 ethics;

15 (5) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United
 16 States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during~~
 17 ~~the ten years immediately prior to application for licensure]~~ finally adjudicated and found guilty, or
 18 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or
 19 of the United States, or any country, for any offense directly related to the duties and responsibilities
 20 of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.

21 2. Any person otherwise qualified for licensure holding a current license, certificate of
 22 registration, or permit from another state or territory of the United States or the District of Columbia
 23 to practice marriage and family therapy may be granted a license without examination to engage in
 24 the practice of marital and family therapy in this state upon application to the state committee,
 25 payment of the required fee as established by the state committee, and satisfaction of the following:

26 (1) Determination by the state committee that the requirements of the other state or territory
 27 are substantially the same as Missouri;

28 (2) Verification by the applicant's licensing entity that the applicant has a current license;
 29 and

30 (3) Consent by the applicant to examination of any disciplinary history in any state.

31 3. The state committee shall issue a license to each person who files an application and fee
 32 as required by the provisions of sections 337.700 to 337.739.

33 337.730. 1. The committee may refuse to issue or renew any license required by the
 34 provisions of sections 337.700 to 337.739 for one or any combination of causes stated in subsection
 35 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal
 36 and shall advise the applicant of the applicant's right to file a complaint with the administrative
 37 hearing commission as provided by chapter 621.

38 2. The committee may cause a complaint to be filed with the administrative hearing
 39 commission as provided by chapter 621 against any holder of any license required by sections
 40 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license for
 41 any one or any combination of the following causes:

42 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
 43 extent that such use impairs a person's ability to engage in the occupation of marital and family
 44 therapist; except the fact that a person has undergone treatment for past substance or alcohol abuse
 45 or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a
 46 license;

47 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a
 48 criminal prosecution under the laws of any state or of the United States, or any country, for any
 49 offense ~~[reasonably]~~ directly related to the ~~[qualifications, functions or]~~ duties ~~[of a marital and~~

1 ~~family therapist; for any offense an essential element of which is fraud, dishonesty or act of~~
 2 ~~violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set~~
 3 ~~forth in section 324.012, whether or not sentence is imposed;~~

4 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
 5 pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to take any
 6 examination given or required pursuant to the provisions of sections 337.700 to 337.739;

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

9 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of
 10 the functions or duties of a marital and family therapist;

11 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
 12 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to
 13 337.739;

14 (7) Impersonation of any person holding a license or allowing any person to use the person's
 15 license or diploma from any school;

16 (8) Revocation or suspension of a license or other right to practice marital and family
 17 therapy granted by another state, territory, federal agency or country upon grounds for which
 18 revocation or suspension is authorized in this state;

19 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

20 (10) Assisting or enabling any person to practice or offer to practice marital and family
 21 therapy who is not licensed and is not currently eligible to practice under the provisions of sections
 22 337.700 to 337.739;

23 (11) Obtaining a license based upon a material mistake of fact;

24 (12) Failure to display a valid license if so required by sections 337.700 to 337.739 or any
 25 rule promulgated hereunder;

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

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

29 (15) Being guilty of unethical conduct as defined in the ethical standards for marital and
 30 family therapists adopted by the committee by rule and filed with the secretary of state.

31 3. Any person, organization, association or corporation who reports or provides information
 32 to the committee under sections 337.700 to 337.739 and who does so in good faith shall not be
 33 subject to an action for civil damages as a result thereof.

34 4. After filing of such complaint, the proceedings shall be conducted in accordance with the
 35 provisions of chapter 621. Upon a finding by the administrative hearing commission that the
 36 grounds provided in subsection 2 of this section for disciplinary action are met, the division may
 37 censure or place the person named in the complaint on probation on such terms and conditions as
 38 the committee deems appropriate for a period not to exceed five years, or may suspend for a period
 39 not to exceed three years, or revoke the license.

40 338.030. An applicant for examination shall be twenty-one years of age ~~and in addition~~
 41 ~~shall furnish satisfactory evidence of his good moral character]~~ and have had one year practical
 42 experience under the supervision of a licensed pharmacist within a licensed pharmacy, or other
 43 location approved by the board, and shall be a graduate of a school or college of pharmacy whose
 44 requirements for graduation are satisfactory to and approved by the board of pharmacy.

45 338.055. 1. The board may refuse to issue any certificate of registration or authority, permit
 46 or license required pursuant to this chapter for one or any combination of causes stated in subsection
 47 2 of this section or if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner,
 48 manager, or controlling shareholder of the applicant has committed any act or practice in subsection
 49 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and

1 shall advise the applicant of his or her right to file a complaint with the administrative hearing
2 commission as provided by chapter 621.

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

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

11 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
12 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
13 country, for any offense ~~reasonably~~ directly related to the ~~qualifications, functions or~~ duties ~~of~~
14 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
15 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and~~
16 responsibilities of the occupation, as set forth in section 324.012, whether or not sentence is
17 imposed;

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

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

23 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
24 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

30 (8) Denial of licensure to an applicant or disciplinary action against an applicant or the
31 holder of a license or other right to practice any profession regulated by this chapter granted by
32 another state, territory, federal agency, or country whether or not voluntarily agreed to by the
33 licensee or applicant, including, but not limited to, surrender of the license upon grounds for which
34 denial or discipline is authorized in this state;

35 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

36 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
37 or regulated by this chapter who is not registered and currently eligible to practice under this
38 chapter;

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

41 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
42 promulgated hereunder;

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

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

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

48 (16) The intentional act of substituting or otherwise changing the content, formula or brand
49 of any drug prescribed by written or oral prescription without prior written or oral approval from the

1 prescriber for the respective change in each prescription; provided, however, that nothing contained
 2 herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided
 3 under section 338.056, and any such substituting or changing of the brand of any drug as provided
 4 for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation
 5 of section 338.056 occurs;

6 (17) Personal use or consumption of any controlled substance unless it is prescribed,
 7 dispensed, or administered by a health care provider who is authorized by law to do so.

8 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
 9 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
 10 grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may,
 11 singly or in combination, censure or place the person named in the complaint on probation on such
 12 terms and conditions as the board deems appropriate for a period not to exceed five years, or may
 13 suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. The
 14 board may impose additional discipline on a licensee, registrant, or permittee found to have violated
 15 any disciplinary terms previously imposed under this section or by agreement. The additional
 16 discipline may include, singly or in combination, censure, placing the licensee, registrant, or
 17 permittee named in the complaint on additional probation on such terms and conditions as the board
 18 deems appropriate, which additional probation shall not exceed five years, or suspension for a
 19 period not to exceed three years, or revocation of the license, certificate, or permit.

20 4. If the board concludes that a licensee or registrant has committed an act or is engaging in
 21 a course of conduct which would be grounds for disciplinary action which constitutes a clear and
 22 present danger to the public health and safety, the board may file a complaint before the
 23 administrative hearing commission requesting an expedited hearing and specifying the activities
 24 which give rise to the danger and the nature of the proposed restriction or suspension of the
 25 licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or
 26 registrant, the administrative hearing commission shall conduct a preliminary hearing to determine
 27 whether the alleged activities of the licensee or registrant appear to constitute a clear and present
 28 danger to the public health and safety which justify that the licensee's or registrant's license or
 29 registration be immediately restricted or suspended. The burden of proving that the actions of a
 30 licensee or registrant constitute a clear and present danger to the public health and safety shall be
 31 upon the state board of pharmacy. The administrative hearing commission shall issue its decision
 32 immediately after the hearing and shall either grant to the board the authority to suspend or restrict
 33 the license or dismiss the action.

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

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

43 338.065. 1. At such time as the final trial proceedings are concluded whereby a licensee or
 44 registrant, or any person who has failed to renew or has surrendered his or her certificate of
 45 registration or authority, permit, or license, has been adjudicated and found guilty, or has entered a
 46 plea of guilty or nolo contendere, in a ~~[felony]~~ criminal prosecution ~~[pursuant to]~~ under the laws of
 47 ~~[the state of Missouri, the laws of any other state, territory, or the laws of]~~ any state, the United
 48 States [of America], or any country, for any offense ~~[reasonably]~~ directly related to the
 49 ~~[qualifications, functions or]~~ duties [of a licensee, permittee, or registrant pursuant to this chapter or

1 ~~any felony offense, an essential element of which is fraud, dishonesty or act of violence, or for any~~
 2 ~~offense involving moral turpitude,] and responsibilities of the occupation as set forth in section~~
 3 324.012, regardless of whether or not sentence is imposed, the board of pharmacy may hold a
 4 disciplinary hearing to singly or in combination censure or place the licensee, permittee, or
 5 registrant named in the complaint on probation on such terms and conditions as the board deems
 6 appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three
 7 years, or revoke the license, certificate, registration or permit.

8 2. Anyone who has been revoked or denied a license, permit or certificate to practice in
 9 another state may automatically be denied a license or permit to practice in this state. However, the
 10 board of pharmacy may establish other qualifications by which a person may ultimately be qualified
 11 and licensed to practice in Missouri.

12 338.185. After August 28, 1990, notwithstanding any other provisions of law, the board of
 13 pharmacy shall have access to records involving an applicant for a license or permit or renewal of a
 14 license or permit as provided within this chapter, where the applicant has been adjudicated and
 15 found guilty or entered a plea of guilty or nolo contendere in a prosecution under the laws of any
 16 state or of the United States, or any country, for any offense [reasonably] directly related to the
 17 [qualifications, functions, or] duties [of any profession licensed or regulated under this chapter, for
 18 any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense
 19 involving moral turpitude,] and responsibilities of the occupation as set forth in section 324.012,
 20 regardless of whether or not sentence is imposed.

21 339.040. 1. Licenses shall be granted only to persons who present, and corporations,
 22 associations, partnerships, limited partnerships, limited liability companies, and professional
 23 corporations whose officers, managers, associates, general partners, or members who actively
 24 participate in such entity's brokerage, broker-salesperson, or salesperson business present,
 25 satisfactory proof to the commission that they[-

26 ~~— (1) Are persons of good moral character; and~~

27 ~~— (2) Bear a good reputation for honesty, integrity, and fair dealing; and~~

28 ~~— (3)] are competent to transact the business of a broker or salesperson in such a manner as to~~
 29 ~~safeguard the interest of the public.~~

30 2. In order to determine an applicant's qualifications to receive a license under sections
 31 339.010 to 339.180 and sections 339.710 to 339.860, the commission shall hold oral or written
 32 examinations at such times and places as the commission may determine.

33 3. Each applicant for a broker or salesperson license shall be at least eighteen years of age
 34 and shall pay the broker examination fee or the salesperson examination fee.

35 4. Each applicant for a broker license shall be required to have satisfactorily completed the
 36 salesperson license examination prescribed by the commission. For the purposes of this section
 37 only, the commission may permit a person who is not associated with a licensed broker to take the
 38 salesperson examination.

39 5. Each application for a broker license shall include a certificate from the applicant's broker
 40 or brokers that the applicant has been actively engaged in the real estate business as a licensed
 41 salesperson for at least two years immediately preceding the date of application, and shall include a
 42 certificate from a school accredited by the commission under the provisions of section 339.045 that
 43 the applicant has, within six months prior to the date of application, successfully completed the
 44 prescribed broker curriculum or broker correspondence course offered by such school, except that
 45 the commission may waive all or part of the requirements set forth in this subsection when an
 46 applicant presents proof of other educational background or experience acceptable to the
 47 commission. Each application for a broker-salesperson license shall include evidence of the current
 48 broker license held by the applicant.

49 6. Each application for a salesperson license shall include a certificate from a school

1 accredited by the commission under the provisions of section 339.045 that the applicant has, within
2 six months prior to the date of application, successfully completed the prescribed salesperson
3 curriculum or salesperson correspondence course offered by such school, except that the
4 commission may waive all or part of the educational requirements set forth in this subsection when
5 an applicant presents proof of other educational background or experience acceptable to the
6 commission.

7 7. The commission may issue a temporary work permit pending final review and printing of
8 the license to an applicant who appears to have satisfied the requirements for licenses. The
9 commission may, at its discretion, withdraw the work permit at any time.

10 8. Every active broker, broker-salesperson, salesperson, officer, manager, general partner,
11 member or associate shall provide upon request to the commission evidence that during the two
12 years preceding he or she has completed twelve hours of real estate instruction in courses approved
13 by the commission. The commission may, by rule and regulation, provide for individual waiver of
14 this requirement.

15 9. Each entity that provides continuing education required under the provisions of
16 subsection 8 of this section may make available instruction courses that the entity conducts through
17 means of distance delivery. The commission shall by rule set standards for such courses. The
18 commission may by regulation require the individual completing such distance-delivered course to
19 complete an examination on the contents of the course. Such examination shall be designed to
20 ensure that the licensee displays adequate knowledge of the subject matter of the course, and shall
21 be designed by the entity producing the course and approved by the commission.

22 10. In the event of the death or incapacity of a licensed broker, or of one or more of the
23 licensed general partners, officers, managers, members or associates of a real estate partnership,
24 limited partnership, limited liability company, professional corporation, corporation, or association
25 whereby the affairs of the broker, partnership, limited partnership, limited liability company,
26 professional corporation, corporation, or association cannot be carried on, the commission may
27 issue, without examination or fee, to the legal representative or representatives of the deceased or
28 incapacitated individual, or to another individual approved by the commission, a temporary broker
29 license which shall authorize such individual to continue for a period to be designated by the
30 commission to transact business for the sole purpose of winding up the affairs of the broker,
31 partnership, limited partnership, limited liability company, professional corporation, corporation, or
32 association under the supervision of the commission.

33 339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written
34 complaint filed by any person, investigate any real estate-related activity of a licensee licensed
35 under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting
36 as or representing themselves as a real estate licensee. In conducting such investigation, if the
37 questioned activity or written complaint involves an affiliated licensee, the commission may
38 forward a copy of the information received to the affiliated licensee's designated broker. The
39 commission shall have the power to hold an investigatory hearing to determine whether there is a
40 probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The
41 commission shall have the power to issue a subpoena to compel the production of records and
42 papers bearing on the complaint. The commission shall have the power to issue a subpoena and to
43 compel any person in this state to come before the commission to offer testimony or any material
44 specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section
45 shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of
46 witnesses shall be the same as that allowed in the circuit court in civil cases.

47 2. The commission may cause a complaint to be filed with the administrative hearing
48 commission as provided by the provisions of chapter 621 against any person or entity licensed under
49 this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity

1 license for any one or any combination of the following acts:

2 (1) Failure to maintain and deposit in a special account, separate and apart from his or her
3 personal or other business accounts, all moneys belonging to others entrusted to him or her while
4 acting as a real estate broker or as the temporary custodian of the funds of others, until the
5 transaction involved is consummated or terminated, unless all parties having an interest in the funds
6 have agreed otherwise in writing;

7 (2) Making substantial misrepresentations or false promises or suppression, concealment or
8 omission of material facts in the conduct of his or her business or pursuing a flagrant and continued
9 course of misrepresentation through agents, salespersons, advertising or otherwise in any
10 transaction;

11 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
12 documents or other property, coming into his or her possession, which belongs to others;

13 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
14 verbally or through the preparation of false documents, an amount in excess of the true and actual
15 sale price of the real estate or terms differing from those actually agreed upon;

16 (5) Failure to timely deliver a duplicate original of any and all instruments to any party or
17 parties executing the same where the instruments have been prepared by the licensee or under his or
18 her supervision or are within his or her control, including, but not limited to, the instruments relating
19 to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing
20 agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction
21 in which he or she may participate as a licensee;

22 (6) Acting for more than one party in a transaction without the knowledge of all parties for
23 whom he or she acts, or accepting a commission or valuable consideration for services from more
24 than one party in a real estate transaction without the knowledge of all parties to the transaction;

25 (7) Paying a commission or valuable consideration to any person for acts or services
26 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

27 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits
28 which may result from the resale of real property;

29 (9) Having been finally adjudicated and been found guilty of the violation of any state or
30 federal statute which governs the sale or rental of real property or the conduct of the real estate
31 business as defined in subsection 1 of section 339.010;

32 (10) Obtaining a certificate or registration of authority, permit or license for himself or
33 herself or anyone else by false or fraudulent representation, fraud or deceit;

34 (11) Representing a real estate broker other than the broker with whom associated without
35 the express written consent of the broker with whom associated;

36 (12) Accepting a commission or valuable consideration for the performance of any of the
37 acts referred to in section 339.010 from any person except the broker with whom associated at the
38 time the commission or valuable consideration was earned;

39 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
40 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
41 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing;
42 or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or
43 contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of
44 real property;

45 (14) Placing a sign on or advertising any property offering it for sale or rent without the
46 written consent of the owner or his or her duly authorized agent;

47 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any
48 person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or
49 of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

1 (16) Committing any act which would otherwise be grounds for the commission to refuse to
2 issue a license under section 339.040;

3 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
4 writing by the seller;

5 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
6 contendere, in a criminal prosecution under the laws of this state or any other state or of the United
7 States, or any country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions~~
8 ~~or~~] duties [of any profession licensed or regulated under this chapter, for any offense an essential
9 element of which is fraud, dishonesty or act of violence, or for any offense involving moral
10 turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of
11 whether or not sentence is imposed;

12 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
13 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

14 (20) Disciplinary action against the holder of a license or other right to practice any
15 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by
16 another state, territory, federal agency, or country upon grounds for which revocation, suspension, or
17 probation is authorized in this state;

18 (21) Been found by a court of competent jurisdiction of having used any controlled
19 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform
20 the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections
21 339.710 to 339.860;

22 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

23 (23) Assisting or enabling any person to practice or offer to practice any profession licensed
24 or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not
25 registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710
26 to 339.860;

27 (24) Use of any advertisement or solicitation which is knowingly false, misleading or
28 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
29 directed;

30 (25) Making any material misstatement, misrepresentation, or omission with regard to any
31 application for licensure or license renewal. As used in this section, "material" means important
32 information about which the commission should be informed and which may influence a licensing
33 decision;

34 (26) Engaging in, committing, or assisting any person in engaging in or committing
35 mortgage fraud, as defined in section 443.930.

36 3. After the filing of such complaint, the proceedings will be conducted in accordance with
37 the provisions of law relating to the administrative hearing commission. A finding of the
38 administrative hearing commissioner that the licensee has performed or attempted to perform one or
39 more of the foregoing acts shall be grounds for the suspension or revocation of his license by the
40 commission, or the placing of the licensee on probation on such terms and conditions as the real
41 estate commission shall deem appropriate, or the imposition of a civil penalty by the commission
42 not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation
43 shall constitute a separate offense.

44 4. The commission may prepare a digest of the decisions of the administrative hearing
45 commission which concern complaints against licensed brokers or salespersons and cause such
46 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or
47 changed rules adopted by the commission and other information of significance to licensees.

48 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be
49 revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has ~~pleaded~~

1 ~~guilty to,] been finally adjudicated and found guilty or has entered a plea of nolo contendere [to, or~~
 2 ~~been found guilty of any of the following offenses or offenses of a similar nature established] in a~~
 3 ~~criminal prosecution under the laws of [this,] any [other] state, the United States, or any [other]~~
 4 ~~country, [notwithstanding] for any offense directly related to the duties and responsibilities of the~~
 5 ~~occupation as set forth in section 324.012, regardless of whether sentence is imposed]:~~

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

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

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

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

25 ~~—— (5) Mortgage fraud as defined in section 570.310].~~

26 6. A person whose license was revoked under subsection 5 of this section may appeal such
 27 revocation to the administrative hearing commission. Notice of such appeal must be received by the
 28 administrative hearing commission within ninety days of mailing, by certified mail, the notice of
 29 revocation. Failure of a person whose license was revoked to notify the administrative hearing
 30 commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of
 31 such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

32 339.511. 1. There shall be six classes of licensure for individuals including:

33 (1) State-licensed appraiser trainee;

34 (2) State-licensed real estate appraiser;

35 (3) State-certified residential appraiser trainee;

36 (4) State-certified residential real estate appraiser;

37 (5) State-certified general appraiser trainee; and

38 (6) State-certified general real estate appraiser.

39 2. There shall be one class of license for appraisal management companies.

40 3. Persons desiring to obtain licensure as a state-licensed appraiser trainee, state-licensed
 41 real estate appraiser, state-certified residential appraiser trainee, certification as a state-certified
 42 residential real estate appraiser, state-certified general appraiser trainee, or state-certified general
 43 real estate appraiser shall make written application to the commission on such forms as are
 44 prescribed by the commission setting forth the applicant's qualifications for licensure or certification
 45 [and present to the commission satisfactory proof that the person is of good moral character and
 46 bears a good reputation for honesty, integrity and fair dealing].

47 4. Each applicant for licensure as a state-licensed appraiser trainee, state-licensed real estate
 48 appraiser, a state-certified residential appraiser trainee, a state-certified residential real estate
 49 appraiser, a state-certified general appraiser trainee, or a state-certified general real estate appraiser

1 shall have demonstrated the knowledge and competence necessary to perform appraisals of
 2 residential and other real estate as the commission may prescribe by rule not inconsistent with any
 3 requirements imposed by the appraiser qualifications board. The commission shall prescribe by rule
 4 procedures for obtaining and maintaining approved courses of instruction. The commission shall,
 5 also, prescribe the hours of training in real estate appraisal practices and the minimum level of
 6 experience acceptable for licensure or certification.

7 5. Persons who receive certification after March 30, 1991, or who have a state license or
 8 certificate to engage in business as a real estate appraiser issued by the commission, shall receive the
 9 same license or certificate from the commission as such persons are currently holding without
 10 further education, experience, examination or application fee, but shall be required to meet all
 11 continuing education requirements prescribed by the commission.

12 6. Appraisal management companies desiring to obtain licensure shall:

13 (1) Make application to the commission on such forms as are prescribed by the commission
 14 setting forth the applicant's qualifications for licensure;

15 (2) Remit the fee or fees as established by rule; and

16 (3) Post with the commission and maintain on renewal a surety bond in the amount of
 17 twenty thousand dollars as further promulgated by rule; ~~and~~

18 ~~———(4) Submit to the commission satisfactory proof that any controlling person, defined in~~
 19 ~~section 339.503, is of good moral character and bears a good reputation for honesty, integrity, and~~
 20 ~~fair dealing].~~

21 339.532. 1. The commission may refuse to issue or renew any certificate or license issued
 22 pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2
 23 of this section. The commission shall notify the applicant in writing of the reasons for the refusal
 24 and shall advise the applicant of the right to file a complaint with the administrative hearing
 25 commission as provided by chapter 621.

26 2. The commission may cause a complaint to be filed with the administrative hearing
 27 commission as provided by chapter 621 against any state-certified real estate appraiser, state-
 28 licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential appraiser
 29 trainee, state-certified general appraiser trainee, state-licensed appraisal management company that
 30 is a legal entity other than a natural person, any person who is a controlling person as defined in this
 31 chapter, or any person who has failed to renew or has surrendered his or her certificate or license for
 32 any one or any combination of the following causes:

33 (1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by
 34 knowingly making a false statement, submitting false information, refusing to provide complete
 35 information in response to a question in an application for certification or licensure, or through any
 36 form of fraud or misrepresentation;

37 (2) Failing to meet the minimum qualifications for certification or licensure or renewal
 38 established by sections 339.500 to 339.549;

39 (3) Paying money or other valuable consideration, other than as provided for by section
 40 339.513, to any member or employee of the commission to procure a certificate or license pursuant
 41 to sections 339.500 to 339.549;

42 (4) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 43 nolo contendere, in a criminal prosecution under the laws of any state or the United States, or any
 44 country, for any offense [~~reasonably~~] directly related to the [~~qualifications, functions or~~] duties [~~of~~
 45 ~~any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of~~
 46 ~~which an essential element is fraud, dishonesty or act of violence, or for any offense involving moral~~
 47 ~~turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of
 48 whether or not sentence is imposed;~~

49 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in

1 the performance of the functions or duties of any profession licensed or regulated by sections
2 339.500 to 339.549;

3 (6) Violation of any of the standards for the development or communication of real estate
4 appraisals as provided in or pursuant to sections 339.500 to 339.549;

5 (7) Failure to comply with the Uniform Standards of Professional Appraisal Practice
6 promulgated by the appraisal standards board of the appraisal foundation;

7 (8) Failure or refusal without good cause to exercise reasonable diligence in developing an
8 appraisal, preparing an appraisal report, or communicating an appraisal;

9 (9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report,
10 or in communicating an appraisal;

11 (10) Violating, assisting or enabling any person to willfully disregard any of the provisions
12 of sections 339.500 to 339.549 or the regulations of the commission for the administration and
13 enforcement of the provisions of sections 339.500 to 339.549;

14 (11) Accepting an appraisal assignment when the employment itself is contingent upon the
15 appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the
16 performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation
17 reached or upon the consequences resulting from the appraisal assignment;

18 (12) Violating the confidential nature of governmental records to which the person gained
19 access through employment or engagement to perform an appraisal assignment or specialized
20 appraisal services for a governmental agency;

21 (13) Violating any term or condition of a certificate or license issued by the commission
22 pursuant to the authority of sections 339.500 to 339.549;

23 (14) Violation of any professional trust or confidence;

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

26 (16) Assisting or enabling any person to practice or offer to practice any profession licensed
27 or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to
28 practice pursuant to sections 339.500 to 339.549;

29 (17) Use of any advertisement or solicitation which is false, misleading or deceptive to the
30 general public or persons to whom the advertisement or solicitation is primarily directed;

31 (18) Disciplinary action against the holder of a license, certificate or other right to practice
32 any profession regulated pursuant to sections 339.500 to 339.549, imposed by another state,
33 territory, federal agency or country upon grounds for which revocation or suspension is authorized
34 in this state;

35 (19) Making any material misstatement, misrepresentation, or omission with regard to any
36 application for licensure or certification, or for license or certification renewal. As used in this
37 section, "material" means important information about which the commission should be informed
38 and which may influence a licensing decision;

39 (20) Engaging in or committing, or assisting any person in engaging in or committing, any
40 practice or act of mortgage fraud, as defined in section 443.930;

41 (21) Influencing or attempting to influence the development, reporting, or review of an
42 appraisal through coercion, extortion, collusion, compensation, instruction, inducement,
43 intimidation, or bribery.

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

1 or license. The holder of a certificate or license, or the legal entity and any controlling person in the
 2 case of an appraisal management company, revoked pursuant to this section may not obtain
 3 certification as a state-certified real estate appraiser, licensure as a state-licensed real estate
 4 appraiser, or licensure as an appraisal management company for at least five years after the date of
 5 revocation.

6 4. Notwithstanding other provisions of this section, a real estate appraiser license or
 7 certification or an appraisal management company license shall be revoked, or in the case of an
 8 applicant, shall not be issued, if the licensee or applicant, or any controlling person in the case of an
 9 appraisal management company, has ~~pleaded guilty to,~~ been finally adjudicated and found guilty,
 10 or has entered a plea of nolo contendere [to, or been found guilty of mortgage fraud as defined in
 11 section 570.310] in a criminal prosecution under the laws of any state, the United States, or any
 12 country, for any offense directly related to the duties and responsibilities of the occupation as set
 13 forth in section 324.012, regardless of whether or not sentence is imposed. The commission shall
 14 notify the individual or legal entity of the reasons for the revocation in writing, by certified mail.

15 5. A person, or the legal entity or controlling person in the case of an appraisal management
 16 company, whose license is revoked under subsection 4 of this section may appeal such revocation to
 17 the administrative hearing commission, as provided by chapter 621, within ninety days from the
 18 time the commission mails the notice of revocation. A person who fails to do so waives all rights to
 19 appeal the revocation.

20 6. A certification of a state-certified real estate appraiser, a license of a state-licensed real
 21 estate appraiser, or a license of an appraisal management company that has been suspended as a
 22 result of disciplinary action by the commission shall not be reinstated, and a person, controlling
 23 person, or legal entity may not obtain certification as a state-certified real estate appraiser, licensure
 24 as a state-licensed real estate appraiser, or licensure as an appraisal management company
 25 subsequent to revocation, unless the applicant presents evidence of completion of the continuing
 26 education required by section 339.530 during the period of suspension or revocation as well as
 27 fulfillment of any other conditions imposed by the commission. Applicants for recertification,
 28 relicensure or reinstatement also shall be required to successfully complete the examination for
 29 original certification or licensure required by section 339.515 as a condition to reinstatement of
 30 certification or licensure, or recertification or relicensure subsequent to revocation.

31 340.228. 1. Any person desiring a license to practice veterinary medicine in the state of
 32 Missouri shall make a written application to the board on forms to be provided by the board. The
 33 board shall provide such forms without charge upon the applicant's request.

34 2. Each application shall contain a statement that is made under oath or affirmation that
 35 representations made therein are true, correct and contain no material omissions of fact to the best
 36 knowledge and belief of the person making the application and whose signature shall be subscribed
 37 thereto. Any person who knowingly submits false information, information intended to mislead the
 38 board, or omits a material fact on the application shall be subject to penalties provided for by the
 39 laws of this state for giving a false statement under oath or affirmation, in addition to any actions
 40 which the board may take pursuant to the provisions of sections 340.200 to 340.330.

41 3. To qualify for licensure under sections 340.200 to 340.330, the application must show
 42 that the applicant:

43 (1) ~~Is a person of good moral character;~~

44 ~~—(2) Is a graduate of an accredited school of veterinary medicine;~~

45 [(3)] (2) Has completed a veterinary candidacy program after graduation under the
 46 supervision of a veterinarian licensed and in good standing in any state, territory or district of the
 47 United States. The supervising veterinarian shall submit an affidavit to the board stating that the
 48 applicant has satisfactorily completed the veterinary candidacy program. If the applicant submits
 49 satisfactory proof that he or she has completed a student preceptor program recognized and

1 approved by the board before graduation, the board may waive the veterinary candidacy
2 requirement; and

3 ~~[(4)]~~ (3) Has passed an examination or examinations as prescribed by board rule. The
4 examination or examinations shall be designed to test the examinee's knowledge of, and proficiency
5 in, subjects and techniques commonly taught in schools of veterinary medicine, the requirements of
6 sections 340.200 to 340.330, other related statutes and administrative rules and other material as
7 determined by the board. An examinee must demonstrate scientific, practical and legal knowledge
8 sufficient to establish for the board that the examinee is competent to practice veterinary medicine.
9 The examination or examinations will only be given in the English language. Applications for
10 examination shall be in writing, on a form furnished by the board and shall include evidence
11 satisfactory to the board that the applicant possesses the qualifications set forth in this section.

12 4. The board may require such other information and proof of a person's fitness as it deems
13 necessary.

14 340.264. 1. The board may refuse to issue or renew any certificate of registration or
15 authority, permit or license required pursuant to sections 340.200 to 340.330 for one or any
16 combination of causes stated in subsection 2 of this section. The board shall notify the applicant in
17 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
18 complaint with the administrative hearing commission as provided by chapter 621.

19 2. The board may file a complaint with the administrative hearing commission as provided
20 by chapter 621 against any holder of any certificate of registration or authority, permit or license
21 required by sections 340.200 to 340.330 or any person who has failed to renew or has surrendered
22 his or her certificate of registration or authority, permit or license for any one or combination of the
23 following causes:

24 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
25 extent that such use impairs a person's ability to perform the work of any profession licensed or
26 regulated by sections 340.200 to 340.330;

27 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
28 nolo contendere, in a criminal prosecution under the laws of any state, ~~[territory, district of the~~
29 ~~United States,]~~ or the United States, or any country, for any offense ~~[reasonably]~~ directly related to
30 the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under sections~~
31 ~~340.200 to 340.330 or for any offense for which an essential element is fraud, dishonesty or act of~~
32 ~~violence, or for any offense involving moral turpitude,]~~ and responsibilities of the occupation as set
33 forth in section 324.012, regardless of whether or not sentence is imposed;

34 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
35 registration or authority, permit or license issued pursuant to sections 340.200 to 340.330 or in
36 obtaining permission to take any examination given or required pursuant to sections 340.200 to
37 340.330;

38 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional
39 conduct in the performance of the functions or duties of any profession licensed or regulated by
40 sections 340.200 to 340.330, including, but not limited to:

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

43 (b) Willfully and continually overcharging for services or overtreating patients or charging
44 for services which did not occur unless the services were contracted for in advance, or for services
45 which were not rendered or documented in the patient's records, or charging for services which were
46 not consented to by the owner of the patient or the owner's agent;

47 (c) Willfully or continually performing inappropriate or unnecessary treatment, diagnostic
48 tests or medical or surgical services;

49 (d) Attempting, directly or indirectly, by intimidation, coercion or deception to obtain or

1 retain a patient or discourage the owner from seeking a second opinion or consultation;

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

4 (f) Misrepresenting that any disease or ailment can be cured by a method, procedure,
5 treatment, medicine or device;

6 (g) Performing or prescribing medical services which have been declared by board rule to
7 be of no medical value;

8 (h) Final disciplinary action by any professional veterinary medical association or society or
9 licensed hospital or clinic or medical staff of such hospital or clinic in this state or any other state or
10 territory, whether agreed to voluntarily or not, and including, but not limited to, any removal,
11 suspension, limitation, surrender, or restriction of a license or staff or hospital or clinic privileges,
12 failure to renew such privileges or license for cause, or other final disciplinary action, if the action
13 was related to unprofessional conduct, professional incompetence, malpractice or any other
14 violation of sections 340.200 to 340.330;

15 (i) Dispensing, prescribing, administering or otherwise distributing any drug, controlled
16 substance or other treatment without sufficient examination or establishment of a veterinarian-
17 client-patient relationship, or for other medically accepted therapeutic or experimental or
18 investigative purposes, or not in the course of professional practice, or not in good faith to relieve
19 pain and suffering, or not to cure an ailment, physical infirmity or disease; or the dispensing,
20 prescribing, administering or distribution of any drug, controlled substance or other treatment by
21 anyone other than a properly licensed veterinarian, unless such person is a properly registered
22 veterinary technician, unregistered assistant, or the patient's owner and then to be limited to
23 administration of drugs or other treatment under the supervision, control or explicit instructions of a
24 licensed veterinarian;

25 (j) Terminating the medical care of a patient without adequate notice to the owner or without
26 making other arrangements for the continued care of the patient;

27 (k) Failing to furnish details of a patient's medical records to another treating veterinarian,
28 hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's
29 agent, or failing to comply with any other law relating to medical records; except, radiographs
30 prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be
31 returned upon request or as otherwise agreed between the veterinarian and client;

32 (l) Failure of any applicant or licensee to cooperate with the board during any investigation,
33 if such investigation does not concern the applicant or licensee;

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

36 (n) Failure to timely pay license or registration renewal fees as specified in sections 340.200
37 to 340.330;

38 (o) Violating a probation agreement with the board or any other licensing authority of this
39 state, another state or territory of the United States, or a federal agency;

40 (p) Violating any informal consent agreement for discipline entered into by an applicant or
41 licensee with the board or any other licensing authority of this state, another state or territory of the
42 United States, or a federal agency;

43 (q) Failing to inform the board of any change in business or residential address as required
44 by sections 340.200 to 340.330 or administrative rule;

45 (r) Advertising by an applicant or licensee which is false or misleading, or which violates
46 any rules of the board, or which claims without substantiation the positive cure of any disease, or
47 professional superiority to or greater skill than that possessed by any other veterinarian;

48 (5) Any conduct or practice which is or might be harmful or dangerous to the health of a
49 patient;

1 (6) Incompetency, gross negligence or repeated negligence in the performance of the
2 functions or duties of any profession licensed or regulated by sections 340.200 to 340.330. For
3 purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to
4 use that degree of skill and learning ordinarily used under the same or similar circumstances by
5 members of the profession;

6 (7) Violation of, or attempting to violate, directly or indirectly, or assisting, or enabling any
7 person to violate, any provisions of sections 340.200 to 340.330, or any lawful rule or regulation
8 adopted pursuant to sections 340.200 to 340.330;

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

12 (9) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
13 censure, probation or other final disciplinary action against the holder of, or applicant for, a license
14 or registration or other right to practice any profession regulated by sections 340.200 to 340.330 or
15 by another state, territory, federal agency or country, whether or not voluntarily agreed to by the
16 licensee or applicant, including, but not limited to:

17 (a) Denial of licensure or registration;

18 (b) Surrender of the license or registration;

19 (c) Allowing the license or registration to expire or lapse; or

20 (d) Discontinuing or limiting the practice of veterinary medicine while subject to an
21 investigation or while actually under investigation by any licensing authority, medical facility,
22 insurance company, court, agency of the state or federal government, or employer;

23 (10) Being adjudged incapacitated or disabled by a court of competent jurisdiction;

24 (11) Assisting or enabling any person to practice or offer to practice any profession licensed
25 or regulated by sections 340.200 to 340.330 who is not licensed or registered and currently eligible
26 to practice under sections 340.200 to 340.330, or knowingly performing any act which aids, assists,
27 procures, advises, or encourages any person to practice veterinary medicine who is not licensed or
28 registered and currently eligible to practice under sections 340.200 to 340.330;

29 (12) Issuance of a certificate of registration or authority, permit or license based upon a
30 material mistake of fact;

31 (13) Failure to obtain, renew or display a valid certificate, license, permit or notice if
32 required;

33 (14) Violation of the drug laws or rules and regulations of this state, any other state,
34 territory, or the federal government;

35 (15) Knowingly or recklessly making or causing to be made, or aiding or abetting in the
36 making of a false statement or documentation in connection with the birth, death, or health of any
37 animal, executed in connection with the practice of his or her profession or failure to file such
38 statements or documents with the proper officials of the federal or state government as provided by
39 law or any rule promulgated under sections 340.200 to 340.330;

40 (16) Soliciting patronage in person or by agents, under his or her own name or under the
41 name of another, actual or pretended, in such a manner as to confuse, deceive or mislead the public
42 as to the need or appropriateness of animal health care or services or the qualifications of an
43 individual person or persons to diagnose, render, or perform such animal health care services;

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

46 (18) Maintaining an unsanitary office or facility, or performing professional services under
47 unsanitary conditions with due consideration given to the place where the services are rendered;

48 (19) Practicing or offering to practice any profession or service regulated by sections
49 340.200 to 340.330 independent of the supervision and direction of a person licensed under sections

1 340.200 to 340.330 as a veterinarian in good standing by any candidate for registration or person
 2 registered to practice as a veterinary technician or engaged as an unregistered assistant to a
 3 veterinarian;

4 (20) Treating or attempting to treat ailments or health conditions of animals other than as
 5 authorized under sections 340.200 to 340.330 or board rule by any candidate for registration or
 6 person registered to practice as a veterinary technician or engaged as an unregistered assistant to a
 7 licensed veterinarian;

8 (21) A pattern of personal use or consumption of any controlled substance unless it is
 9 prescribed, dispensed or administered by a licensed physician;

10 (22) Any revocation, suspension, surrender, limitation or restriction of any controlled
 11 substance authority, whether agreed to voluntarily or not;

12 (23) Being unable to practice as a veterinarian or veterinary technician with reasonable skill
 13 and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals,
 14 or as a result of any mental or physical condition;

15 (24) Violation of any professional trust or confidence;

16 (25) Failing to obtain or renew any facility permit or to maintain mandatory requirements or
 17 minimum standards for any such facility as required by sections 340.200 to 340.330 or board rule.

18 3. If the board files a complaint pursuant to subsection 2 of this section, the proceedings
 19 shall be conducted in accordance with the provisions of chapter 621. If the administrative hearing
 20 commission finds that grounds provided in this section are met, the board may either singly or in
 21 combination:

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

24 (2) Suspend such license, certificate or permit for a period not to exceed three years;

25 (3) Restrict or limit the license, certificate or permit for an indefinite period of time;

26 (4) Revoke such license, certificate or permit;

27 (5) Administer a public or private reprimand;

28 (6) Deny the application for a license;

29 (7) Permanently withhold issuance of a license or certificate;

30 (8) Require the applicant or licensee to submit to the care, counseling or treatment of
 31 physicians designated by the board at the expense of the person to be examined;

32 (9) Require the person to attend such continuing educational courses and pass such
 33 examinations as the board may direct.

34 340.274. 1. A license issued under sections 340.200 to 340.330 shall be automatically
 35 revoked following a review of the record of the proceedings by the board and upon a formal motion
 36 of the board:

37 (1) ~~[When the final trial proceedings are concluded where a]~~ The person has been finally
 38 adjudicated and found guilty, or has entered a plea of guilty or nolo contendere ~~[whether or not a~~
 39 ~~sentence is imposed:~~

40 ~~—(a) in a [felony] criminal prosecution under the laws of [this state, the laws of any other~~
 41 ~~state, territory or district of the United States, or] any state, the United States, or any country, for any~~
 42 ~~offense [reasonably] directly related to the [qualifications, functions or duties of the person licensed~~
 43 ~~under sections 340.200 to 340.330;~~

44 ~~—(b) For any felony offense, for which an essential element is fraud, dishonesty or an act of~~
 45 ~~violence; or~~

46 ~~—(c) For any felony offense involving moral turpitude] duties and responsibilities of the~~
 47 occupation as set forth in section 324.012, regardless of whether or not sentence is imposed;

48 (2) Upon the final and unconditional revocation or surrender of the person's license to
 49 practice the same profession in another state, territory or district of the United States upon grounds

1 for which revocation is authorized in this state.

2 2. The license of such person shall be automatically reinstated if the conviction, judgment or
3 revocation is set aside upon final appeal in any court of competent jurisdiction.

4 3. Any person who has been denied a license, certificate, permit or other authority to
5 practice a profession in another state, if such profession in this state is regulated pursuant to sections
6 340.200 to 340.330, shall automatically be denied a license to practice such profession in this state;
7 however, the board may establish qualifications whereby such person may be qualified and licensed
8 to practice such profession in this state.

9 340.300. 1. Any person desiring to be registered as a veterinary technician in the state of
10 Missouri shall submit a written application to the board. Such application shall be on forms
11 furnished by the board without charge.

12 2. Each application shall contain a statement that is made under oath or affirmation that
13 representations made therein are true, correct and contain no material omissions of fact to the best
14 knowledge and belief of the person making the application and whose signature shall be subscribed
15 thereto. Any person who knowingly submits false information, information intended to mislead the
16 board, or omits a material fact on the application shall be subject to penalties provided for by the
17 laws of this state for giving a false statement under oath or affirmation; such penalty is in addition to
18 and not in lieu of any action which the board takes pursuant to the provisions of sections 340.200 to
19 340.330.

20 3. To qualify to be registered as a veterinary technician pursuant to this section, the
21 application must show that the applicant:

22 (1) Is at least eighteen years of age;

23 (2) ~~Is of good moral character;~~

24 ~~—(3) Has successfully completed a college level course of study in veterinary technology in a~~
25 ~~school having a curriculum approved by the board or a college level course in the care and treatment~~
26 ~~of animals which is accredited by the AVMA; and~~

27 ~~[(4)] (3) Has passed an examination or examinations as prescribed by board rule. The~~
28 ~~examination or examinations shall be designed to test the examinee's knowledge of, proficiency in,~~
29 ~~subjects and techniques commonly taught in schools providing a curriculum in veterinary~~
30 ~~technology, familiarity with the requirements of sections 340.200 to 340.330, related statutes and~~
31 ~~board rules, and other material as determined by the board. An examinee must demonstrate~~
32 ~~scientific, practical and legal knowledge sufficient to establish to the board that the applicant is~~
33 ~~competent to practice as a veterinary technician. Applications for examination shall be in writing,~~
34 ~~on a form furnished by the board and shall include evidence satisfactory to the board that the~~
35 ~~applicant possesses the qualifications set forth in subdivisions (1), (2) and (3) of this subsection.~~

36 4. The board may require additional information and proof of a person's fitness and
37 qualifications by board rule.

38 344.030. 1. An applicant for an initial license shall file a completed application with the
39 board on a form provided by the board, accompanied by an application fee as provided by rule
40 payable to the department of health and senior services. Information provided in the application
41 shall be attested by signature to be true and correct to the best of the applicant's knowledge and
42 belief.

43 2. No initial license shall be issued to a person as a nursing home administrator unless:

44 (1) The applicant provides the board satisfactory proof that the applicant is ~~[of good moral~~
45 ~~character and]~~ a high school graduate or equivalent;

46 (2) The applicant provides the board satisfactory proof that the applicant has had a
47 minimum of three years' experience in health care administration or two years of postsecondary
48 education in health care administration or has satisfactorily completed a course of instruction and
49 training prescribed by the board, which includes instruction in the needs properly to be served by

1 nursing homes, the protection of the interests of residents therein, and the elements of good nursing
2 home administration, or has presented evidence satisfactory to the board of sufficient education,
3 training, or experience in the foregoing fields to administer, supervise and manage a nursing home;
4 and

5 (3) The applicant passes the examinations administered by the board. If an applicant fails to
6 make a passing grade on either of the examinations such applicant may make application for
7 reexamination on a form furnished by the board and may be retested. If an applicant fails either of
8 the examinations a third time, the applicant shall be required to complete a course of instruction
9 prescribed and approved by the board. After completion of the board-prescribed course of
10 instruction, the applicant may reapply for examination. With regard to the national examination
11 required for licensure, no examination scores from other states shall be recognized by the board
12 after the applicant has failed his or her third attempt at the national examination. There shall be a
13 separate, nonrefundable fee for each examination. The board shall set the amount of the fee for
14 examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set
15 at a level to produce revenue which shall not substantially exceed the cost and expense of
16 administering the examination.

17 3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be
18 construed to require an applicant for a license as a nursing home administrator, who is employed by
19 an institution listed and certified by the Commission for Accreditation of Christian Science Nursing
20 Organizations/Facilities, Inc., to administer institutions certified by such commission for the care
21 and treatment of the sick in accordance with the creed or tenets of a recognized church or religious
22 denomination, to demonstrate proficiency in any techniques or to meet any educational
23 qualifications or standards not in accord with the remedial care and treatment provided in such
24 institutions. The applicant's license shall be endorsed to confine the applicant's practice to such
25 institutions.

26 4. The board may issue a temporary emergency license for a period not to exceed ninety
27 days to a person twenty-one years of age or over [~~of good moral character~~] and a high school
28 graduate or equivalent to serve as an acting nursing home administrator, provided such person is
29 replacing a licensed nursing home administrator who has died, has been removed or has vacated the
30 nursing home administrator's position. No temporary emergency license may be issued to a person
31 who has had a nursing home administrator's license denied, suspended or revoked. A temporary
32 emergency license may be renewed for one additional ninety-day period upon a showing that the
33 person seeking the renewal of a temporary emergency license meets the qualifications for licensure
34 and has filed an application for a regular license, accompanied by the application fee, and the
35 applicant has taken the examination or examinations but the results have not been received by the
36 board. No temporary emergency license may be renewed more than one time.

37 344.050. 1. The board may refuse to issue or renew any certificate of registration or
38 authority, permit or license required pursuant to this chapter for one or any combination of causes
39 stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons
40 for the refusal and shall advise the applicant of his or her right to file a complaint with the
41 administrative hearing commission as provided by chapter 621. As an alternative to refusal to issue
42 or renew any certificate, registration or authority, permit or license, the board may, at its discretion,
43 issue a license which is subject to probation for any one or any combination of causes stated in
44 subsection 2 of this section. The board's order of probation shall contain a statement of the
45 discipline imposed, the basis therefor, the date such action shall become effective, and a statement
46 that the applicant has thirty days to request in writing a hearing before the administrative hearing
47 commission. If the board issues a probationary license to an applicant for licensure, the applicant
48 may file a written petition with the administrative hearing commission within thirty days of the
49 effective date of the probationary license seeking review of whether cause exists to discipline the

1 licensee under subsection 2 of this section. If no written request for a hearing is received by the
 2 administrative hearing commission within the thirty-day period, the right to seek review of the
 3 board's decision shall be waived.

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

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

12 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 13 nolo contendere, ~~[pursuant to]~~ in a criminal prosecution under the laws of any state or of the United
 14 States, or any country, for any offense [reasonably] directly related to the [qualifications, functions
 15 or] duties [of any profession licensed or regulated under this chapter, for any offense an essential
 16 element of which is fraud, dishonesty or act of violence, or for any offense involving moral
 17 turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of
 18 whether or not sentence is imposed;

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

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

24 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
 25 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

28 (7) Violation of, or assisting or enabling any person to violate, any provision of chapter 198
 29 or any lawful rule or regulation promulgated thereunder;

30 (8) Impersonation of any person holding a certificate of registration or authority, permit or
 31 license, or allowing any person to use such person's certificate of registration or authority, permit,
 32 license or diploma from any school;

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

36 (10) A person is finally adjudged incapacitated or disabled by a court of competent
 37 jurisdiction;

38 (11) Assisting or enabling any person to practice or offer to practice any profession licensed
 39 or regulated by this chapter who is not registered and currently eligible to practice under this
 40 chapter;

41 (12) Issuance of a certificate of registration or authority, permit or license based upon a
 42 material mistake of fact;

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

45 (14) Knowingly failing to report abuse or neglect of a resident in a long-term care facility, as
 46 required by section 198.070, of which he or she has actual knowledge that it is abuse or neglect;

47 (15) Violation of any professional trust or confidence;

48 (16) Having served as the administrator, operator, or any principal involved in the operation
 49 of a facility licensed under chapter 198 and during such time the facility has had its license revoked

1 under section 198.036, has entered into a consent agreement to obtain a probationary license under
 2 subsection 5 of section 198.026, has had a license denied under subsection 2 of section 198.022, or
 3 has surrendered its license while under investigation.

4 3. The administrative hearing commission shall have no authority to require issuance of a
 5 license, pending a final determination by the commission, in any case in which an applicant is
 6 seeking initial licensure.

7 4. No license may be suspended or revoked and no application for renewal of a license may
 8 be denied under this section until the licensee has been afforded an opportunity for hearing after due
 9 notice as provided in sections 621.015 to 621.205.

10 5. Upon a finding by the administrative hearing commission that the grounds, provided in
 11 subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination,
 12 censure or place the person named in the complaint on probation on such terms as the board deems
 13 appropriate, or may suspend or revoke the certificate, permit or license. The board may exclude any
 14 application for up to five years for any person who has had his or her license revoked by the board
 15 or has surrendered his or her license to the board.

16 345.015. As used in sections 345.010 to 345.080, the following terms mean:

17 (1) "Audiologist", a person who is licensed as an audiologist pursuant to sections 345.010 to
 18 345.080 to practice audiology;

19 (2) "Audiology aide", a person who is registered as an audiology aide by the board, who
 20 does not act independently but works under the direction and supervision of a licensed audiologist.
 21 Such person assists the audiologist with activities which require an understanding of audiology but
 22 do not require formal training in the relevant academics. To be eligible for registration by the board,
 23 each applicant shall submit a registration fee~~[-, be of good moral and ethical character;]~~ and:

24 (a) Be at least eighteen years of age;

25 (b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

26 a. Certification of graduation from an accredited high school or its equivalent; and

27 b. On-the-job training;

28 (c) Be employed in a setting in which direct and indirect supervision are provided on a
 29 regular and systematic basis by a licensed audiologist.

30 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or
 31 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case
 32 selection, present written reports to anyone other than the supervisor without the signature of the
 33 supervisor, make referrals to other professionals or agencies, use a title other than audiology aide,
 34 develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose
 35 clinical information, either orally or in writing, to anyone other than the supervising audiologist, or
 36 perform any procedure for which he or she is not qualified, has not been adequately trained or both;

37 (3) "Board", the state board of registration for the healing arts;

38 (4) "Commission", the advisory commission for speech-language pathologists and
 39 audiologists;

40 (5) "Hearing instrument" or "hearing aid", any wearable device or instrument designed for
 41 or offered for the purpose of aiding or compensating for impaired human hearing and any parts,
 42 attachments or accessories, including ear molds, but excluding batteries, cords, receivers and
 43 repairs;

44 (6) "Person", any individual, organization, or corporate body, except that only individuals
 45 may be licensed pursuant to sections 345.010 to 345.080;

46 (7) "Practice of audiology":

47 (a) The application of accepted audiologic principles, methods and procedures for the
 48 measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory
 49 system, balance system or related structures and systems;

- 1 (b) Provides consultation or counseling to the patient, client, student, their family or
2 interested parties;
- 3 (c) Provides academic, social and medical referrals when appropriate;
- 4 (d) Provides for establishing goals, implementing strategies, methods and techniques, for
5 habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance
6 system or related structures and systems;
- 7 (e) Provides for involvement in related research, teaching or public education;
- 8 (f) Provides for rendering of services or participates in the planning, directing or conducting
9 of programs which are designed to modify audition, communicative, balance or cognitive disorder,
10 which may involve speech and language or education issues;
- 11 (g) Provides and interprets behavioral and neurophysiologic measurements of auditory
12 balance, cognitive processing and related functions, including intraoperative monitoring;
- 13 (h) Provides involvement in any tasks, procedures, acts or practices that are necessary for
14 evaluation of audition, hearing, training in the use of amplification or assistive listening devices;
- 15 (i) Provides selection, assessment, fitting, programming, and dispensing of hearing
16 instruments, assistive listening devices, and other amplification systems;
- 17 (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim
18 molds and industrial noise protectors;
- 19 (k) Provides assessment of external ear and cerumen management;
- 20 (l) Provides advising, fitting, mapping assessment of implantable devices such as cochlear
21 or auditory brain stem devices;
- 22 (m) Provides information in noise control and hearing conservation including education,
23 equipment selection, equipment calibration, site evaluation and employee evaluation;
- 24 (n) Provides performing basic speech-language screening test;
- 25 (o) Provides involvement in social aspects of communication, including challenging
26 behavior and ineffective social skills, lack of communication opportunities;
- 27 (p) Provides support and training of family members and other communication partners for
28 the individual with auditory balance, cognitive and communication disorders;
- 29 (q) Provides aural rehabilitation and related services to individuals with hearing loss and
30 their families;
- 31 (r) Evaluates, collaborates and manages audition problems in the assessment of the central
32 auditory processing disorders and providing intervention for individuals with central auditory
33 processing disorders;
- 34 (s) Develops and manages academic and clinical problems in communication sciences and
35 disorders;
- 36 (t) Conducts, disseminates and applies research in communication sciences and disorders;
- 37 (8) "Practice of speech-language pathology":
- 38 (a) Provides screening, identification, assessment, diagnosis, treatment, intervention,
39 including but not limited to prevention, restoration, amelioration and compensation, and follow-up
40 services for disorders of:
- 41 a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;
- 42 b. Language, involving the parameters of phonology, morphology, syntax, semantics and
43 pragmatic; and including disorders of receptive and expressive communication in oral, written,
44 graphic and manual modalities;
- 45 c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia, including
46 disorders of swallowing and oral functions for feeding; orofacial myofunctional disorders;
- 47 d. Cognitive aspects of communication, including communication disability and other
48 functional disabilities associated with cognitive impairment;
- 49 e. Social aspects of communication, including challenging behavior, ineffective social skills,

1 lack of communication opportunities;

2 (b) Provides consultation and counseling and makes referrals when appropriate;

3 (c) Trains and supports family members and other communication partners of individuals
4 with speech, voice, language, communication and swallowing disabilities;

5 (d) Develops and establishes effective augmentative and alternative communication
6 techniques and strategies, including selecting, prescribing and dispensing of augmentative aids and
7 devices; and the training of individuals, their families and other communication partners in their use;

8 (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices for
9 speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking valves;

10 (f) Uses instrumental technology to diagnose and treat disorders of communication and
11 swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

12 (g) Provides aural rehabilitative and related counseling services to individuals with hearing
13 loss and to their families;

14 (h) Collaborates in the assessment of central auditory processing disorders in cases in which
15 there is evidence of speech, language or other cognitive communication disorders; provides
16 intervention for individuals with central auditory processing disorders;

17 (i) Conducts pure-tone air conduction hearing screening and screening tympanometry for
18 the purpose of the initial identification or referral;

19 (j) Enhances speech and language proficiency and communication effectiveness, including
20 but not limited to accent reduction, collaboration with teachers of English as a second language and
21 improvement of voice, performance and singing;

22 (k) Trains and supervises support personnel;

23 (l) Develops and manages academic and clinical programs in communication sciences and
24 disorders;

25 (m) Conducts, disseminates and applies research in communication sciences and disorders;

26 (n) Measures outcomes of treatment and conducts continuous evaluation of the effectiveness
27 of practices and programs to improve and maintain quality of services;

28 (9) "Speech-language pathologist", a person who is licensed as a speech-language
29 pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-language
30 pathology as defined in sections 345.010 to 345.080;

31 (10) "Speech-language pathology aide", a person who is registered as a speech-language
32 aide by the board, who does not act independently but works under the direction and supervision of
33 a licensed speech-language pathologist. Such person assists the speech-language pathologist with
34 activities which require an understanding of speech-language pathology but do not require formal
35 training in the relevant academics. To be eligible for registration by the board, each applicant shall
36 submit a registration fee[, be of good moral and ethical character;] and:

37 (a) Be at least eighteen years of age;

38 (b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

39 a. Certification of graduation from an accredited high school or its equivalent; and

40 b. On-the-job training;

41 (c) Be employed in a setting in which direct and indirect supervision is provided on a
42 regular and systematic basis by a licensed speech-language pathologist.

43 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or
44 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case
45 selection, present written reports to anyone other than the supervisor without the signature of the
46 supervisor, make referrals to other professionals or agencies, use a title other than speech-language
47 pathology aide, develop or modify treatment plans, discharge clients from treatment or terminate
48 treatment, disclose clinical information, either orally or in writing, to anyone other than the
49 supervising speech-language pathologist, or perform any procedure for which he or she is not

1 qualified, has not been adequately trained or both;

2 (11) "Speech-language pathology assistant", a person who is registered as a speech-language
3 pathology assistant by the board, who does not act independently but works under the direction and
4 supervision of a licensed speech-language pathologist practicing for at least one year or speech-
5 language pathologist practicing under subdivision (1) or (6) of subsection 1 of section 345.025 for at
6 least one year and whose activities require both academic and practical training in the field of
7 speech-language pathology although less training than those established by sections 345.010 to
8 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration
9 by the board, each applicant shall submit the registration fee, supervising speech-language
10 pathologist information if employment is confirmed, if not such information shall be provided after
11 registration, ~~[be of good moral character]~~ and furnish evidence of the person's educational
12 qualifications which meet the following:

13 (a) Hold a bachelor's level degree from an institution accredited or approved by a regional
14 accrediting body recognized by the United States Department of Education or its equivalent; and

15 (b) Submit official transcripts from one or more accredited colleges or universities
16 presenting evidence of the completion of bachelor's level course work and requirements in the field
17 of speech-language pathology as established by the board through rules and regulations;

18 (c) Submit proof of completion of the number and type of clinical hours as established by
19 the board through rules and regulations.

20 345.050. 1. To be eligible for licensure by the board by examination, each applicant shall
21 submit the application fee and shall furnish evidence of such person's ~~[good moral and ethical
22 character,]~~ current competence and shall:

23 (1) Hold a master's or a doctoral degree from a program accredited by the Council on
24 Academic Accreditation of the American Speech-Language-Hearing Association or other
25 accrediting agency approved by the board in the area in which licensure is sought;

26 (2) Submit official transcripts from one or more accredited colleges or universities
27 presenting evidence of the completion of course work and clinical practicum requirements
28 equivalent to that required by the Council on Academic Accreditation of the American Speech-
29 Language-Hearing Association or other accrediting agency approved by the board; and

30 (3) Pass an examination promulgated or approved by the board. The board shall determine
31 the subject and scope of the examinations.

32 2. To be eligible for licensure by the board without examination, each applicant shall make
33 application on forms prescribed by the board, submit the application fee ~~[and shall be of good moral
34 and ethical character,]~~, submit an activity statement and meet one of the following requirements:

35 (1) The board shall issue a license to any speech-language pathologist or audiologist who is
36 licensed in another country and who has had no violations, suspension or revocations of a license to
37 practice speech-language pathology or audiology in any jurisdiction; provided that, such person is
38 licensed in a country whose requirements are substantially equal to, or greater than, Missouri at the
39 time the applicant applies for licensure; or

40 (2) Hold the certificate of clinical competence issued by the American Speech-Language-
41 Hearing Association in the area in which licensure is sought.

42 345.065. 1. The board may refuse to issue any certificate of registration or authority, permit
43 or license required pursuant to sections 345.010 to 345.080 for one or any combination of causes
44 stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons
45 for the refusal and shall advise the applicant of the applicant's right to file a complaint with the
46 administrative hearing commission as provided by chapter 621. As an alternative to a refusal to
47 issue or renew any certificate, registration or authority, the board may, at its discretion, issue a
48 license or registration which is subject to probation, restriction or limitation to an applicant for
49 licensure or registration for any one or any combination of causes stated in subsection 2 of this

1 section. The board's order of probation, limitation or restriction shall contain a statement of the
 2 discipline imposed, the basis therefor, the date such action shall become effective and a statement
 3 that the applicant has thirty days to request in writing a hearing before the administrative hearing
 4 commission. If the board issues a probationary, limited or restricted license or registration to an
 5 applicant for licensure or registration, either party may file a written petition with the administrative
 6 hearing commission within thirty days of the effective date of the probationary, limited or restricted
 7 license or registration seeking review of the board's determination. If no written request for a
 8 hearing is received by the administrative hearing commission within the thirty-day period, the right
 9 to seek review of the board's decision shall be considered as waived.

10 2. The board may cause a complaint to be filed with the administrative hearing commission
 11 as provided by chapter 621 against any holder of any certificate of registration or authority, permit
 12 or license required by sections 345.010 to 345.080 or any person who has failed to renew or has
 13 surrendered the person's certificate of registration or authority, permit or license for any one or any
 14 combination of the following causes:

15 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
 16 extent that such use impairs a person's ability to perform the work of any profession licensed or
 17 regulated by sections 345.010 to 345.080;

18 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 19 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
 20 country, for any offense ~~[reasonably]~~ directly related to the ~~[qualifications, functions or]~~ duties ~~[of~~
 21 ~~any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an~~
 22 ~~essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral~~
 23 ~~turpitude,]~~ and responsibilities of the occupation as set forth in section 324.012, regardless of
 24 whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
 26 registration or authority, permit or license issued pursuant to sections 345.010 to 345.080 or in
 27 obtaining permission to take any examination given or required pursuant to sections 345.010 to
 28 345.080;

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

31 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
 32 the performance of the functions or duties of any profession licensed or regulated by sections
 33 345.010 to 345.080;

34 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
 35 345.010 to 345.080, or of any lawful rule or regulation adopted pursuant to sections 345.010 to
 36 345.080;

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

40 (8) Disciplinary action against the holder of a license or other right to practice any
 41 profession regulated by sections 345.010 to 345.080 granted by another state, territory, federal
 42 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

44 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
 45 or regulated by sections 345.010 to 345.080 who is not registered and currently eligible to practice
 46 pursuant to sections 345.010 to 345.080;

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

49 (12) Failure to display a valid certificate or license if so required by sections 345.010 to

1 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;

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

3 (14) Fraudulently or deceptively using a license, provisional license or registration;

4 (15) Altering a license, provisional license or registration;

5 (16) Willfully making or filing a false report or record in the practice of speech-language
6 pathology or audiology;

7 (17) Using or promoting or causing the use of any misleading, deceiving, improbable or
8 untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand,
9 insignia or any other representation;

10 (18) Falsely representing the use or availability of services or advice of a physician;

11 (19) Misrepresenting the applicant, licensee or holder by using the word doctor or any
12 similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained
13 from a regionally accredited institution;

14 (20) Committing any act of dishonorable, immoral or unprofessional conduct while
15 engaging in the practice of speech-language pathology or audiology;

16 (21) Providing services or promoting the sale of devices, appliances or products to a person
17 who cannot reasonably be expected to benefit from such services, devices, appliances or products.

18 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
19 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
20 grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may,
21 singly or in combination, censure or place the person named in the complaint on probation on such
22 terms and conditions as the board deems appropriate for a period not to exceed ten years, or may
23 suspend, for a period not to exceed three years, or restrict or limit the person's ability to practice for
24 an indefinite period of time, or revoke the license or registration.

25 4. The board may apply for relief by injunction, without bond, to restrain any person,
26 partnership or corporation from engaging in any act or practice which constitutes an offense
27 pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there is
28 no adequate remedy at law to obtain an injunction. The members of the board and the advisory
29 commission shall not be individually liable for applying for such relief.

30 346.055. 1. An applicant may obtain a license provided the applicant:

31 (1) Is at least eighteen years of age; and

32 (2) ~~Is of good moral character; and~~

33 ~~—(3) Successfully passes a qualifying examination as described under sections 346.010 to~~
34 ~~346.250; and~~

35 ~~[(4)] (3) (a) Holds an associate's degree or higher, from a state or regionally accredited~~
36 ~~institution of higher education, in hearing instrument sciences; or~~

37 ~~(b) Holds an associate's level degree or higher, from a state or regionally accredited~~
38 ~~institution of higher education and submits proof of completion of the International Hearing~~
39 ~~Society's Distance Learning for Professionals in Hearing Health Sciences Course; or~~

40 ~~(c) Holds a master's or doctoral degree in audiology from a state or regionally accredited~~
41 ~~institution; or~~

42 ~~(d) Holds a current, unsuspended, unrevoked license from another country if the standards~~
43 ~~for licensing in such country, as determined by the board, are substantially equivalent to or exceed~~
44 ~~those required in paragraph (a) or (b) of this subdivision; or~~

45 ~~(e) Holds a current, unsuspended, unrevoked license from another country, has been actively~~
46 ~~practicing as a licensed hearing aid fitter or dispenser in another country for no less than forty-eight~~
47 ~~of the last seventy-two months, and submits proof of completion of advance certification from either~~
48 ~~the International Hearing Society or the National Board for Certification in Hearing Instrument~~
49 ~~Sciences.~~

1 2. The provisions of subsection 1 of this section shall not apply to any person holding a
2 valid Missouri hearing instrument specialist license under this chapter when applying for the
3 renewal of that license. These provisions shall apply to any person holding a hearing instrument
4 specialist-in-training permit at the time of their application for licensure or renewal of said permit.

5 3. (1) The board shall promulgate reasonable standards and rules for the evaluation of
6 applicants for purposes of determining the course of instruction and training required of each
7 applicant for a hearing instrument specialist license under the requirement of subdivision (4) of
8 subsection 1 of this section.

9 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
10 under the authority delegated in this section shall become effective only if it complies with and is
11 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
12 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
13 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
14 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
15 August 28, 2013, shall be invalid and void.

16 346.105. 1. The board may refuse to issue any certificate of registration or authority, permit
17 or license required pursuant to this chapter, upon recommendation of the board, for one or any
18 combination of causes stated in subsection 2 of this section. The board shall notify the applicant in
19 writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a
20 complaint with the administrative hearing commission as provided by chapter 621.

21 2. The division may cause a complaint to be filed with the administrative hearing
22 commission as provided by chapter 621 against any holder of any certificate of registration or
23 authority, permit or license required by this chapter or against any person who has failed to renew or
24 has surrendered such person's certificate of registration or authority, permit or license for any one or
25 any combination of the following causes:

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

29 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
30 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any
31 country, for any offense [~~reasonably~~] directly related to the [~~qualification, functions or~~] duties [~~of~~
32 ~~any profession licensed or regulated under this chapter, for any offense an essential element of~~
33 ~~which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,~~] and
34 responsibilities of the occupation as set forth in section 324.012, regardless of whether or not
35 sentence is imposed;

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

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

41 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
42 the performance of the functions or duties of any profession licensed or regulated by this chapter;

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

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

48 (8) Disciplinary action against the holder of a license or other right to practice any
49 profession regulated by this chapter granted by another state, territory, federal agency or country

1 upon grounds for which revocation or suspension is authorized in this state;

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

3 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
4 or regulated by this chapter who is not registered and currently eligible to practice under this
5 chapter;

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

8 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
9 promulgated hereunder;

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

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

13 (15) Representing that the service or advice of a person licensed as a physician pursuant to
14 chapter 334 will be used or made available in the selection, fitting, adjustment, maintenance or
15 repair of hearing instruments when that is not true, or using the words "doctor", "clinic", "clinical
16 audiologist", "state-licensed clinic", "state registered", "state certified", or "state approved" or any
17 other term, abbreviation, or symbol when it would falsely give the impression that service is being
18 provided by physicians licensed pursuant to chapter 334, or by audiologists licensed pursuant to
19 chapter 345, or that the licensee's service has been recommended by the state when such is not the
20 case.

21 436.230. 1. Except as otherwise provided in subsection 2 of this section, the director shall
22 issue a certificate of registration to an individual who complies with section 436.227.

23 2. The director may refuse to issue a certificate of registration if the director determines that
24 the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to
25 serve as an athlete agent. In making the determination, the director may consider whether the
26 applicant has:

27 (1) ~~Been [convicted of a crime that if committed in this state would be a felony or other~~
28 ~~crime involving moral turpitude] finally adjudicated and found guilty, or entered a plea of guilty or~~
29 ~~nolo contendere, in a criminal prosecution under the laws of any state, or of the United States, or~~
30 ~~any country, for any offense directed related to the duties and responsibilities of the occupation as~~
31 ~~set forth in section 324.012, regardless of whether or not sentence is imposed;~~

32 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an athlete
33 agent or in the application;

34 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
35 capacity;

36 (4) Engaged in conduct prohibited by section 436.254;

37 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or been
38 refused renewal of registration or licensure in any state;

39 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that a
40 sanction, suspension, or declaration of ineligibility to participate in an interscholastic or
41 intercollegiate athletic event was imposed on a student athlete or educational institution; or

42 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
43 honesty, or integrity.

44 3. In making a determination under subsection 3 of this section, the director shall consider:

45 (1) How recently the conduct occurred;

46 (2) The nature of the conduct and the context in which it occurred; and

47 (3) Any other relevant conduct of the applicant.

48 4. An athlete agent may apply to renew a registration by submitting an application for
49 renewal in a form prescribed by the director. The application for renewal must be signed by the

1 applicant under penalty of perjury under section 575.040 and shall contain current information on all
2 matters required in an original registration.

3 5. A certificate of registration or a renewal of a registration is valid for two years."; and

4
5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.