

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2141
100TH GENERAL ASSEMBLY

3366H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 209.334, 214.276, 256.477, 317.015, 324.009, 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy new sections relating to professional registration.

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

Section A. Sections 209.334, 214.276, 256.477, 317.015, 324.009, 324.047, 324.086, 2 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 327.131, 3 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 4 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 5 334.715, 334.920, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 6 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 339.040, 339.100, 339.511, 339.532, 7 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 8 346.105, and 436.230, RSMo, are repealed and seventy new sections enacted in lieu thereof, to 9 be known as sections 209.334, 214.276, 256.477, 317.015, 324.009, 324.012, 324.047, 324.086, 10 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 327.131, 11 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 12 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 13 334.715, 334.920, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 339.040, 339.100, 339.511, 339.532,
15 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055,
16 346.105, and 436.230, to read as follows:

209.334. 1. The committee may refuse to issue or renew any license required by the
2 provisions of sections 209.319 to 209.339 for one or any combination of causes stated in
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of his or her right to file a complaint with the
5 administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license required by sections
8 209.319 to 209.339 or any person who has failed to renew or has surrendered his license for any
9 one or any combination of the following causes:

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

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

18 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
19 pursuant to the provisions of sections 209.319 to 209.339 or in obtaining permission to take any
20 examination given or required pursuant to the provisions of sections 209.319 to 209.339;

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

23 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance
24 of the functions or duties of interpreting;

25 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
26 209.319 to 209.339, or of any lawful rule or regulation adopted pursuant to sections 209.319 to
27 209.339;

28 (7) Impersonation of any person holding a license or allowing any person to use his or
29 her license or certification;

30 (8) Discipline of a license or other right to practice interpreting granted by another state,
31 territory, federal agency or country upon grounds for which discipline is authorized in this state;

32 (9) Discipline of a certification issued by the Missouri commission for the deaf and hard
33 of hearing or any other certifying body upon grounds for which discipline is authorized in this

34 state if the licensee was given notice and an opportunity to be heard before the certification was
35 disciplined;

36 (10) A person is finally adjudged incapacitated by a court of competent jurisdiction;

37 (11) Assisting or enabling any person to practice or offer to practice interpreting who is
38 not licensed and currently eligible to practice under the provisions of sections 209.319 to
39 209.339;

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

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

42 (14) Failure to display or present a valid license if so required by sections 209.319 to
43 209.339 or any rule promulgated pursuant thereto.

44 3. Any person, organization, association or corporation who reports or provides
45 information to the committee pursuant to the provisions of sections 209.319 to 209.339 and who
46 does so in good faith shall not be subject to an action for civil damages as a result thereof.

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

53 5. In any order of revocation, the committee may provide that the person may not apply
54 for reinstatement of his license for three years after the revocation.

55 6. Before restoring to good standing a license issued pursuant to sections 209.319 to
56 209.339 which has been revoked, suspended or inactive for any cause, the committee shall
57 require the applicant to submit to the committee, verification, from the Missouri commission for
58 the deaf that the applicant has a current certification which qualifies that person for licensure.

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

6 2. The division may cause a complaint to be filed with the administrative hearing
7 commission as provided in chapter 621 against any holder of any license, required by sections
8 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or
9 any combination of the following causes:

- 10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
11 an extent that such use impairs a person's ability to perform the work of any profession licensed
12 or regulated by sections 214.270 to 214.516;
- 13 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
14 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
15 States, **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications,~~
16 ~~functions or~~] duties [~~of any profession licensed or regulated pursuant to sections 214.270 to~~
17 ~~214.516, for any offense an essential element of which is fraud, dishonesty or an act of violence,~~
18 ~~or for any offense involving moral turpitude,~~] **and responsibilities of the occupation, as set**
19 **forth in section 324.012, regardless of** whether or not sentence is imposed;
- 20 (3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued
21 pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination
22 given or required pursuant to sections 214.270 to 214.516;
- 23 (4) Obtaining or attempting to obtain any fee, charge or other compensation by fraud,
24 deception or misrepresentation;
- 25 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty
26 in the performance of the functions or duties of any profession regulated by sections 214.270 to
27 214.516;
- 28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
29 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to
30 214.516;
- 31 (7) Impersonation of any person holding a license or allowing any person to use his or
32 her license;
- 33 (8) Disciplinary action against the holder of a license or other right to practice any
34 profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal
35 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 36 (9) A person is finally adjudged insane or incompetent by a court of competent
37 jurisdiction;
- 38 (10) Assisting or enabling any person to practice or offer to practice any profession
39 licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible
40 to practice pursuant to sections 214.270 to 214.516;
- 41 (11) Issuance of a license based upon a material mistake of fact;
- 42 (12) Failure to display a valid license;
- 43 (13) Violation of any professional trust or confidence;
- 44 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
45 the general public or persons to whom the advertisement or solicitation is primarily directed;

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

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

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

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

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

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

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

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

317.015. 1. Any person wishing to make a complaint against a licensee under sections
2 317.001 to 317.014 shall file the written complaint with the division setting forth supporting
3 details. If the division determines that the charges warrant a hearing to ascertain whether the
4 licensee shall be disciplined, it shall file a complaint with the administrative hearing commission

5 as provided in chapter 621. Any person holding more than one license issued by the division and
6 disciplined under one license will automatically be disciplined under all licenses.

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative
11 hearing commission as provided in chapter 621.

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

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

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

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

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

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

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

33 (g) Impersonating any permit or license holder or allowing any person to use their permit
34 or license;

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

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

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

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

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

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

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

51 3. Upon a finding that the grounds provided in subsection 2 of this section for
52 disciplinary action are met, the office may, singly or in combination, censure or place on
53 probation on such terms and conditions as the office deems appropriate for a period not to exceed
54 five years, or may suspend for a period not to exceed three years or revoke the certificate, license,
55 or permit. In any order of revocation, the office may provide that the person shall not apply for
56 a new license for a maximum of three years and one day following the date of the order of
57 revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or
58 in addition to any remedy specifically provided in subsection 1 of this section, the office may
59 require of a licensee:

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

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

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

2 (1) "License", a license, certificate, registration, permit, or accreditation that enables a
3 person to legally practice an occupation or profession in a particular jurisdiction~~]; except that~~
4 ~~"license" shall not include a certificate of license to teach in public schools under section~~
5 ~~168.021];~~

6 (2) "Oversight body", any board, department, agency, or office of a jurisdiction that
7 issues licenses~~]; except, for the purposes of this section, oversight body shall not include the state~~
8 ~~board of registration for the healing arts, the state board of nursing, the board of pharmacy, the~~
9 ~~state committee of psychologists, the Missouri dental board, the Missouri board for architects,~~
10 ~~professional engineers, professional land surveyors and professional landscape architects, the~~
11 ~~state board of optometry, or the Missouri veterinary medical board].~~

12 2. Any ~~[resident of Missouri]~~ **person** who holds a valid current license issued by another
13 state, a territory of the United States, or the District of Columbia, **and who has been licensed**
14 **for at least one year in such other jurisdiction**, may submit an application for a license in
15 Missouri in the same occupation or profession, **and at the same practice level**, for which he or
16 she holds the current license, along with proof of current licensure **and proof of licensure for**
17 **at least one year** in the other jurisdiction, to the relevant oversight body in this state.

18 3. The oversight body in this state shall, within six months of receiving an application
19 described in subsection 2 of this section, waive any examination, educational, or experience
20 requirements for licensure in this state for the applicant if it determines that ~~[the licensing~~
21 ~~requirements in the jurisdiction that issued the applicant's license are substantially similar to or~~
22 ~~more stringent than the licensing requirements in Missouri for the same occupation or~~
23 ~~profession]~~ **there were minimum education requirements and, if applicable, work**
24 **experience and clinical supervision requirements in effect and the other state verifies that**
25 **the person met those requirements in order to be licensed or certified in that state. An**
26 **oversight body that administers an examination on laws of this state as part of its licensing**
27 **application requirement may require an applicant to take and pass an examination specific**
28 **to the laws of this state.**

29 4. (1) The oversight body shall not waive any examination, educational, or experience
30 requirements for any applicant who **has had his or her license revoked by an oversight body**
31 **outside the state; who is currently under investigation, who has a complaint pending, or**
32 **who is currently under disciplinary action, except as provided in subdivision (2) of this**
33 **subsection, with an oversight body outside the state; who does not hold a license in good**
34 **standing with an oversight body outside the state; who has a criminal record that would**
35 **disqualify him or her for licensure in Missouri; or who does not hold a valid current license**
36 in the other jurisdiction on the date the oversight body receives his or her application under this
37 section.

38 (2) **If another jurisdiction has taken disciplinary action against an applicant, the**
39 **oversight body shall determine if the cause for the action was corrected and the matter**
40 **resolved. If the matter has not been resolved by that jurisdiction, the oversight body may**
41 **deny a license until the matter is resolved.**

42 5. ~~[The oversight body shall not waive any examination, educational, or experience~~
43 ~~requirements for any applicant if it determines that waiving the requirements for the applicant~~
44 ~~may endanger the public health, safety, or welfare.~~

45 ~~—————6.]~~ Nothing in this section shall prohibit the oversight body from denying a license to an
46 applicant under this section for any reason described in any section associated with the
47 occupation or profession for which the applicant seeks a license.

48 **6. Any person who is licensed under the provisions of this section shall be subject**
49 **to the applicable oversight body's jurisdiction and all rules and regulations pertaining to**
50 **the practice of the licensed occupation or profession in this state.**

51 7. This section shall not be construed to waive any requirement for an applicant to pay
52 any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license
53 the applicant seeks.

54 8. This section shall not apply to business, professional, or occupational licenses issued
55 or required by political subdivisions.

56 **9. The provisions of this section shall not impede an oversight body's authority to**
57 **require an applicant to submit fingerprints as part of the application process.**

58 **10. The provisions of this section shall not apply to an oversight body that has**
59 **entered into a licensing compact with another state for the regulation of practice under the**
60 **oversight body's jurisdiction.** The provisions of this section shall not be construed to alter the
61 authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or
62 interstate compacts adopted by Missouri statute or any reciprocity agreements with other states
63 in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to
64 imply no conflict between it and any compact, or any reciprocity agreements with other states
65 in effect on August 28, 2018.

66 **11. Notwithstanding any other provision of law, a license issued under this section**
67 **shall be valid only in this state and shall not make a licensee eligible to be part of an**
68 **interstate compact. An applicant who is licensed in another state pursuant to an interstate**
69 **compact shall not be eligible for licensure by an oversight body under the provisions of this**
70 **section.**

324.012. 1. This section shall be known and may be cited as the "Fresh Start Act
2 **of 2020".**

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

4 **(1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea**
5 **of nolo contendere;**

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

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

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

12 **3. Notwithstanding any other provision of law, beginning January 1, 2021, no**
13 **person shall be disqualified by a state licensing authority from pursuing, practicing, or**

14 **engaging in any occupation for which a license is required solely or in part because of a**
15 **prior conviction of a crime in this state or another state, unless the criminal conviction**
16 **directly relates to the duties and responsibilities for the licensed occupation as set forth in**
17 **this section.**

18 **4. All state licensing authorities shall list the specific criminal offenses in this state**
19 **that may disqualify an applicant from receiving a license. Such lists shall be made**
20 **available to the public. Beginning August 28, 2020, applicants for examination of licensure**
21 **who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of**
22 **any of the following offenses or offenses of a similar nature established under the laws of**
23 **this state, any other state, the United States, or any other country, notwithstanding whether**
24 **sentence is imposed, shall be considered by state licensing authorities to have committed**
25 **a criminal offense that directly relates to the duties and responsibilities of a licensed**
26 **profession:**

27 **(1) Any murder in the first degree, or dangerous felony as defined under section**
28 **556.061 excluding an "intoxication-related traffic offense" or "intoxication-related boating**
29 **offense" if the person is found to be a "habitual offender" or "habitual boating offender"**
30 **as such terms are defined in section 577.001;**

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

45 **(4) Any of the following offenses involving child pornography and related offenses:**
46 **promoting obscenity in the first degree, promoting obscenity in the second degree when the**
47 **penalty is enhanced to a class E felony, promoting child pornography in the first degree,**
48 **promoting child pornography in the second degree, possession of child pornography in the**
49 **first degree, possession of child pornography in the second degree, furnishing child**

50 pornography to a minor, furnishing pornographic materials to minors, or coercing
51 acceptance of obscene material;

52 (5) The offense of delivery of a controlled substance, as provided in section 579.020,
53 may be a disqualifying criminal offense for the following occupations: real estate agents,
54 brokers, appraisers, and escrow agents, licensed pursuant to sections 339.010 to 339.205;
55 real estate appraisers and appraisal management companies, licensed pursuant to sections
56 339.500 to 339.549; veterinarians, licensed pursuant to sections 340.200 to 340.330; and
57 nursing home administrators, licensed pursuant to chapter 344; and

58 (6) Any offense an essential element of which is fraud may be a disqualifying
59 criminal offense for the following occupations: private investigators, licensed pursuant to
60 sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects,
61 licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections
62 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371;
63 landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors,
64 licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to
65 chapter 333; real estate agents, brokers, appraisers, and escrow agents, licensed pursuant
66 to sections 339.010 to 339.205; real estate appraisers and appraisal management
67 companies, licensed pursuant to sections 339.500 to 339.549; and nursing home
68 administrators, licensed pursuant to chapter 344.

69 5. If an individual is charged with any of the crimes set forth in subsection 4 of this
70 section, and is convicted, pleads guilty to, or is found guilty of a lesser included offense and
71 is sentenced to a period of incarceration, such conviction shall only be considered by state
72 licensing authorities as a criminal offense that directly relates to the duties and
73 responsibilities of a licensed profession for five years, beginning on the date such individual
74 is convicted, pleads guilty to, or is found guilty of such lesser included offense.

75 6. (1) Before January 1, 2021, each state licensing authority shall list the criminal
76 convictions that could disqualify an applicant from receiving a license as set forth in
77 subsection 4 of this section. Licensing authorities shall not use vague or generic terms
78 including, but not limited to, "moral turpitude" and "good character", or consider arrests
79 without a subsequent conviction. Licensing authorities shall only list criminal convictions
80 that are directly related to the duties and responsibilities for the licensed occupation.

81 (2) The licensing authority shall determine whether an applicant with a criminal
82 conviction listed under subdivision (1) of this subsection will be denied a license based on
83 the following factors:

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

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

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

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

91 **(3) If an individual has a valid criminal conviction for a criminal offense that could**
92 **disqualify the individual from receiving a license, the disqualification shall not apply to an**
93 **individual who has been exonerated for a crime for which he or she has previously been**
94 **convicted of or incarcerated.**

95 **7. An individual with a criminal record may petition a licensing authority at any**
96 **time for a determination of whether the individual's criminal record will disqualify the**
97 **individual from obtaining a license. This petition shall include details on the individual's**
98 **criminal record. The licensing authority shall inform the individual of his or her standing**
99 **within thirty days after the licensing authority has met, but in no event more than four**
100 **months after receiving the petition from the applicant. The decision shall be binding,**
101 **unless the individual has subsequent criminal convictions or failed to disclose information**
102 **in his or her petition. The licensing authority may charge a fee to recoup its costs not to**
103 **exceed twenty-five dollars for each petition.**

104 **8. (1) If a licensing authority denies an individual a license solely or in part because**
105 **of the individual's prior conviction of a crime, the licensing authority shall notify the**
106 **individual in writing of the following:**

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

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

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

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

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

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

121 **9. The provisions of this section shall apply to any profession for which an**
122 **occupational license is issued in this state, including any new occupational license created**
123 **by a state licensing authority after August 28, 2020. Notwithstanding any other provision**
124 **of law, political subdivisions shall be prohibited from creating any new occupational**
125 **licenses after August 28, 2020. The provisions of this section shall not apply to business**
126 **licenses, where the terms "occupational licenses" and "business licenses" are used**
127 **interchangeably in a city or county charter definition.**

128 **10. The provisions of this section shall not apply to peace officers or other law**
129 **enforcement personnel licensed under the provisions of chapter 590, accountants licensed**
130 **under the provisions of chapter 326, podiatrists licensed under the provisions of chapter**
131 **330, dentists licensed under the provisions of chapter 332, physicians and surgeons licensed**
132 **under the provisions of chapter 334, nurses licensed under the provisions of chapter 335,**
133 **and pharmacists licensed under the provisions of chapter 338, or to persons under the**
134 **supervision or jurisdiction of the Missouri director of finance appointed pursuant to**
135 **chapter 361.**

136 **11. Nothing in this section shall be construed to require a private certification**
137 **organization to grant or deny private certification to any individual, or alter any**
138 **requirement in a licensure state or regulation for an individual to hold current private**
139 **certification as a condition of licensure or renewal of licensure.**

324.047. 1. The purpose of this section is to promote general welfare by establishing
2 guidelines for the regulation of occupations and professions not regulated prior to January 1,
3 2019, and guidelines for combining any additional occupations or professions under a single
4 license regulated by the state prior to January 1, 2019.

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

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

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

14 (3) "Department", the department of commerce and insurance;

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

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

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

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

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

25 (a) Bonding or insurance;

26 (b) Registration;

27 (c) Certification;

28 (d) Occupational license;

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

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

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

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

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

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

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

44

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

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

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

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

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

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

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

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

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

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

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

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

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

89 6. After January 1, 2019, any relevant regulatory entity shall report, and the department
90 shall make available to the general assembly, upon the filing of a bill that proposes additional
91 regulation of a profession or occupation currently regulated by the regulatory entity, the
92 following factors to the department:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169 **9. Nothing in this section shall be construed to change any requirement for an**
170 **individual to hold current private certification as a condition of licensure or renewal of**
171 **licensure. This section shall not require a private certification organization to grant or**
172 **deny private certification to any individual.**

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated by sections 324.050 to 324.089, for any offense~~
18 ~~an essential element of which is fraud, dishonesty or an act of violence, or for any offense~~
19 ~~involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section**
20 **324.012, regardless of** whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
22 registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in
23 obtaining permission to take any examination given or required pursuant to sections 324.050 to
24 324.089;

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

27 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
28 in the performance of the functions and duties of any profession licensed or regulated by sections
29 324.050 to 324.089;

30 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
31 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections 324.050 to
32 324.089;

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

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

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

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

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

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

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

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

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

53 3. After the filing of such complaint, the proceedings shall be conducted in accordance
54 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
55 that the grounds provided in subsection 2 of this section for disciplinary action are met, the board
56 may, singly or in combination, censure or place the person named in the complaint on probation

57 with such terms and conditions as the board deems appropriate for a period not to exceed five
58 years, or may suspend, for a period not to exceed three years, or may revoke the license,
59 certificate or permit.

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

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

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided in chapter 621 against the holder of any license required by sections
8 324.200 to 324.225 or any person who has failed to renew or has surrendered the person's license
9 for any one or any combination of the following causes:

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

13 (2) Impersonation of any person holding a license or allowing any person to use his or
14 her license or diploma from any school;

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

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

19 (5) The person has been finally adjudicated and found guilty, or entered a plea of guilty
20 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or **of** the United
21 States, **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications,~~
22 ~~functions, or~~] duties [~~of the professional who is regulated pursuant to sections 324.200 to~~
23 ~~324.225, for any offense an essential element of which is fraud, dishonesty or act of violence,~~
24 ~~or for any offense involving moral turpitude,~~] **and responsibilities of the occupation, as set**
25 **forth in section 324.012**, regardless of whether or not sentence is imposed;

26 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty
27 in the performance of the functions or duties of the profession that is regulated by sections
28 324.200 to 324.225;

29 (7) Violation of, or assisting or enabling any person to violate, any provision of sections
30 324.200 to 324.225, or any lawful rule or regulation adopted pursuant to such sections;

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

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

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

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

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

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

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

46 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
47 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the
48 administrative hearing commission that the grounds, provided in subsection 2 of this section, for
49 disciplinary action are met, the committee may, singly or in combination, censure or place the
50 person named in the complaint on probation on such terms and conditions as the committee
51 deems appropriate for a period not to exceed five years, or may suspend, for a period not to
52 exceed three years, or revoke the license of the person. An individual whose license has been
53 revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure
54 shall be at the discretion of the committee after compliance with all requirements of sections
55 324.200 to 324.225 relative to the licensing of an applicant for the first time.

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

58 6. The committee shall recommend for prosecution violations of sections 324.200 to
59 324.225 to an appropriate prosecuting or circuit attorney.

324.262. 1. The board may refuse to issue, renew or reinstate any license required by
2 sections 324.240 to 324.275 for one or any combination of causes stated in subsection 2 of this
3 section. The board shall notify the applicant in writing of the reasons for the refusal and shall
4 advise the applicant of his or her right to file a complaint with the administrative hearing
5 commission as provided by chapter 621.

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

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

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

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

22 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
23 in the performance of the functions or duties of the profession regulated by sections 324.240 to
24 324.275;

25 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
26 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to
27 324.275, including providing massage therapy under subdivision (7) of section 324.240 at a
28 massage business as defined in subdivision (5) of section 324.240 that is not licensed under this
29 chapter;

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

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

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

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

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

40 3. Any person, organization, association or corporation who reports or provides
41 information to the division pursuant to the provisions of sections 324.240 to 324.275 and who

42 does so in good faith and without negligence shall not be subject to an action for civil damages
43 as a result thereof.

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

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

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

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

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

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

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

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

30 (1) Application for renewal;

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

33 (3) Payment of the appropriate renewal fee.

34

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty
11 or nolo contendere, in a criminal prosecution under the laws of ~~[this state or]~~ any ~~[other]~~ state
12 or of the United States, **or any country**, for any offense ~~[reasonably]~~ **directly** related to the
13 ~~[qualifications, functions or]~~ **duties** ~~[of the profession regulated by sections 324.400 to 324.439;~~
14 ~~for any offense for which an essential element is fraud, dishonesty or an act of violence; or for~~
15 ~~a felony;]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**
16 **of** whether or not sentence is imposed;

17 (2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
18 registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any
19 examination given or required pursuant to sections 324.400 to 324.439;

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

22 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
23 in the performance of the functions or duties of the profession regulated by sections 324.400 to
24 324.439;

25 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
26 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

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

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

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

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

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

39 3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
40 shall be conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a
41 finding by the administrative hearing commission that the grounds, provided in subsection 2 of
42 this section, for disciplinary action are met, the division shall censure or place the person named
43 in the complaint on probation for a period not to exceed five years or may suspend the person's
44 certificate for a period not to exceed three years or may revoke the person's certificate of
45 registration.

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

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

10 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty
11 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
12 States, **or any country**, for any offense [reasonably] **directly** related to the [qualifications;

13 ~~functions or] duties [of the profession regulated pursuant to sections 324.475 to 324.499, for any~~
14 ~~offense an essential element of which is fraud, dishonesty or an act of violence, or for any~~
15 ~~offense involving moral turpitude,] and responsibilities of the occupation, as set forth in~~
16 **section 324.012, regardless of** whether or not sentence is imposed;

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

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

22 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
23 in the performance of the functions or duties of the profession regulated by sections 324.475 to
24 324.499;

25 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
26 324.475 to 324.499, or of any lawful rule or regulation adopted pursuant to such sections;

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

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

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

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

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

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

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

44 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
45 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the
46 administrative hearing commission that the grounds, provided in subsection 2 of this section, for
47 disciplinary action are met, the board may, upon recommendation of the committee, singly or in

48 combination, censure or place the person named in the complaint on probation, suspension or
49 revoke the license of the person on such terms and conditions as the division deems appropriate.

324.523. 1. The division may refuse to issue or cause a complaint to be filed with the
2 administrative hearing commission as provided by chapter 621 against any holder of any
3 certificate of registration or authority, permit or license required under sections 324.520 to
4 324.526, or any person who has failed to renew or has surrendered his or her certificate of
5 registration or authority, permit, or license for any one or any combination of the following
6 causes:

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

10 (2) Final adjudication and finding of guilt, or the ~~[entrance of a]~~ plea of guilty or nolo
11 contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or**
12 **any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~
13 duties ~~[of any profession that is licensed or regulated under sections 324.520 to 324.526, and the~~
14 ~~regulations promulgated thereunder, for any offense an essential element of which is fraud,~~
15 ~~dishonesty, or an 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
17 not sentence is imposed;

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

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

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

25 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
26 324.520 to 324.526, or any lawful rule or regulation adopted under sections 324.520 to 324.526;

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

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

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

35 (10) Assisting or enabling any person to practice or offer to practice any profession
36 licensed or regulated under sections 324.520 to 324.526 who is licensed and is currently
37 ineligible to practice under sections 324.520 to 324.526;

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

40 (12) Failure to display a valid license;

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

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

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

52 3. The division, acting upon its own knowledge or written or verified complaint filed by
53 any person, may discipline a person as provided in subsections 1 or 2 of this section or the
54 division may bring an action to enjoin any person, establishment, firm, or corporation from
55 engaging in an occupation regulated by the provisions of sections 324.520 to 324.526, if such
56 person, firm, or corporation without being licensed to do so by the division engages in or
57 practices an occupation licensed under sections 324.520 to 324.526. The action shall be brought
58 in the county in which such person resides, or, in the case of an establishment, firm, or
59 corporation, where the establishment, firm, or corporation maintains its principal office; and
60 unless it appears that such person, establishment, firm, or corporation so engaging or practicing
61 such occupation is licensed, the injunction shall be issued, and such person, firm, or corporation
62 shall be perpetually enjoined from engaging in such activities throughout the state.

324.940. 1. The division may refuse to issue or renew or may suspend any license
2 required under sections 324.900 to 324.945 for one or any combination of causes stated in
3 subsection 4 of this section. The division shall notify the applicant in writing of the reasons for
4 the refusal and shall advise the applicant of his or her right to file a complaint with the
5 administrative hearing commission as provided by chapter 621.

6 2. The division shall publish via electronic media and update on a weekly basis a list of
7 valid statewide license holders, a list of current enforcement actions against license holders, and
8 the procedures for filing grievances against licensees.

9 3. The permitting authority of each political subdivision may suspend a contractor's work
10 in that political subdivision for a period of up to thirty days while a complaint is being forwarded
11 by the permitting authority to the division for adjudication.

12 4. The division 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 sections
14 324.900 to 324.945 or any person who has failed to renew or has surrendered his or her license
15 for any one or any combination of the following causes:

16 (1) The final adjudication and finding of guilty, or the entering of a plea of guilty or nolo
17 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
19 [~~of any profession licensed or regulated by sections 324.900 to 324.945, for any offense an~~
20 ~~essential element of which is fraud, dishonesty, or an act of violence,~~] **and responsibilities of**
21 **the occupation, as set forth in section 324.012, regardless of** whether or not sentence is
22 imposed;

23 (2) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
24 under sections 324.900 to 324.945 or in obtaining permission to take any examination given or
25 required under sections 324.900 to 324.945;

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

28 (4) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty
29 in the performance of the functions and duties of any profession licensed or regulated by sections
30 324.900 to 324.945;

31 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
32 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

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

35 (7) Final adjudication of a person as insane or incompetent by a court of competent
36 jurisdiction;

37 (8) Assisting or enabling any person to practice or offer to practice any profession
38 licensed or regulated by sections 324.900 to 324.945 who is not registered and currently eligible
39 to practice under sections 324.900 to 324.945;

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

42 5. After the filing of such complaint, the proceedings shall be conducted in accordance
43 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
44 that the grounds provided in subsection 4 of this section for disciplinary action are met, the

45 division may, singly or in combination, censure or place the person named in the complaint on
 46 probation with such terms and conditions as the division deems appropriate for a period not to
 47 exceed five years, or may suspend, for a period not to exceed three years, or revoke the license,
 48 certificate, or permit.

49 6. An individual whose license has been revoked shall wait at least one year from the
 50 date of revocation to apply for relicensure. Relicensure shall be at the discretion of the division
 51 after compliance with all requirements of sections 324.900 to 324.945 relative to the previous
 52 licensing of the applicant.

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

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

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

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

13 ~~[(4)] (3) Has been refused a license under sections 324.1100 to 324.1148 or had a license~~
 14 ~~revoked or denied in this state or any other state;~~

15 ~~[(5)] (4) Has falsified or willfully misrepresented information in an employment~~
 16 ~~application, records of evidence, or in testimony under oath;~~

17 ~~[(6)] (5) Has been dependent on or abused alcohol or drugs; or~~

18 ~~[(7)] (6) Has used, possessed, or trafficked in any illegal substance;~~

19 ~~[(8)] (7) While unlicensed, committed or aided and abetted the commission of any act~~
 20 ~~for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or~~

21 ~~[(9)] (8) Knowingly made any false statement in the application to the board.~~

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

324.1118. A private investigator agency or private fire investigator agency shall not hire
 2 an individual, who is not licensed as a private investigator or private fire investigator, as an
 3 employee if 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~~
8 ~~offense, including the receiving of a suspended imposition of sentence following a plea or~~
9 ~~finding of guilty to a felony offense;~~

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

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

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

12 received a degree from an accredited school of engineering or after receiving an education as
13 provided in this section shall count as equivalent years of satisfactory engineering experience.

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

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

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

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

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

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

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

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution 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 under this chapter, for any offense an essential element of which is fraud, dishonesty or an 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 license or certificate of authority 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 of any lawful rule or regulation adopted pursuant to this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated under this chapter, for any offense an essential~~
18 ~~element of which is fraud, dishonesty or an act of violence, or for any offense involving moral~~
19 ~~turpitude,] **and responsibilities of the occupation, as set forth in section 324.012, regardless**
20 **of** whether or not sentence is imposed;~~

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

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

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

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

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

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

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

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

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

44 (12) Failure to display a valid certificate or license if so required by this chapter or any
45 rule 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
48 the general public or persons to whom the advertisement or solicitation is primarily directed;

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

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

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

6 2. The board may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any certificate of registration or
8 authority, permit or license required by this chapter or any person who has failed to renew or has

9 surrendered the person's certificate of registration or authority, permit or license for any one or
10 any combination of the following causes:

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated under this chapter, for any offense an essential~~
18 ~~element of which is fraud, dishonesty or an act of violence, or for any offense involving moral~~
19 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

44 (12) Failure to display a valid 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
48 the general public or persons to whom the advertisement or solicitation is primarily directed;

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

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

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

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

3 2. Any person desiring to procure a license authorizing the person to practice chiropractic
4 in this state shall make application on the form prescribed by the board. The application shall
5 contain a statement that it is made under oath or affirmation and that representations contained
6 thereon are true and correct to the best knowledge and belief of the person signing the
7 application, subject to the penalties of making a false affidavit or declaration, and shall give the
8 applicant's name, address, age, sex, name of chiropractic schools or colleges which the person
9 attended or of which the person is a graduate, and such other reasonable information as the board
10 may require. The applicant shall give evidence satisfactory to the board of the successful
11 completion of the educational requirements of this chapter, [~~that the applicant is of good moral~~
12 ~~character,~~] and that the chiropractic school or college of which the applicant is a graduate is
13 teaching chiropractic in accordance with the requirements of this chapter. The board may make

14 a final determination as to whether or not the school from which the applicant graduated is so
15 teaching.

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

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

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

49 correspondence work in any chiropractic school or college as credit for meeting the requirements
50 of this chapter.

51 6. The board shall issue a license without examination to persons who have been
52 regularly licensed to practice chiropractic in any foreign country, provided that the regulations
53 for securing a license in the other country are equivalent to those required for licensure in the
54 state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has
55 continuously practiced chiropractic for at least one year immediately preceding the applicant's
56 application to the board [~~and that the applicant is of good moral character~~], and upon the
57 payment of the reciprocity license fee as established by rule of the board. The board may require
58 an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC)
59 administered by the National Board of Chiropractic Examiners if the requirements for securing
60 a license in the other country are not equivalent to those required for licensure in the state of
61 Missouri at the time application is made for licensure under this subsection.

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

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

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

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

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

331.060. 1. The board may refuse to issue any certificate of registration or authority,
2 permit or license required pursuant to this chapter for one or any combination of causes stated

3 in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for
4 the refusal and shall advise the applicant of his right to file a complaint with the administrative
5 hearing commission as provided by chapter 621.

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated under this chapter, for any offense an essential~~
18 ~~element of which is fraud, dishonesty or an act of violence, or for any offense involving moral~~
19 ~~turpitude,~~] **and responsibilities of the occupation, as set forth in section 324.012, regardless**
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

44 (12) Failure to display a valid certificate or license if so required by this chapter or any
45 rule 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
48 the general public or persons to whom the advertisement or solicitation is primarily directed.
49 False, misleading or deceptive advertisements or solicitations shall include, but not be limited
50 to:

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

53 (b) Any self-laudatory statement;

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

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

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

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

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

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

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

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

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

76 (20) Being unable to practice as a chiropractic physician with reasonable skill and safety
77 to patients because of one of the following: professional incompetency; illness, drunkenness,
78 or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing
79 this subdivision the board shall, after a hearing before the board, upon a finding of probable
80 cause, require the chiropractor for the purpose of establishing his competency to practice as a
81 chiropractic physician to submit to a reexamination, which shall be conducted in accordance with
82 rules adopted for this purpose by the board, including rules to allow the examination of the
83 chiropractic physician's professional competence by at least three chiropractic physicians, or to
84 submit to a mental or physical examination or combination thereof by at least three physicians.
85 One examiner shall be selected by the chiropractic physician compelled to take the examination,
86 one selected by the board, and one shall be selected by the two examiners so selected. Notice
87 of the physical or mental examination shall be given by personal service or certified mail.
88 Failure of the chiropractic physician to submit to an examination when directed shall constitute
89 an admission of the allegations against him, unless the failure was due to circumstances beyond
90 his control. A chiropractic physician whose right to practice has been affected under this
91 subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can
92 resume competent practice with reasonable skill and safety to patients.

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

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

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

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

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

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

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

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

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

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

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

22 4. The board shall determine and specify by rule the number of times an applicant may
23 fail all or a portion of the dental hygiene examinations without completing additional education
24 in an accredited dental hygiene school, and shall specify by rule the type and amount of
25 additional education which shall be required of an applicant, which type and amount may vary
26 depending upon the failed portions of the dental hygiene examinations. However, no applicant
27 shall be refused permission to take the dental hygiene examinations twice without completing
28 additional education, nor shall additional education be required if the applicant only fails an
29 examination over Missouri laws.

 332.281. The board shall grant without examination a certificate of registration and
2 license to a dental hygienist who has been licensed in another state for at least two consecutive
3 years immediately preceding his application to practice in Missouri if the board is satisfied by
4 proof adduced by the applicant that his qualifications are at least equivalent to the requirements
5 for initial registration as a dental hygienist in Missouri under the provisions of this chapter ~~and~~
6 ~~that he is of good moral character and reputation~~; provided that the board may by rule require
7 an applicant under this section to take any examination over Missouri laws given to dental
8 hygienist initially seeking licensure under section 332.251 and to take a practical examination
9 if his licensure in any state was ever denied, revoked or suspended for incompetency or inability
10 to practice in a safe manner, or if he has failed any practical examination given as a prerequisite
11 to licensure as a dental hygienist in any state. Any such dental hygienist applying to be so
12 registered and licensed shall accompany his application with a fee not greater than the dental
13 hygienist examination and license fees and if registered and licensed shall renew his license as
14 provided in section 332.261.

 332.291. Any person registered and currently licensed as a dental hygienist~~, who is of~~
2 ~~good moral character,~~ who has been practicing as a dental hygienist in Missouri immediately
3 preceding the date of his application under the continuous supervision of a registered and
4 currently licensed dentist in Missouri, may apply to the board for a certificate to be signed and
5 attested by a designee of the board and bearing the board's seal, certifying that the holder is a
6 person of good moral character, that he was registered and licensed in Missouri as a dental
7 hygienist on the _____ day of _____, 20_____, and has been practicing as a dental hygienist
8 continuously under the supervision of a duly registered and currently licensed dentist in Missouri
9 for _____ year(s) immediately preceding the date of the certificate, and that he has represented
10 to the board that he intends to apply to practice as a dental hygienist in the state of _____;
11 provided that the required fee shall accompany each application.

 333.041. 1. Each applicant for a license to practice funeral directing shall furnish
2 evidence to establish to the satisfaction of the board that he or she is[-

3 ~~_____~~(1) at least eighteen years of age, and possesses a high school diploma, a general
4 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board~~;~~ ~~and~~
5 ~~_____~~(2) ~~A person of good moral character~~].

6 2. Every person desiring to enter the profession of embalming dead human bodies within
7 the state of Missouri and who is enrolled in a program accredited by the American Board of
8 Funeral Service Education, any successor organization, or other accrediting entity as approved
9 by the board shall register with the board as a practicum student upon the form provided by the
10 board. After such registration, a student may assist, under the direct supervision of Missouri
11 licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while
12 serving his or her practicum. The form for registration as a practicum student shall be
13 accompanied by a fee in an amount established by the board.

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

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

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

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

26 ~~[(4)]~~ (3) Upon due examination administered by the board, is possessed of a knowledge
27 of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration,
28 chemistry, restorative art, together with statutes, rules and regulations governing the care,
29 custody, shelter and disposition of dead human bodies and the transportation thereof or has
30 passed the national board examination of the Conference of Funeral Service Examining Boards.
31 If any applicant fails to pass the state examination, he or she may retake the examination at the
32 next regular examination meeting. The applicant shall notify the board office of his or her desire
33 to retake the examination at least thirty days prior to the date of the examination. Each time the
34 examination is retaken, the applicant shall pay a new examination fee in an amount established
35 by the board;

36 ~~[(5)]~~ (4) Has been employed full time in funeral service in a licensed funeral
37 establishment and has personally embalmed at least twenty-five dead human bodies under the
38 personal supervision of an embalmer who holds a current and valid Missouri embalmer's license

39 during an apprenticeship of not less than twelve consecutive months. "Personal supervision"
40 means that the licensed embalmer shall be physically present during the entire embalming
41 process in the first six months of the apprenticeship period and physically present at the
42 beginning of the embalming process and available for consultation and personal inspection
43 within a period of not more than one hour in the remaining six months of the apprenticeship
44 period. All transcripts and other records filed with the board shall become a part of the board
45 files.

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

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

52 6. Upon establishment of his or her qualifications as specified by this section or section
53 333.042, the board shall issue to the applicant a license to practice funeral directing or
54 embalming, as the case may require, and shall register the applicant as a duly licensed funeral
55 director or a duly licensed embalmer. Any person having the qualifications required by this
56 section and section 333.042 may be granted both a license to practice funeral directing and to
57 practice embalming.

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

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

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

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

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

9 (3) Determining the form and design of the registration to be issued pursuant to sections
10 334.400 to 334.430;

11 (4) Setting the amount of the fees for registration, licensure, and renewal pursuant to
12 sections 334.400 to 334.430. The fees shall be set at a level to produce revenue which shall not

13 substantially exceed the cost and expense of administering the provisions of sections 334.400
14 to 334.430;

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

17

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

20 3. The board shall have the authority to:

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

23 (2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400 to
24 334.430.

25 4. The board may refuse to issue, suspend, revoke, or renew any certificate of registration
26 or authority, permit, or license required pursuant to sections 334.400 to 334.430 for one or any
27 combination of causes stated in subsection 5 of this section. The board shall notify the applicant
28 in writing of the reasons for the refusal, suspension, or revocation and shall advise the applicant
29 of the right to file a complaint with the administrative hearing commission as provided by
30 chapter 621.

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

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

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

46 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
47 registration or authority, permit or license issued pursuant to sections 334.400 to 334.430 or in

48 obtaining permission to take any examination given or required pursuant to sections 334.400 to
49 334.430;

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

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

54 (6) Violation of, or assisting or enabling any person to violate any provision of sections
55 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections 334.400 to
56 334.430;

57 (7) Impersonation of any person holding a certificate of registration or authority, permit,
58 or license, or allowing any person to use a certificate of registration or authority, permit, license
59 or diploma from any school;

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

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

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

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

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

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

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

74 6. After the filing of such complaint, the proceedings shall be conducted in accordance
75 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
76 that the grounds, provided in subsection 5 of this section, for disciplinary action are met, the
77 board may, singly or in combination, censure or place the person named in the complaint on
78 probation with such terms and conditions as the board deems appropriate for a period not to
79 exceed ten years, or suspend his or her license for a period not to exceed seven years, or revoke
80 his or her license, certificate, or permit.

81 7. An individual whose license has been revoked shall wait at least one year from the
82 date of revocation to apply for relicensure and shall not be eligible for a temporary license.

83 Relicensure shall be at the discretion of the board after compliance with all requirements of
84 sections 334.400 to 334.430.

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

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

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

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

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

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

334.613. 1. The board may refuse to issue or renew a license to practice as a physical
2 therapist or physical therapist assistant for one or any combination of causes stated in subsection
3 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
4 shall advise the applicant of the applicant's right to file a complaint with the administrative
5 hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew

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

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

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

25 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
26 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
27 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions,~~
28 ~~or~~] ~~duties [of a physical therapist or physical therapist assistant, for any offense an essential~~
29 ~~element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral~~
30 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**
31 **of** 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 issued under this chapter or in obtaining permission
34 to take any examination given or required under this chapter;

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

38 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
39 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating
40 patients; or charging for sessions of physical therapy which did not occur unless the services

41 were contracted for in advance, or for services which were not rendered or documented in the
42 patient's records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 111 (11) Issuance of a license to practice as a physical therapist or physical therapist assistant
112 based upon a material mistake of fact;
- 113 (12) Failure to display a valid license pursuant to practice as a physical therapist or
114 physical therapist assistant;
- 115 (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of,
116 a false statement in any document executed in connection with the practice of physical therapy;
- 117 (14) Soliciting patronage in person or by agents or representatives, or by any other means
118 or manner, under the person's own name or under the name of another person or concern, actual
119 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
120 necessity for or appropriateness of physical therapy services for all patients, or the qualifications
121 of an individual person or persons to render, or perform physical therapy services;
- 122 (15) Using, or permitting the use of, the person's name under the designation of "physical
123 therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",
124 "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any
125 similar designation with reference to the commercial exploitation of any goods, wares or
126 merchandise;
- 127 (16) Knowingly making or causing to be made a false statement or misrepresentation of
128 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for
129 payment from Title XVIII or Title XIX of the Social Security Act;
- 130 (17) Failure or refusal to properly guard against contagious, infectious, or communicable
131 diseases or the spread thereof; maintaining an unsanitary facility or performing professional
132 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
133 in any physical therapy facility to the board, in writing, within thirty days after the discovery
134 thereof;
- 135 (18) Any candidate for licensure or person licensed to practice as a physical therapist or
136 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section
137 334.010 to the contrary, practicing or offering to practice professional physical therapy
138 independent of the prescription and direction of a person licensed and registered as a physician
139 and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor
140 under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an
141 advanced practice registered nurse under chapter 335, or any licensed and registered physician,
142 chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another
143 jurisdiction, whose license is in good standing;
- 144 (19) Any candidate for licensure or person licensed to practice as a physical therapist or
145 physical therapist assistant treating or attempting to treat ailments or other health conditions of

146 human beings other than by professional physical therapy and as authorized by sections 334.500
147 to 334.685;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (5) Administer a public or private reprimand;

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

215 (7) Permanently withhold issuance of a license;

216 (8) Require the physical therapist or physical therapist assistant to submit to the care,
217 counseling or treatment of physicians designated by the board at the expense of the physical
218 therapist or physical therapist assistant to be examined;

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

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

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

229 6. In any investigation, hearing or other proceeding to determine a physical therapist's,
230 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient
231 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the
232 board and admissible into evidence, regardless of any statutory or common law privilege which
233 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might
234 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,
235 or record custodian may withhold records or testimony bearing upon a physical therapist's,
236 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between
237 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.616. 1. A license issued under ~~[this chapter]~~ **sections 334.500 to 334.687** by the
2 Missouri state board of registration for the healing arts shall be automatically revoked at such
3 time as the final trial proceedings are concluded whereby a licensee has been adjudicated and
4 found guilty, or has entered a plea of guilty or nolo contendere, in a ~~[felony]~~ criminal prosecution
5 under the laws of ~~[the state of Missouri, the laws of any other]~~ **any** state, or the laws of the
6 United States ~~[of America]~~ , **or any country**, for any offense ~~[reasonably]~~ **directly** related to the
7 ~~[qualifications, functions or] duties [of their profession, or for any felony offense, an essential~~
8 ~~element of which is fraud, dishonesty or an act of violence, or for any felony offense involving~~
9 ~~moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012,**
10 **regardless of** whether or not sentence is imposed, or, upon the final and unconditional
11 revocation of the license to practice their profession in another state or territory upon grounds
12 for which revocation is authorized in this state following a review of the record of the
13 proceedings and upon a formal motion of the state board of registration for the healing arts. The

14 license of any such licensee shall be automatically reinstated if the conviction or the revocation
15 is ultimately set aside upon final appeal in any court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

29 7. A candidate to practice as a physical therapist assistant who does not meet the
30 educational qualifications may submit to the board an application for examination if such person

31 can furnish written evidence to the board that the person has been employed in this state for at
32 least three of the last five years under the supervision of a licensed physical therapist and such
33 person possesses the knowledge and training equivalent to that obtained in an accredited school.
34 The board may license such persons pursuant to this subsection until ninety days after rules
35 developed by the state board of healing arts regarding physical therapist assistant licensing
36 become effective.

334.715. 1. The board may refuse to issue or renew any license required under sections
2 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section
3 or any cause listed in section 334.100. The board shall notify the applicant in writing of the
4 reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint
5 with the administrative hearing commission as provided in chapter 621. As an alternative to a
6 refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion,
7 issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant
8 for licensure for any one or any combination of causes listed in subsection 2 of this section or
9 section 334.100. The board's order of reprimand, probation, limitation, or restriction shall
10 contain a statement of the discipline imposed, the basis therefor, the date such action shall
11 become effective, and a statement that the applicant has thirty days to request in writing a hearing
12 before the administrative hearing commission. If the board issues a probationary, limited, or
13 restricted license to an applicant for licensure, either party may file a written petition with the
14 administrative hearing commission within thirty days of the effective date of the probationary,
15 limited, or restricted license seeking review of the board's determination. If no written request
16 for a hearing is received by the administrative hearing commission within the thirty-day period,
17 the right to seek review of the board's decision shall be considered waived.

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

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

25 (2) Has been found guilty of unethical conduct as defined in the ethical standards of the
26 National Athletic Trainers Association or the National Athletic Trainers Association Board of
27 Certification, or its successor agency, as adopted and published by the committee and the board
28 and filed with the secretary of state, **except the board shall not use any determinations based**
29 **on vague or generic terms, including but not limited to "moral turpitude" and "good**
30 **character", when making such determination;** or

31 (3) Any cause listed in section 334.100.

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

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

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

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

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

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

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

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

48 (8) Revoke the person's license.

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

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

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

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

- 11 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
12 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work
13 of a respiratory care practitioner;
- 14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 respiratory care practitioner, for any offense an essential element is fraud, dishonesty~~
18 ~~or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the**
19 **occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;
- 20 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
21 registration or authority, permit or license issued pursuant to sections 334.800 to 334.930 or in
22 obtaining permission to take any examination given or required pursuant to sections 334.800 to
23 334.930;
- 24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
25 fraud, deception or misrepresentation;
- 26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
27 in the performance of the functions and duties of a respiratory care practitioner;
- 28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
29 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to
30 334.930;
- 31 (7) Impersonation of any person holding a certificate of registration or authority, permit
32 or license or allowing any person to use his or her certificate of registration or authority, permit,
33 license or diploma from any school;
- 34 (8) Disciplinary action against the holder of a license or other right to practice any
35 profession regulated by sections 334.800 to 334.930 granted by another state, territory, federal
36 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 37 (9) A person if finally adjudged insane or incompetent by a court of competent
38 jurisdiction;
- 39 (10) Assisting or enabling any person to practice or offer to practice as a respiratory care
40 practitioner who is not registered and currently eligible to practice pursuant to sections 334.800
41 to 334.930;
- 42 (11) Issuance of a certificate of registration or authority, permit or license based upon
43 a material mistake of fact;
- 44 (12) Violation of any professional trust or confidence;
- 45 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to
46 the general public or persons to whom the advertisement or solicitation is primarily directed;

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

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

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

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

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

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

2 (1) ~~Who is of good moral character;~~

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

5 ~~[(3)]~~ (2) Who has met either of the following conditions:

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

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

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

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

4 the refusal and shall advise the applicant of his right to file a complaint with the administrative
5 hearing commission as provided by chapter 621.

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated under this chapter, for any offense an essential~~
18 ~~element of which is fraud, dishonesty or an act of violence, or for any offense involving moral~~
19 ~~turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless**
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

44 (12) Failure to display a valid certificate or license if so required by this chapter or any
45 rule 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
48 the general public or persons to whom the advertisement or solicitation is primarily directed.
49 False, misleading or deceptive advertisements or solicitations shall include, but not be limited
50 to:

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

53 (b) Any self-laudatory statement;

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

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

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

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

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

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

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

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

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

27 4. The committee, with assistance from the division, shall issue a provisional license to,
28 and register as being a provisionally licensed psychologist, any applicant who is a graduate of
29 a recognized educational institution with a doctoral degree in psychology as defined in section
30 337.025, and who otherwise meets all requirements to become a licensed psychologist, except
31 for passage of the national and state licensing exams, oral examination and completion of the
32 required period of postdegree supervised experience as specified in subsection 2 of section
33 337.025.

34 5. A provisional license issued pursuant to subsection 4 of this section shall only
35 authorize and permit the applicant to render those psychological services which are under the
36 supervision and the full professional responsibility and control of such person's postdoctoral
37 degree licensed supervisor. A provisional license shall automatically terminate upon issuance
38 of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant

39 to section 337.035, upon the expiration of one year from the date of issuance whichever event
40 first occurs, or upon termination of supervision by the licensed supervisor. The provisional
41 license may be renewed after one year with a maximum issuance of two years total per
42 provisional licensee. The committee by rule shall provide procedures for exceptions and
43 variances from the requirement of a maximum issuance of two years due to vacations, illness,
44 pregnancy and other good causes.

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

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

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

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

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

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

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

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

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

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated under this chapter, for any offense an essential~~
18 ~~element of which is fraud, dishonesty or an act of violence, or for any offense involving moral~~
19 ~~turpitude,~~] **and responsibilities of the occupation, as set forth in section 324.012, regardless**
20 **of** whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission, as provided by chapter 621, against any holder of any license required by this

8 chapter or any person who has failed to renew or has surrendered the person's license for any one
9 or any combination of the following causes:

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

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

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

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
26 in the performance of the functions or duties of any profession licensed by sections 337.300 to
27 337.345;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
29 337.300 to 337.345, or of any lawful rule adopted thereunder;

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

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

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

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

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

43 (12) Failure to display a valid certificate or license if so required by sections 337.300 to
44 337.345 or any rule promulgated thereunder;

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

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

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

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

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

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

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

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

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

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

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

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

36 3. The committee shall issue a license to each person who files an application and fee
37 and who furnishes evidence satisfactory to the committee that the applicant has complied with
38 the provisions of this act and has taken and passed a written, open-book examination on Missouri
39 laws and regulations governing the practice of professional counseling as defined in section
40 337.500. The division shall issue a provisional professional counselor license to any applicant
41 who meets all requirements of this section, but who has not completed the required acceptable
42 supervised counseling experience and such applicant may reapply for licensure as a professional
43 counselor upon completion of such acceptable supervised counseling experience.

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

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

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license required by sections

8 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any
9 one or any combination of the following causes:

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

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

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

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

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

27 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
28 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to
29 337.540;

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

32 (8) Revocation or suspension of a license or other right to practice counseling granted
33 by another state, territory, federal agency or country upon grounds for which revocation or
34 suspension 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 professional
37 counseling who is not licensed and currently eligible to practice under the provisions of sections
38 337.500 to 337.540;

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

40 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or
41 any rule promulgated hereunder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
30 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to
31 337.689;

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

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

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

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

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

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

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

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

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

49 3. Any person, organization, association or corporation who reports or provides
50 information to the committee pursuant to the provisions of sections 337.600 to 337.689 and who
51 does so in good faith shall not be subject to an action for civil damages as a result thereof.

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

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

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

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

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

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

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

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

23 3. The committee shall issue a license to each person who files an application and fee
24 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence
25 satisfactory to the committee that the applicant has complied with the provisions of subsection
26 1 of this section. The license shall refer to the individual as a licensed master social worker and
27 shall recognize that individual's right to practice licensed master social work as defined in section
28 337.600.

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

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

6 (2) The applicant has completed at least three thousand hours of supervised advanced
7 macro experience with a qualified advanced macro supervisor as defined in section 337.600 in
8 no less than twenty-four months and no more than forty-eight consecutive calendar months. For
9 any applicant who has successfully completed at least four thousand hours of supervised
10 advanced macro experience with a qualified advanced macro supervisor, as defined in section

11 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible
12 for application of licensure at three thousand hours and shall be furnished a certificate by the
13 state committee for social workers acknowledging the completion of said additional hours;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 3. The committee shall issue a license to each person who files an application and fee
24 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence
25 satisfactory to the committee that the applicant has complied with the provisions of subsection
26 1 of this section.

27 4. The committee shall issue a certificate to practice independently under subsection 3
28 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed
29 three thousand hours of supervised experience with a qualified baccalaureate supervisor in no
30 less than twenty-four months and no more than forty-eight consecutive calendar months.

337.715. 1. Each applicant for licensure or provisional licensure as a marital and family
2 therapist shall furnish evidence to the committee that:

3 (1) The applicant has a master's degree or a doctoral degree in marital and family therapy
4 from a program accredited by the Commission on Accreditation for Marriage and Family
5 Therapy Education, or its equivalent as defined by committee regulation, from an educational
6 institution accredited by a regional accrediting body that is recognized by the United States
7 Department of Education;

8 (2) The applicant for licensure as a marital and family therapist has twenty-four months
9 of postgraduate supervised clinical experience acceptable to the committee, as the state
10 committee determines by rule;

11 (3) After August 28, 2008, the applicant shall have completed a minimum of three
12 semester hours of graduate-level course work in diagnostic systems either within the curriculum
13 leading to a degree as defined in subdivision (1) of this subsection or as post-master's

14 graduate-level course work. Each applicant shall demonstrate supervision of diagnosis as a core
15 component of the postgraduate supervised clinical experience as defined in subdivision (2) of
16 this subsection;

17 (4) Upon examination, the applicant is possessed of requisite knowledge of the
18 profession, including techniques and applications research and its interpretation and professional
19 affairs and ethics;

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

27 2. Any person otherwise qualified for licensure holding a current license, certificate of
28 registration, or permit from another state or territory of the United States or the District of
29 Columbia to practice marriage and family therapy may be granted a license without examination
30 to engage in the practice of marital and family therapy in this state upon application to the state
31 committee, payment of the required fee as established by the state committee, and satisfaction
32 of the following:

33 (1) Determination by the state committee that the requirements of the other state or
34 territory are substantially the same as Missouri;

35 (2) Verification by the applicant's licensing entity that the applicant has a current license;
36 and

37 (3) Consent by the applicant to examination of any disciplinary history in any state.

38 3. The state committee shall issue a license to each person who files an application and
39 fee as required by the provisions of sections 337.700 to 337.739.

337.730. 1. The committee may refuse to issue or renew any license required by the
2 provisions of sections 337.700 to 337.739 for one or any combination of causes stated in
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with the
5 administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license required by sections
8 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license
9 for any one or any combination of the following causes:

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

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

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
22 pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to take any
23 examination given or required pursuant to the provisions of sections 337.700 to 337.739;

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
27 of the functions or duties of a marital and family therapist;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
29 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to
30 337.739;

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

33 (8) Revocation or suspension of a license or other right to practice marital and family
34 therapy granted by another state, territory, federal agency or country upon grounds for which
35 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 marital and family
38 therapy who is not licensed and is not currently eligible to practice under the provisions of
39 sections 337.700 to 337.739;

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 337.700 to 337.739 or
42 any 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
45 the 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 marital and
47 family therapists 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
49 information to the committee under sections 337.700 to 337.739 and who does so in good faith
50 shall not be subject to an action for civil damages as a result thereof.

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

339.040. 1. Licenses shall be granted only to persons who present, and corporations,
2 associations, partnerships, limited partnerships, limited liability companies, and professional
3 corporations whose officers, managers, associates, general partners, or members who actively
4 participate in such entity's brokerage, broker-salesperson, or salesperson business present,
5 satisfactory proof to the commission that they[:

6 ~~——(1) Are persons of good moral character; and~~

7 ~~——(2) Bear a good reputation for honesty, integrity, and fair dealing; and~~

8 ~~——(3)] are competent to transact the business of a broker or salesperson in such a manner~~
9 as to safeguard the interest of the public.

10 2. In order to determine an applicant's qualifications to receive a license under sections
11 339.010 to 339.180 and sections 339.710 to 339.860, the commission shall hold oral or written
12 examinations at such times and places as the commission may determine.

13 3. Each applicant for a broker or salesperson license shall be at least eighteen years of
14 age and shall pay the broker examination fee or the salesperson examination fee.

15 4. Each applicant for a broker license shall be required to have satisfactorily completed
16 the salesperson license examination prescribed by the commission. For the purposes of this
17 section only, the commission may permit a person who is not associated with a licensed broker
18 to take the salesperson examination.

19 5. Each application for a broker license shall include a certificate from the applicant's
20 broker or brokers that the applicant has been actively engaged in the real estate business as a
21 licensed salesperson for at least two years immediately preceding the date of application, and
22 shall include a certificate from a school accredited by the commission under the provisions of
23 section 339.045 that the applicant has, within six months prior to the date of application,
24 successfully completed the prescribed broker curriculum or broker correspondence course
25 offered by such school, except that the commission may waive all or part of the requirements set

26 forth in this subsection when an applicant presents proof of other educational background or
27 experience acceptable to the commission. Each application for a broker-salesperson license shall
28 include evidence of the current broker license held by the applicant.

29 6. Each application for a salesperson license shall include a certificate from a school
30 accredited by the commission under the provisions of section 339.045 that the applicant has,
31 within six months prior to the date of application, successfully completed the prescribed
32 salesperson curriculum or salesperson correspondence course offered by such school, except that
33 the commission may waive all or part of the educational requirements set forth in this subsection
34 when an applicant presents proof of other educational background or experience acceptable to
35 the commission.

36 7. The commission may issue a temporary work permit pending final review and printing
37 of the license to an applicant who appears to have satisfied the requirements for licenses. The
38 commission may, at its discretion, withdraw the work permit at any time.

39 8. Every active broker, broker-salesperson, salesperson, officer, manager, general
40 partner, member or associate shall provide upon request to the commission evidence that during
41 the two years preceding he or she has completed twelve hours of real estate instruction in courses
42 approved by the commission. The commission may, by rule and regulation, provide for
43 individual waiver of this requirement.

44 9. Each entity that provides continuing education required under the provisions of
45 subsection 8 of this section may make available instruction courses that the entity conducts
46 through means of distance delivery. The commission shall by rule set standards for such courses.
47 The commission may by regulation require the individual completing such distance-delivered
48 course to complete an examination on the contents of the course. Such examination shall be
49 designed to ensure that the licensee displays adequate knowledge of the subject matter of the
50 course, and shall be designed by the entity producing the course and approved by the
51 commission.

52 10. In the event of the death or incapacity of a licensed broker, or of one or more of the
53 licensed general partners, officers, managers, members or associates of a real estate partnership,
54 limited partnership, limited liability company, professional corporation, corporation, or
55 association whereby the affairs of the broker, partnership, limited partnership, limited liability
56 company, professional corporation, corporation, or association cannot be carried on, the
57 commission may issue, without examination or fee, to the legal representative or representatives
58 of the deceased or incapacitated individual, or to another individual approved by the commission,
59 a temporary broker license which shall authorize such individual to continue for a period to be
60 designated by the commission to transact business for the sole purpose of winding up the affairs

61 of the broker, partnership, limited partnership, limited liability company, professional
62 corporation, corporation, or association under the supervision of the commission.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a
2 written complaint filed by any person, investigate any real estate-related activity of a licensee
3 licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or
4 entity acting as or representing themselves as a real estate licensee. In conducting such
5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the
6 commission may forward a copy of the information received to the affiliated licensee's
7 designated broker. The commission shall have the power to hold an investigatory hearing to
8 determine whether there is a probability of a violation of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to
10 compel the production of records and papers bearing on the complaint. The commission shall
11 have the power to issue a subpoena and to compel any person in this state to come before the
12 commission to offer testimony or any material specified in the subpoena. Subpoenas and
13 subpoenas duces tecum issued pursuant to this section shall be served in the same manner as
14 subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that
15 allowed in the circuit court in civil cases.

16 2. The commission may cause a complaint to be filed with the administrative hearing
17 commission as provided by the provisions of chapter 621 against any person or entity licensed
18 under this chapter or any licensee who has failed to renew or has surrendered his or her
19 individual or entity license for any one or any combination of the following acts:

20 (1) Failure to maintain and deposit in a special account, separate and apart from his or
21 her personal or other business accounts, all moneys belonging to others entrusted to him or her
22 while acting as a real estate broker or as the temporary custodian of the funds of others, until the
23 transaction involved is consummated or terminated, unless all parties having an interest in the
24 funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises or suppression, concealment
26 or omission of material facts in the conduct of his or her business or pursuing a flagrant and
27 continued course of misrepresentation through agents, salespersons, advertising or otherwise in
28 any transaction;

29 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
30 documents or other property, coming into his or her possession, which belongs to others;

31 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
32 verbally or through the preparation of false documents, an amount in excess of the true and
33 actual sale price of the real estate or terms differing from those actually agreed upon;

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any party
35 or parties executing the same where the instruments have been prepared by the licensee or under
36 his or her supervision or are within his or her control, including, but not limited to, the
37 instruments relating to the employment of the licensee or to any matter pertaining to the
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property,
39 or any type of real estate transaction in which he or she may participate as a licensee;

40 (6) Acting for more than one party in a transaction without the knowledge of all parties
41 for whom he or she acts, or accepting a commission or valuable consideration for services from
42 more than one party in a real estate transaction without the knowledge of all parties to the
43 transaction;

44 (7) Paying a commission or valuable consideration to any person for acts or services
45 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

46 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future
47 profits which may result from the resale of real property;

48 (9) Having been finally adjudicated and been found guilty of the violation of any state
49 or federal statute which governs the sale or rental of real property or the conduct of the real estate
50 business as defined in subsection 1 of section 339.010;

51 (10) Obtaining a certificate or registration of authority, permit or license for himself or
52 herself or anyone else by false or fraudulent representation, fraud or deceit;

53 (11) Representing a real estate broker other than the broker with whom associated
54 without the express written consent of the broker with whom associated;

55 (12) Accepting a commission or valuable consideration for the performance of any of
56 the acts referred to in section 339.010 from any person except the broker with whom associated
57 at the time the commission or valuable consideration was earned;

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or
61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective
63 purchaser of real property;

64 (14) Placing a sign on or advertising any property offering it for sale or rent without the
65 written consent of the owner or his or her duly authorized agent;

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections
69 339.710 to 339.860;

70 (16) Committing any act which would otherwise be grounds for the commission to
71 refuse to issue a license under section 339.040;

72 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
73 writing by the seller;

74 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
75 contendere, in a criminal prosecution under the laws of ~~[this state or]~~ any ~~[other]~~ state or of the
76 United States, **or any country**, for any offense ~~[reasonably]~~ **directly** related to the
77 ~~[qualifications, functions or] duties [of any profession licensed or regulated under this chapter;~~
78 ~~for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any~~
79 ~~offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in**
80 **section 324.012, regardless of** whether or not sentence is imposed;

81 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
82 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

83 (20) Disciplinary action against the holder of a license or other right to practice any
84 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted
85 by another state, territory, federal agency, or country upon grounds for which revocation,
86 suspension, or probation is authorized in this state;

87 (21) Been found by a court of competent jurisdiction of having used any controlled
88 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to
89 perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and
90 sections 339.710 to 339.860;

91 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

92 (23) Assisting or enabling any person to practice or offer to practice any profession
93 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
94 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections
95 339.710 to 339.860;

96 (24) Use of any advertisement or solicitation which is knowingly false, misleading or
97 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
98 directed;

99 (25) Making any material misstatement, misrepresentation, or omission with regard to
100 any application for licensure or license renewal. As used in this section, "material" means
101 important information about which the commission should be informed and which may influence
102 a licensing decision;

103 (26) Engaging in, committing, or assisting any person in engaging in or committing
104 mortgage fraud, as defined in section 443.930.

105 3. After the filing of such complaint, the proceedings will be conducted in accordance
 106 with the provisions of law relating to the administrative hearing commission. A finding of the
 107 administrative hearing commissioner that the licensee has performed or attempted to perform one
 108 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by
 109 the commission, or the placing of the licensee on probation on such terms and conditions as the
 110 real estate commission shall deem appropriate, or the imposition of a civil penalty by the
 111 commission not to exceed two thousand five hundred dollars for each offense. Each day of a
 112 continued violation shall constitute a separate offense.

113 4. The commission may prepare a digest of the decisions of the administrative hearing
 114 commission which concern complaints against licensed brokers or salespersons and cause such
 115 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new
 116 or changed rules adopted by the commission and other information of significance to licensees.

117 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall
 118 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has
 119 ~~[pleaded guilty to,]~~ **been finally adjudicated and found guilty, or has** entered a plea of nolo
 120 contendere ~~[to, or been found guilty of any of the following offenses or offenses of a similar~~
 121 ~~nature established]~~ , **in a criminal prosecution** under the laws of ~~[this,]~~ any ~~[other]~~ state~~;~~ **or**
 122 **of the United States, or any [other] country, [notwithstanding] for any offense directly related**
 123 **to the duties and responsibilities of the occupation, as set forth in section 324.012, including**
 124 **mortgage fraud as described in section 570.310, regardless of whether sentence is imposed[:**

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

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

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

138 ~~—— (4) Any of the following offenses involving child pornography and related offenses:~~
 139 ~~promoting obscenity in the first degree, promoting obscenity in the second degree when the~~
 140 ~~penalty is enhanced to a class E felony, promoting child pornography in the first degree,~~

141 ~~promoting child pornography in the second degree, possession of child pornography in the first~~
 142 ~~degree, possession of child pornography in the second degree, furnishing child pornography to~~
 143 ~~a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene~~
 144 ~~material; and~~

145 ~~—— (5) Mortgage fraud as defined in section 570.310].~~

146 6. A person whose license was revoked under subsection 5 of this section may appeal
 147 such revocation to the administrative hearing commission. Notice of such appeal must be
 148 received by the administrative hearing commission within ninety days of mailing, by certified
 149 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
 150 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
 151 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
 152 administrative hearing commission.

339.511. 1. There shall be six classes of licensure for individuals including:

- 2 (1) State-licensed appraiser trainee;
- 3 (2) State-licensed real estate appraiser;
- 4 (3) State-certified residential appraiser trainee;
- 5 (4) State-certified residential real estate appraiser;
- 6 (5) State-certified general appraiser trainee; and
- 7 (6) State-certified general real estate appraiser.

8 2. There shall be one class of license for appraisal management companies.

9 3. Persons desiring to obtain licensure as a state-licensed appraiser trainee, state-licensed
 10 real estate appraiser, state-certified residential appraiser trainee, certification as a state-certified
 11 residential real estate appraiser, state-certified general appraiser trainee, or state-certified general
 12 real estate appraiser shall make written application to the commission on such forms as are
 13 prescribed by the commission setting forth the applicant's qualifications for licensure or
 14 certification [~~and present to the commission satisfactory proof that the person is of good moral~~
 15 ~~character and bears a good reputation for honesty, integrity and fair dealing].~~

16 4. Each applicant for licensure as a state-licensed appraiser trainee, state-licensed real
 17 estate appraiser, a state-certified residential appraiser trainee, a state-certified residential real
 18 estate appraiser, a state-certified general appraiser trainee, or a state-certified general real estate
 19 appraiser shall have demonstrated the knowledge and competence necessary to perform
 20 appraisals of residential and other real estate as the commission may prescribe by rule not
 21 inconsistent with any requirements imposed by the appraiser qualifications board. The
 22 commission shall prescribe by rule procedures for obtaining and maintaining approved courses
 23 of instruction. The commission shall, also, prescribe the hours of training in real estate appraisal
 24 practices and the minimum level of experience acceptable for licensure or certification.

25 5. Persons who receive certification after March 30, 1991, or who have a state license
26 or certificate to engage in business as a real estate appraiser issued by the commission, shall
27 receive the same license or certificate from the commission as such persons are currently holding
28 without further education, experience, examination or application fee, but shall be required to
29 meet all continuing education requirements prescribed by the commission.

30 6. Appraisal management companies desiring to obtain licensure shall:

31 (1) Make application to the commission on such forms as are prescribed by the
32 commission setting forth the applicant's qualifications for licensure;

33 (2) Remit the fee or fees as established by rule; **and**

34 (3) Post with the commission and maintain on renewal a surety bond in the amount of
35 twenty thousand dollars as further promulgated by rule; ~~and~~

36 ~~——(4) Submit to the commission satisfactory proof that any controlling person, defined in~~
37 ~~section 339.503, is of good moral character and bears a good reputation for honesty, integrity,~~
38 ~~and fair dealing].~~

339.532. 1. The commission may refuse to issue or renew any certificate or license
2 issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in
3 subsection 2 of this section. The commission shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of the right to file a complaint with the
5 administrative hearing commission as provided by chapter 621.

6 2. The commission may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any state-certified real estate appraiser,
8 state-licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential
9 appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management
10 company that is a legal entity other than a natural person, any person who is a controlling person
11 as defined in this chapter, or any person who has failed to renew or has surrendered his or her
12 certificate or license for any one or any combination of the following causes:

13 (1) Procuring or attempting to procure a certificate or license pursuant to section 339.513
14 by knowingly making a false statement, submitting false information, refusing to provide
15 complete information in response to a question in an application for certification or licensure,
16 or through any form of fraud or misrepresentation;

17 (2) Failing to meet the minimum qualifications for certification or licensure or renewal
18 established by sections 339.500 to 339.549;

19 (3) Paying money or other valuable consideration, other than as provided for by section
20 339.513, to any member or employee of the commission to procure a certificate or license
21 pursuant to sections 339.500 to 339.549;

22 (4) The person has been finally adjudicated and found guilty, or entered a plea of guilty
23 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
24 **or any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications, functions or~~]
25 ~~duties [of any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any~~
26 ~~offense of which an essential element is fraud, dishonesty or an act of violence, or for any~~
27 ~~offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in**
28 **section 324.012, regardless of** whether or not sentence is imposed;

29 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation
30 in the performance of the functions or duties of any profession licensed or regulated by sections
31 339.500 to 339.549;

32 (6) Violation of any of the standards for the development or communication of real estate
33 appraisals as provided in or pursuant to sections 339.500 to 339.549;

34 (7) Failure to comply with the Uniform Standards of Professional Appraisal Practice
35 promulgated by the appraisal standards board of the appraisal foundation;

36 (8) Failure or refusal without good cause to exercise reasonable diligence in developing
37 an appraisal, preparing an appraisal report, or communicating an appraisal;

38 (9) Negligence or incompetence in developing an appraisal, in preparing an appraisal
39 report, or in communicating an appraisal;

40 (10) Violating, assisting or enabling any person to willfully disregard any of the
41 provisions of sections 339.500 to 339.549 or the regulations of the commission for the
42 administration and enforcement of the provisions of sections 339.500 to 339.549;

43 (11) Accepting an appraisal assignment when the employment itself is contingent upon
44 the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the
45 performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation
46 reached or upon the consequences resulting from the appraisal assignment;

47 (12) Violating the confidential nature of governmental records to which the person
48 gained access through employment or engagement to perform an appraisal assignment or
49 specialized appraisal services for a governmental agency;

50 (13) Violating any term or condition of a certificate or license issued by the commission
51 pursuant to the authority of sections 339.500 to 339.549;

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

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

55 (16) Assisting or enabling any person to practice or offer to practice any profession
56 licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and
57 currently eligible to practice pursuant to sections 339.500 to 339.549;

58 (17) Use of any advertisement or solicitation which is false, misleading or deceptive to
59 the general public or persons to whom the advertisement or solicitation is primarily directed;

60 (18) Disciplinary action against the holder of a license, certificate or other right to
61 practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another
62 state, territory, federal agency or country upon grounds for which revocation or suspension is
63 authorized in this state;

64 (19) Making any material misstatement, misrepresentation, or omission with regard to
65 any application for licensure or certification, or for license or certification renewal. As used in
66 this section, "material" means important information about which the commission should be
67 informed and which may influence a licensing decision;

68 (20) Engaging in or committing, or assisting any person in engaging in or committing,
69 any practice or act of mortgage fraud, as defined in section 443.930;

70 (21) Influencing or attempting to influence the development, reporting, or review of an
71 appraisal through coercion, extortion, collusion, compensation, instruction, inducement,
72 intimidation, or bribery.

73 3. After the filing of such complaint, the proceedings shall be conducted in accordance
74 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
75 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
76 commission may, singly or in combination, publicly censure or place the person named in the
77 complaint on probation on such terms and conditions as the commission deems appropriate for
78 a period not to exceed five years, or may suspend, for a period not to exceed three years, or
79 revoke, the certificate or license. The holder of a certificate or license, or the legal entity and any
80 controlling person in the case of an appraisal management company, revoked pursuant to this
81 section may not obtain certification as a state-certified real estate appraiser, licensure as a
82 state-licensed real estate appraiser, or licensure as an appraisal management company for at least
83 five years after the date of revocation.

84 4. Notwithstanding other provisions of this section, a real estate appraiser license or
85 certification or an appraisal management company license shall be revoked, or in the case of an
86 applicant, shall not be issued, if the licensee or applicant, or any controlling person in the case
87 of an appraisal management company, has ~~pleaded guilty to,~~ **been finally adjudicated and**
88 **found guilty, or has** entered a plea of nolo contendere ~~[to, or been found guilty of mortgage~~
89 ~~fraud as defined in section 570.310]~~ **, in a criminal prosecution under the laws of any state**
90 **or of the United States, or any country, for any offense directly related to the duties and**
91 **responsibilities of the occupation, as set forth in section 324.012, regardless of whether or**
92 **not sentence is imposed.** The commission shall notify the individual or legal entity of the
93 reasons for the revocation in writing, by certified mail.

94 5. A person, or the legal entity or controlling person in the case of an appraisal
95 management company, whose license is revoked under subsection 4 of this section may appeal
96 such revocation to the administrative hearing commission, as provided by chapter 621, within
97 ninety days from the time the commission mails the notice of revocation. A person who fails to
98 do so waives all rights to appeal the revocation.

99 6. A certification of a state-certified real estate appraiser, a license of a state-licensed real
100 estate appraiser, or a license of an appraisal management company that has been suspended as
101 a result of disciplinary action by the commission shall not be reinstated, and a person, controlling
102 person, or legal entity may not obtain certification as a state-certified real estate appraiser,
103 licensure as a state-licensed real estate appraiser, or licensure as an appraisal management
104 company subsequent to revocation, unless the applicant presents evidence of completion of the
105 continuing education required by section 339.530 during the period of suspension or revocation
106 as well as fulfillment of any other conditions imposed by the commission. Applicants for
107 recertification, relicensure or reinstatement also shall be required to successfully complete the
108 examination for original certification or licensure required by section 339.515 as a condition to
109 reinstatement of certification or licensure, or recertification or relicensure subsequent to
110 revocation.

340.228. 1. Any person desiring a license to practice veterinary medicine in the state of
2 Missouri shall make a written application to the board on forms to be provided by the board. The
3 board shall provide such forms without charge upon the applicant's request.

4 2. Each application shall contain a statement that is made under oath or affirmation that
5 representations made therein are true, correct and contain no material omissions of fact to the
6 best knowledge and belief of the person making the application and whose signature shall be
7 subscribed thereto. Any person who knowingly submits false information, information intended
8 to mislead the board, or omits a material fact on the application shall be subject to penalties
9 provided for by the laws of this state for giving a false statement under oath or affirmation, in
10 addition to any actions which the board may take pursuant to the provisions of sections 340.200
11 to 340.330.

12 3. To qualify for licensure under sections 340.200 to 340.330, the application must show
13 that the applicant:

14 (1) ~~Is a person of good moral character;~~

15 ~~—(2)~~ Is a graduate of an accredited school of veterinary medicine;

16 ~~[(3)]~~ (2) Has completed a veterinary candidacy program after graduation under the
17 supervision of a veterinarian licensed and in good standing in any state, territory or district of the
18 United States. The supervising veterinarian shall submit an affidavit to the board stating that the
19 applicant has satisfactorily completed the veterinary candidacy program. If the applicant submits

20 satisfactory proof that he or she has completed a student preceptor program recognized and
21 approved by the board before graduation, the board may waive the veterinary candidacy
22 requirement; and

23 ~~[(4)]~~ (3) Has passed an examination or examinations as prescribed by board rule. The
24 examination or examinations shall be designed to test the examinee's knowledge of, and
25 proficiency in, subjects and techniques commonly taught in schools of veterinary medicine, the
26 requirements of sections 340.200 to 340.330, other related statutes and administrative rules and
27 other material as determined by the board. An examinee must demonstrate scientific, practical
28 and legal knowledge sufficient to establish for the board that the examinee is competent to
29 practice veterinary medicine. The examination or examinations will only be given in the English
30 language. Applications for examination shall be in writing, on a form furnished by the board and
31 shall include evidence satisfactory to the board that the applicant possesses the qualifications set
32 forth in this section.

33 4. The board may require such other information and proof of a person's fitness as it
34 deems necessary.

340.264. 1. The board may refuse to issue or renew any certificate of registration or
2 authority, permit or license required pursuant to sections 340.200 to 340.330 for one or any
3 combination of causes stated in subsection 2 of this section. The board shall notify the applicant
4 in writing of the reasons for the refusal and shall advise the applicant of his or her right to file
5 a complaint with the administrative hearing commission as provided by chapter 621.

6 2. The board may file a complaint with the administrative hearing commission as
7 provided by chapter 621 against any holder of any certificate of registration or authority, permit
8 or license required by sections 340.200 to 340.330 or any person who has failed to renew or has
9 surrendered his or her certificate of registration or authority, permit or license for any one or
10 combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
12 an extent that such use impairs a person's ability to perform the work of any profession licensed
13 or regulated by sections 340.200 to 340.330;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under the laws of any state, ~~[territory, district of~~
16 ~~the United States,]~~ or of the United States, **or any country**, for any offense ~~[reasonably]~~ **directly**
17 related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under~~
18 ~~sections 340.200 to 340.330 or for any offense for which an essential element is fraud,~~
19 ~~dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and**
20 **responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or
21 not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
23 registration or authority, permit or license issued pursuant to sections 340.200 to 340.330 or in
24 obtaining permission to take any examination given or required pursuant to sections 340.200 to
25 340.330;

26 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or
27 unprofessional conduct in the performance of the functions or duties of any profession licensed
28 or regulated by sections 340.200 to 340.330, including, but not limited to:

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

31 (b) Willfully and continually overcharging for services or overtreating patients or
32 charging for services which did not occur unless the services were contracted for in advance, or
33 for services which were not rendered or documented in the patient's records, or charging for
34 services which were not consented to by the owner of the patient or the owner's agent;

35 (c) Willfully or continually performing inappropriate or unnecessary treatment,
36 diagnostic tests or medical or surgical services;

37 (d) Attempting, directly or indirectly, by intimidation, coercion or deception to obtain
38 or retain a patient or discourage the owner from seeking a second opinion or consultation;

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

41 (f) Misrepresenting that any disease or ailment can be cured by a method, procedure,
42 treatment, medicine or device;

43 (g) Performing or prescribing medical services which have been declared by board rule
44 to be of no medical value;

45 (h) Final disciplinary action by any professional veterinary medical association or society
46 or licensed hospital or clinic or medical staff of such hospital or clinic in this state or any other
47 state or territory, whether agreed to voluntarily or not, and including, but not limited to, any
48 removal, suspension, limitation, surrender, or restriction of a license or staff or hospital or clinic
49 privileges, failure to renew such privileges or license for cause, or other final disciplinary action,
50 if the action was related to unprofessional conduct, professional incompetence, malpractice or
51 any other violation of sections 340.200 to 340.330;

52 (i) Dispensing, prescribing, administering or otherwise distributing any drug, controlled
53 substance or other treatment without sufficient examination or establishment of a
54 veterinarian-client-patient relationship, or for other medically accepted therapeutic or
55 experimental or investigative purposes, or not in the course of professional practice, or not in
56 good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease;
57 or the dispensing, prescribing, administering or distribution of any drug, controlled substance or

58 other treatment by anyone other than a properly licensed veterinarian, unless such person is a
59 properly registered veterinary technician, unregistered assistant, or the patient's owner and then
60 to be limited to administration of drugs or other treatment under the supervision, control or
61 explicit instructions of a licensed veterinarian;

62 (j) Terminating the medical care of a patient without adequate notice to the owner or
63 without making other arrangements for the continued care of the patient;

64 (k) Failing to furnish details of a patient's medical records to another treating
65 veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner
66 or owner's agent, or failing to comply with any other law relating to medical records; except,
67 radiographs prepared by the licensed veterinarian shall remain the property of the veterinarian
68 and shall be returned upon request or as otherwise agreed between the veterinarian and client;

69 (l) Failure of any applicant or licensee to cooperate with the board during any
70 investigation, if such investigation does not concern the applicant or licensee;

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

73 (n) Failure to timely pay license or registration renewal fees as specified in sections
74 340.200 to 340.330;

75 (o) Violating a probation agreement with the board or any other licensing authority of
76 this state, another state or territory of the United States, or a federal agency;

77 (p) Violating any informal consent agreement for discipline entered into by an applicant
78 or licensee with the board or any other licensing authority of this state, another state or territory
79 of the United States, or a federal agency;

80 (q) Failing to inform the board of any change in business or residential address as
81 required by sections 340.200 to 340.330 or administrative rule;

82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates
83 any rules of the board, or which claims without substantiation the positive cure of any disease,
84 or professional superiority to or greater skill than that possessed by any other veterinarian;

85 (5) Any conduct or practice which is or might be harmful or dangerous to the health of
86 a patient;

87 (6) Incompetency, gross negligence or repeated negligence in the performance of the
88 functions or duties of any profession licensed or regulated by sections 340.200 to 340.330. For
89 purposes of this subdivision, "repeated negligence" means the failure, on more than one
90 occasion, to use that degree of skill and learning ordinarily used under the same or similar
91 circumstances by members of the profession;

92 (7) Violation of, or attempting to violate, directly or indirectly, or assisting, or enabling
93 any person to violate, any provisions of sections 340.200 to 340.330, or any lawful rule or
94 regulation adopted pursuant to sections 340.200 to 340.330;

95 (8) Impersonation of any person holding a certificate of registration or authority, permit
96 or license or allowing any person to use his certificate of registration or authority, permit, license
97 or diploma from any school;

98 (9) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
99 censure, probation or other final disciplinary action against the holder of, or applicant for, a
100 license or registration or other right to practice any profession regulated by sections 340.200 to
101 340.330 or by another state, territory, federal agency or country, whether or not voluntarily
102 agreed to by the licensee or applicant, including, but not limited to:

103 (a) Denial of licensure or registration;

104 (b) Surrender of the license or registration;

105 (c) Allowing the license or registration to expire or lapse; or

106 (d) Discontinuing or limiting the practice of veterinary medicine while subject to an
107 investigation or while actually under investigation by any licensing authority, medical facility,
108 insurance company, court, agency of the state or federal government, or employer;

109 (10) Being adjudged incapacitated or disabled by a court of competent jurisdiction;

110 (11) Assisting or enabling any person to practice or offer to practice any profession
111 licensed or regulated by sections 340.200 to 340.330 who is not licensed or registered and
112 currently eligible to practice under sections 340.200 to 340.330, or knowingly performing any
113 act which aids, assists, procures, advises, or encourages any person to practice veterinary
114 medicine who is not licensed or registered and currently eligible to practice under sections
115 340.200 to 340.330;

116 (12) Issuance of a certificate of registration or authority, permit or license based upon
117 a material mistake of fact;

118 (13) Failure to obtain, renew or display a valid certificate, license, permit or notice if
119 required;

120 (14) Violation of the drug laws or rules and regulations of this state, any other state,
121 territory, or the federal government;

122 (15) Knowingly or recklessly making or causing to be made, or aiding or abetting in the
123 making of a false statement or documentation in connection with the birth, death, or health of
124 any animal, executed in connection with the practice of his or her profession or failure to file
125 such statements or documents with the proper officials of the federal or state government as
126 provided by law or any rule promulgated under sections 340.200 to 340.330;

127 (16) Soliciting patronage in person or by agents, under his or her own name or under the
128 name of another, actual or pretended, in such a manner as to confuse, deceive or mislead the
129 public as to the need or appropriateness of animal health care or services or the qualifications of
130 an individual person or persons to diagnose, render, or perform such animal health care services;

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

133 (18) Maintaining an unsanitary office or facility, or performing professional services
134 under unsanitary conditions with due consideration given to the place where the services are
135 rendered;

136 (19) Practicing or offering to practice any profession or service regulated by sections
137 340.200 to 340.330 independent of the supervision and direction of a person licensed under
138 sections 340.200 to 340.330 as a veterinarian in good standing by any candidate for registration
139 or person registered to practice as a veterinary technician or engaged as an unregistered assistant
140 to a veterinarian;

141 (20) Treating or attempting to treat ailments or health conditions of animals other than
142 as authorized under sections 340.200 to 340.330 or board rule by any candidate for registration
143 or person registered to practice as a veterinary technician or engaged as an unregistered assistant
144 to a licensed veterinarian;

145 (21) A pattern of personal use or consumption of any controlled substance unless it is
146 prescribed, dispensed or administered by a licensed physician;

147 (22) Any revocation, suspension, surrender, limitation or restriction of any controlled
148 substance authority, whether agreed to voluntarily or not;

149 (23) Being unable to practice as a veterinarian or veterinary technician with reasonable
150 skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics,
151 chemicals, or as a result of any mental or physical condition;

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

153 (25) Failing to obtain or renew any facility permit or to maintain mandatory requirements
154 or minimum standards for any such facility as required by sections 340.200 to 340.330 or board
155 rule.

156 3. If the board files a complaint pursuant to subsection 2 of this section, the proceedings
157 shall be conducted in accordance with the provisions of chapter 621. If the administrative
158 hearing commission finds that grounds provided in this section are met, the board may either
159 singly or in combination:

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

162 (2) Suspend such license, certificate or permit for a period not to exceed three years;

- 163 (3) Restrict or limit the license, certificate or permit for an indefinite period of time;
 164 (4) Revoke such license, certificate or permit;
 165 (5) Administer a public or private reprimand;
 166 (6) Deny the application for a license;
 167 (7) Permanently withhold issuance of a license or certificate;
 168 (8) Require the applicant or licensee to submit to the care, counseling or treatment of
 169 physicians designated by the board at the expense of the person to be examined;
 170 (9) Require the person to attend such continuing educational courses and pass such
 171 examinations as the board may direct.

340.274. 1. A license issued under sections 340.200 to 340.330 shall be automatically
 2 revoked following a review of the record of the proceedings by the board and upon a formal
 3 motion of the board:

4 (1) ~~[When the final trial proceedings are concluded where a]~~ **If the** person has been
 5 **finally** adjudicated and found guilty, or has entered a plea of guilty or nolo contendere ~~[whether~~
 6 ~~or not a sentence is imposed:~~

7 ~~——(a) in a [felony] criminal prosecution under the laws of [this state, the laws of any other~~
 8 ~~state, territory or district of the United States, or] any state or of the United States, or any~~
 9 **country, for any offense [reasonably] directly related to the [qualifications, functions or duties**
 10 **of the person licensed under sections 340.200 to 340.330;**

11 ~~——(b) For any felony offense, for which an essential element is fraud, dishonesty or an act~~
 12 ~~of violence; or~~

13 ~~——(c) For any felony offense involving moral turpitude]~~ **duties and responsibilities of the**
 14 **occupation, as set forth in section 324.012, regardless of whether or not sentence is**
 15 **imposed;**

16 (2) Upon the final and unconditional revocation or surrender of the person's license to
 17 practice the same profession in another state, territory or district of the United States upon
 18 grounds for which revocation is authorized in this state.

19 2. The license of such person shall be automatically reinstated if the conviction,
 20 judgment or revocation is set aside upon final appeal in any court of competent jurisdiction.

21 3. Any person who has been denied a license, certificate, permit or other authority to
 22 practice a profession in another state, if such profession in this state is regulated pursuant to
 23 sections 340.200 to 340.330, shall automatically be denied a license to practice such profession
 24 in this state; however, the board may establish qualifications whereby such person may be
 25 qualified and licensed to practice such profession in this state.

340.300. 1. Any person desiring to be registered as a veterinary technician in the state of Missouri shall submit a written application to the board. Such application shall be on forms furnished by the board without charge.

2. Each application shall contain a statement that is made under oath or affirmation that representations made therein are true, correct and contain no material omissions of fact to the best knowledge and belief of the person making the application and whose signature shall be subscribed thereto. Any person who knowingly submits false information, information intended to mislead the board, or omits a material fact on the application shall be subject to penalties provided for by the laws of this state for giving a false statement under oath or affirmation; such penalty is in addition to and not in lieu of any action which the board takes pursuant to the provisions of sections 340.200 to 340.330.

3. To qualify to be registered as a veterinary technician pursuant to this section, the application must show that the applicant:

(1) Is at least eighteen years of age;

(2) ~~Is of good moral character;~~

~~——(3)]~~ Has successfully completed a college level course of study in veterinary technology in a school having a curriculum approved by the board or a college level course in the care and treatment of animals which is accredited by the AVMA; and

~~[(4)]~~ (3) Has passed an examination or examinations as prescribed by board rule. The examination or examinations shall be designed to test the examinee's knowledge of, proficiency in, subjects and techniques commonly taught in schools providing a curriculum in veterinary technology, familiarity with the requirements of sections 340.200 to 340.330, related statutes and board rules, and other material as determined by the board. An examinee must demonstrate scientific, practical and legal knowledge sufficient to establish to the board that the applicant is competent to practice as a veterinary technician. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subdivisions (1)~~;~~ and (2) ~~and (3)]~~ of this subsection.

4. The board may require additional information and proof of a person's fitness and qualifications by board rule.

344.030. 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

7 (1) The applicant provides the board satisfactory proof that the applicant is [~~of good~~
8 ~~moral character and~~] a high school graduate or equivalent;

9 (2) The applicant provides the board satisfactory proof that the applicant has had a
10 minimum of three years' experience in health care administration or two years of postsecondary
11 education in health care administration or has satisfactorily completed a course of instruction and
12 training prescribed by the board, which includes instruction in the needs properly to be served
13 by nursing homes, the protection of the interests of residents therein, and the elements of good
14 nursing home administration, or has presented evidence satisfactory to the board of sufficient
15 education, training, or experience in the foregoing fields to administer, supervise and manage
16 a nursing home; and

17 (3) The applicant passes the examinations administered by the board. If an applicant
18 fails to make a passing grade on either of the examinations such applicant may make application
19 for reexamination on a form furnished by the board and may be retested. If an applicant fails
20 either of the examinations a third time, the applicant shall be required to complete a course of
21 instruction prescribed and approved by the board. After completion of the board-prescribed
22 course of instruction, the applicant may reapply for examination. With regard to the national
23 examination required for licensure, no examination scores from other states shall be recognized
24 by the board after the applicant has failed his or her third attempt at the national examination.
25 There shall be a separate, nonrefundable fee for each examination. The board shall set the
26 amount of the fee for examination by rules and regulations promulgated pursuant to section
27 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed
28 the cost and expense of administering the examination.

29 3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall
30 be construed to require an applicant for a license as a nursing home administrator, who is
31 employed by an institution listed and certified by the Commission for Accreditation of Christian
32 Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such
33 commission for the care and treatment of the sick in accordance with the creed or tenets of a
34 recognized church or religious denomination, to demonstrate proficiency in any techniques or
35 to meet any educational qualifications or standards not in accord with the remedial care and
36 treatment provided in such institutions. The applicant's license shall be endorsed to confine the
37 applicant's practice to such institutions.

38 4. The board may issue a temporary emergency license for a period not to exceed ninety
39 days to a person twenty-one years of age or over [~~of good moral character~~] and a high school
40 graduate or equivalent to serve as an acting nursing home administrator, provided such person
41 is replacing a licensed nursing home administrator who has died, has been removed or has
42 vacated the nursing home administrator's position. No temporary emergency license may be

43 issued to a person who has had a nursing home administrator's license denied, suspended or
44 revoked. A temporary emergency license may be renewed for one additional ninety-day period
45 upon a showing that the person seeking the renewal of a temporary emergency license meets the
46 qualifications for licensure and has filed an application for a regular license, accompanied by the
47 application fee, and the applicant has taken the examination or examinations but the results have
48 not been received by the board. No temporary emergency license may be renewed more than one
49 time.

344.050. 1. The board may refuse to issue or renew any certificate of registration or
2 authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of
4 the reasons for the refusal and shall advise the applicant of his or her right to file a complaint
5 with the administrative hearing commission as provided by chapter 621. As an alternative to
6 refusal to issue or renew any certificate, registration or authority, permit or license, the board
7 may, at its discretion, issue a license which is subject to probation for any one or any
8 combination of causes stated in subsection 2 of this section. The board's order of probation shall
9 contain a statement of the discipline imposed, the basis therefor, the date such action shall
10 become effective, and a statement that the applicant has thirty days to request in writing a hearing
11 before the administrative hearing commission. If the board issues a probationary license to an
12 applicant for licensure, the applicant may file a written petition with the administrative hearing
13 commission within thirty days of the effective date of the probationary license seeking review
14 of whether cause exists to discipline the licensee under subsection 2 of this section. If no written
15 request for a hearing is received by the administrative hearing commission within the thirty-day
16 period, the right to seek review of the board's decision shall be waived.

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

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

25 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
26 or nolo contendere, ~~[pursuant to]~~ **in a** criminal prosecution under the laws of any state or of the
27 United States, **or any country**, for any offense ~~[reasonably]~~ **directly** related to the
28 ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter,~~
29 ~~for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any~~

30 ~~offense involving moral turpitude,] and responsibilities of the occupation, as set forth in~~
31 **section 324.012, regardless of** 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 issued pursuant to this chapter or in obtaining
34 permission to take any examination given or required pursuant to this chapter;

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

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

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

42 (7) Violation of, or assisting or enabling any person to violate, any provision of chapter
43 198 or any lawful rule or regulation promulgated thereunder;

44 (8) Impersonation of any person holding a certificate of registration or authority, permit
45 or license, or allowing any person to use such person's certificate of registration or authority,
46 permit, license or diploma from any school;

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

50 (10) A person is finally adjudged incapacitated or disabled by a court of competent
51 jurisdiction;

52 (11) Assisting or enabling any person to practice or offer to practice any profession
53 licensed or regulated by this chapter who is not registered and currently eligible to practice under
54 this chapter;

55 (12) Issuance of a certificate of registration or authority, permit or license based upon
56 a material mistake of fact;

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

59 (14) Knowingly failing to report abuse or neglect of a resident in a long-term care
60 facility, as required by section 198.070, of which he or she has actual knowledge that it is abuse
61 or neglect;

62 (15) Violation of any professional trust or confidence;

63 (16) Having served as the administrator, operator, or any principal involved in the
64 operation of a facility licensed under chapter 198 and during such time the facility has had its
65 license revoked under section 198.036, has entered into a consent agreement to obtain a

66 probationary license under subsection 5 of section 198.026, has had a license denied under
67 subsection 2 of section 198.022, or has surrendered its license while under investigation.

68 3. The administrative hearing commission shall have no authority to require issuance of
69 a license, pending a final determination by the commission, in any case in which an applicant is
70 seeking initial licensure.

71 4. No license may be suspended or revoked and no application for renewal of a license
72 may be denied under this section until the licensee has been afforded an opportunity for hearing
73 after due notice as provided in sections 621.015 to 621.205.

74 5. Upon a finding by the administrative hearing commission that the grounds, provided
75 in subsection 2 of this section, for disciplinary action are met, the board may, singly or in
76 combination, censure or place the person named in the complaint on probation on such terms as
77 the board deems appropriate, or may suspend or revoke the certificate, permit or license. The
78 board may exclude any application for up to five years for any person who has had his or her
79 license revoked by the board or has surrendered his or her license to the board.

345.015. As used in sections 345.010 to 345.080, the following terms mean:

2 (1) "Audiologist", a person who is licensed as an audiologist pursuant to sections
3 345.010 to 345.080 to practice audiology;

4 (2) "Audiology aide", a person who is registered as an audiology aide by the board, who
5 does not act independently but works under the direction and supervision of a licensed
6 audiologist. Such person assists the audiologist with activities which require an understanding
7 of audiology but do not require formal training in the relevant academics. To be eligible for
8 registration by the board, each applicant shall submit a registration fee~~[, be of good moral and~~
9 ~~ethical character;]~~ and:

10 (a) Be at least eighteen years of age;

11 (b) Furnish evidence of the person's educational qualifications which shall be at a
12 minimum:

13 a. Certification of graduation from an accredited high school or its equivalent; and

14 b. On-the-job training;

15 (c) Be employed in a setting in which direct and indirect supervision are provided on a
16 regular and systematic basis by a licensed audiologist.

17

18 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or
19 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case
20 selection, present written reports to anyone other than the supervisor without the signature of the
21 supervisor, make referrals to other professionals or agencies, use a title other than audiology aide,
22 develop or modify treatment plans, discharge clients from treatment or terminate treatment,

23 disclose clinical information, either orally or in writing, to anyone other than the supervising
24 audiologist, or perform any procedure for which he or she is not qualified, has not been
25 adequately trained or both;

26 (3) "Board", the state board of registration for the healing arts;

27 (4) "Commission", the advisory commission for speech-language pathologists and
28 audiologists;

29 (5) "Hearing instrument" or "hearing aid", any wearable device or instrument designed
30 for or offered for the purpose of aiding or compensating for impaired human hearing and any
31 parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers
32 and repairs;

33 (6) "Person", any individual, organization, or corporate body, except that only
34 individuals may be licensed pursuant to sections 345.010 to 345.080;

35 (7) "Practice of audiology":

36 (a) The application of accepted audiologic principles, methods and procedures for the
37 measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory
38 system, balance system or related structures and systems;

39 (b) Provides consultation or counseling to the patient, client, student, their family or
40 interested parties;

41 (c) Provides academic, social and medical referrals when appropriate;

42 (d) Provides for establishing goals, implementing strategies, methods and techniques,
43 for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system,
44 balance system or related structures and systems;

45 (e) Provides for involvement in related research, teaching or public education;

46 (f) Provides for rendering of services or participates in the planning, directing or
47 conducting of programs which are designed to modify audition, communicative, balance or
48 cognitive disorder, which may involve speech and language or education issues;

49 (g) Provides and interprets behavioral and neurophysiologic measurements of auditory
50 balance, cognitive processing and related functions, including intraoperative monitoring;

51 (h) Provides involvement in any tasks, procedures, acts or practices that are necessary
52 for evaluation of audition, hearing, training in the use of amplification or assistive listening
53 devices;

54 (i) Provides selection, assessment, fitting, programming, and dispensing of hearing
55 instruments, assistive listening devices, and other amplification systems;

56 (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim
57 molds and industrial noise protectors;

58 (k) Provides assessment of external ear and cerumen management;

- 59 (l) Provides advising, fitting, mapping assessment of implantable devices such as
60 cochlear or auditory brain stem devices;
- 61 (m) Provides information in noise control and hearing conservation including education,
62 equipment selection, equipment calibration, site evaluation and employee evaluation;
- 63 (n) Provides performing basic speech-language screening test;
- 64 (o) Provides involvement in social aspects of communication, including challenging
65 behavior and ineffective social skills, lack of communication opportunities;
- 66 (p) Provides support and training of family members and other communication partners
67 for the individual with auditory balance, cognitive and communication disorders;
- 68 (q) Provides aural rehabilitation and related services to individuals with hearing loss and
69 their families;
- 70 (r) Evaluates, collaborates and manages audition problems in the assessment of the
71 central auditory processing disorders and providing intervention for individuals with central
72 auditory processing disorders;
- 73 (s) Develops and manages academic and clinical problems in communication sciences
74 and disorders;
- 75 (t) Conducts, disseminates and applies research in communication sciences and
76 disorders;
- 77 (8) "Practice of speech-language pathology":
- 78 (a) Provides screening, identification, assessment, diagnosis, treatment, intervention,
79 including but not limited to prevention, restoration, amelioration and compensation, and
80 follow-up services for disorders of:
- 81 a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;
- 82 b. Language, involving the parameters of phonology, morphology, syntax, semantics and
83 pragmatic; and including disorders of receptive and expressive communication in oral, written,
84 graphic and manual modalities;
- 85 c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia,
86 including disorders of swallowing and oral functions for feeding; orofacial myofunctional
87 disorders;
- 88 d. Cognitive aspects of communication, including communication disability and other
89 functional disabilities associated with cognitive impairment;
- 90 e. Social aspects of communication, including challenging behavior, ineffective social
91 skills, lack of communication opportunities;
- 92 (b) Provides consultation and counseling and makes referrals when appropriate;
- 93 (c) Trains and supports family members and other communication partners of individuals
94 with speech, voice, language, communication and swallowing disabilities;

95 (d) Develops and establishes effective augmentative and alternative communication
96 techniques and strategies, including selecting, prescribing and dispensing of augmentative aids
97 and devices; and the training of individuals, their families and other communication partners in
98 their use;

99 (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices
100 for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking
101 valves;

102 (f) Uses instrumental technology to diagnose and treat disorders of communication and
103 swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

104 (g) Provides aural rehabilitative and related counseling services to individuals with
105 hearing loss and to their families;

106 (h) Collaborates in the assessment of central auditory processing disorders in cases in
107 which there is evidence of speech, language or other cognitive communication disorders;
108 provides intervention for individuals with central auditory processing disorders;

109 (i) Conducts pure-tone air conduction hearing screening and screening tympanometry
110 for the purpose of the initial identification or referral;

111 (j) Enhances speech and language proficiency and communication effectiveness,
112 including but not limited to accent reduction, collaboration with teachers of English as a second
113 language and improvement of voice, performance and singing;

114 (k) Trains and supervises support personnel;

115 (l) Develops and manages academic and clinical programs in communication sciences
116 and disorders;

117 (m) Conducts, disseminates and applies research in communication sciences and
118 disorders;

119 (n) Measures outcomes of treatment and conducts continuous evaluation of the
120 effectiveness of practices and programs to improve and maintain quality of services;

121 (9) "Speech-language pathologist", a person who is licensed as a speech-language
122 pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of
123 speech-language pathology as defined in sections 345.010 to 345.080;

124 (10) "Speech-language pathology aide", a person who is registered as a speech-language
125 aide by the board, who does not act independently but works under the direction and supervision
126 of a licensed speech-language pathologist. Such person assists the speech-language pathologist
127 with activities which require an understanding of speech-language pathology but do not require
128 formal training in the relevant academics. To be eligible for registration by the board, each
129 applicant shall submit a registration fee~~[-, be of good moral and ethical character;]~~ and:

130 (a) Be at least eighteen years of age;

131 (b) Furnish evidence of the person's educational qualifications which shall be at a
132 minimum:

133 a. Certification of graduation from an accredited high school or its equivalent; and

134 b. On-the-job training;

135 (c) Be employed in a setting in which direct and indirect supervision is provided on a
136 regular and systematic basis by a licensed speech-language pathologist.

137

138 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or
139 dispense hearing instruments, make ear impressions, make diagnostic statements, determine case
140 selection, present written reports to anyone other than the supervisor without the signature of the
141 supervisor, make referrals to other professionals or agencies, use a title other than
142 speech-language pathology aide, develop or modify treatment plans, discharge clients from
143 treatment or terminate treatment, disclose clinical information, either orally or in writing, to
144 anyone other than the supervising speech-language pathologist, or perform any procedure for
145 which he or she is not qualified, has not been adequately trained or both;

146 (11) "Speech-language pathology assistant", a person who is registered as a
147 speech-language pathology assistant by the board, who does not act independently but works
148 under the direction and supervision of a licensed speech-language pathologist practicing for at
149 least one year or speech-language pathologist practicing under subdivision (1) or (6) of
150 subsection 1 of section 345.025 for at least one year and whose activities require both academic
151 and practical training in the field of speech-language pathology although less training than those
152 established by sections 345.010 to 345.080 as necessary for licensing as a speech-language
153 pathologist. To be eligible for registration by the board, each applicant shall submit the
154 registration fee, supervising speech-language pathologist information if employment is
155 confirmed, if not such information shall be provided after registration, [~~be of good moral~~
156 ~~character~~] and furnish evidence of the person's educational qualifications which meet the
157 following:

158 (a) Hold a bachelor's level degree from an institution accredited or approved by a
159 regional accrediting body recognized by the United States Department of Education or its
160 equivalent; and

161 (b) Submit official transcripts from one or more accredited colleges or universities
162 presenting evidence of the completion of bachelor's level course work and requirements in the
163 field of speech-language pathology as established by the board through rules and regulations;

164 (c) Submit proof of completion of the number and type of clinical hours as established
165 by the board through rules and regulations.

345.050. 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's ~~[good moral and ethical character,]~~ current competence and shall:

(1) Hold a master's or a doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; and

(3) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee ~~[and shall be of good moral and ethical character]~~, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another country and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a country whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

345.065. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to sections 345.010 to 345.080 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. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license or registration which is subject to probation, restriction or limitation to an applicant for licensure or registration for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license or registration to an applicant for licensure or registration, either party may file

14 a written petition with the administrative hearing commission within thirty days of the effective
15 date of the probationary, limited or restricted license or registration seeking review of the board's
16 determination. If no written request for a hearing is received by the administrative hearing
17 commission within the thirty-day period, the right to seek review of the board's decision shall
18 be considered as waived.

19 2. The board may cause a complaint to be filed with the administrative hearing
20 commission as provided by chapter 621 against any holder of any certificate of registration or
21 authority, permit or license required by sections 345.010 to 345.080 or any person who has failed
22 to renew or has surrendered the person's certificate of registration or authority, permit or license
23 for any one or any combination of the following causes:

24 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
25 an extent that such use impairs a person's ability to perform the work of any profession licensed
26 or regulated by sections 345.010 to 345.080;

27 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
28 or nolo contendere, in a criminal prosecution under 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 any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any~~
31 ~~offense an essential element of which is fraud, dishonesty or an act of violence, or for any~~
32 ~~offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in**
33 **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 345.010 to 345.080 or in
36 obtaining permission to take any examination given or required pursuant to sections 345.010 to
37 345.080;

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

40 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
41 in the performance of the functions or duties of any profession licensed or regulated by sections
42 345.010 to 345.080;

43 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
44 345.010 to 345.080, or of any lawful rule or regulation adopted pursuant to sections 345.010 to
45 345.080;

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

49 (8) Disciplinary action against the holder of a license or other right to practice any
50 profession regulated by sections 345.010 to 345.080 granted by another state, territory, federal
51 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

54 (10) Assisting or enabling any person to practice or offer to practice any profession
55 licensed or regulated by sections 345.010 to 345.080 who is not registered and currently eligible
56 to practice pursuant to sections 345.010 to 345.080;

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

59 (12) Failure to display a valid certificate or license if so required by sections 345.010 to
60 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;

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

62 (14) Fraudulently or deceptively using a license, provisional license or registration;

63 (15) Altering a license, provisional license or registration;

64 (16) Willfully making or filing a false report or record in the practice of speech-language
65 pathology or audiology;

66 (17) Using or promoting or causing the use of any misleading, deceiving, improbable or
67 untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label,
68 brand, insignia or any other representation;

69 (18) Falsely representing the use or availability of services or advice of a physician;

70 (19) Misrepresenting the applicant, licensee or holder by using the word doctor or any
71 similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained
72 from a regionally accredited institution;

73 (20) Committing any act of dishonorable, immoral or unprofessional conduct while
74 engaging in the practice of speech-language pathology or audiology;

75 (21) Providing services or promoting the sale of devices, appliances or products to a
76 person who cannot reasonably be expected to benefit from such services, devices, appliances or
77 products.

78 3. After the filing of such complaint, the proceedings shall be conducted in accordance
79 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
80 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
81 board may, singly or in combination, censure or place the person named in the complaint on
82 probation on such terms and conditions as the board deems appropriate for a period not to exceed
83 ten years, or may suspend, for a period not to exceed three years, or restrict or limit the person's
84 ability to practice for an indefinite period of time, or revoke the license or registration.

85 4. The board may apply for relief by injunction, without bond, to restrain any person,
86 partnership or corporation from engaging in any act or practice which constitutes an offense
87 pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there
88 is no adequate remedy at law to obtain an injunction. The members of the board and the advisory
89 commission shall not be individually liable for applying for such relief.

346.055. 1. An applicant may obtain a license provided the applicant:

2 (1) Is at least eighteen years of age; and

3 (2) ~~Is of good moral character; and~~

4 ~~———(3)]~~ Successfully passes a qualifying examination as described under sections 346.010
5 to 346.250; and

6 ~~[(4)] (3)~~ (a) Holds an associate's degree or higher, from a state or regionally accredited
7 institution of higher education, in hearing instrument sciences; or

8 (b) Holds an associate's level degree or higher, from a state or regionally accredited
9 institution of higher education and submits proof of completion of the International Hearing
10 Society's Distance Learning for Professionals in Hearing Health Sciences Course; or

11 (c) Holds a master's or doctoral degree in audiology from a state or regionally accredited
12 institution; or

13 (d) Holds a current, unsuspended, unrevoked license from another country if the
14 standards for licensing in such country, as determined by the board, are substantially equivalent
15 to or exceed those required in paragraph (a) or (b) of this subdivision; or

16 (e) Holds a current, unsuspended, unrevoked license from another country, has been
17 actively practicing as a licensed hearing aid fitter or dispenser in another country for no less than
18 forty-eight of the last seventy-two months, and submits proof of completion of advance
19 certification from either the International Hearing Society or the National Board for Certification
20 in Hearing Instrument Sciences.

21 2. The provisions of subsection 1 of this section shall not apply to any person holding
22 a valid Missouri hearing instrument specialist license under this chapter when applying for the
23 renewal of that license. These provisions shall apply to any person holding a hearing instrument
24 specialist-in-training permit at the time of their application for licensure or renewal of said
25 permit.

26 3. (1) The board shall promulgate reasonable standards and rules for the evaluation of
27 applicants for purposes of determining the course of instruction and training required of each
28 applicant for a hearing instrument specialist license under the requirement of subdivision (4) of
29 subsection 1 of this section.

30 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
31 under the authority delegated in this section shall become effective only if it complies with and

32 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
33 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
34 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
35 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
36 proposed or adopted after August 28, 2013, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (12) Failure to display a valid certificate or license if so required by this chapter or any
45 rule 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
48 the general public or persons to whom the advertisement or solicitation is primarily directed;

49 (15) Representing that the service or advice of a person licensed as a physician pursuant
50 to chapter 334 will be used or made available in the selection, fitting, adjustment, maintenance
51 or repair of hearing instruments when that is not true, or using the words "doctor", "clinic",
52 "clinical audiologist", "state-licensed clinic", "state registered", "state certified", or "state
53 approved" or any other term, abbreviation, or symbol when it would falsely give the impression
54 that service is being provided by physicians licensed pursuant to chapter 334, or by audiologists
55 licensed pursuant to chapter 345, or that the licensee's service has been recommended by the state
56 when such is not the case.

436.230. 1. Except as otherwise provided in subsection 2 of this section, the director
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's
5 fitness to serve as an athlete agent. In making the determination, the director may consider
6 whether the applicant has:

7 (1) Been ~~convicted of a crime that if committed in this state would be a felony or other~~
8 ~~crime involving moral turpitude~~ **finally adjudicated and found guilty, or entered a plea of**
9 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**
10 **United States, or any country, for any offense directly related to the duties and**

11 **responsibilities of the occupation, as set forth in section 324.012, regardless of whether or**
12 **not sentence is imposed;**

13 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an
14 athlete agent or in the application;

15 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
16 capacity;

17 (4) Engaged in conduct prohibited by section 436.254;

18 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or
19 been refused renewal of registration or licensure in any state;

20 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that
21 a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or
22 intercollegiate athletic event was imposed on a student athlete or educational institution; or

23 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
24 honesty, or integrity.

25 3. In making a determination under subsection 3 of this section, the director shall
26 consider:

27 (1) How recently the conduct occurred;

28 (2) The nature of the conduct and the context in which it occurred; and

29 (3) Any other relevant conduct of the applicant.

30 4. An athlete agent may apply to renew a registration by submitting an application for
31 renewal in a form prescribed by the director. The application for renewal must be signed by the
32 applicant under penalty of perjury under section 575.040 and shall contain current information
33 on all matters required in an original registration.

34 5. A certificate of registration or a renewal of a registration is valid for two years.

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