

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2046
100TH GENERAL ASSEMBLY

4438H.06T

2020

AN ACT

To repeal sections 58.095, 58.451, 58.720, 190.094, 190.105, 190.143, 190.196, 193.145, 193.265, 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, 326.277, 326.280, 326.289, 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, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, 334.725, 334.920, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035, 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and section 324.009 as enacted by house committee substitute for house bill nos. 1511 & 1452, one hundredth general assembly, second regular session, and to enact in lieu thereof ninety-six new sections relating to professional registration, with existing penalty provisions.

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

Section A. Sections 58.095, 58.451, 58.720, 190.094, 190.105, 190.143, 190.196,
2 193.145, 193.265, 209.334, 214.276, 256.477, 317.015, 324.009, 324.047, 324.086, 324.217,
3 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 326.277, 326.280,

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.

4 326.289, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140,
5 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613,
6 334.616, 334.655, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717,
7 334.719, 334.721, 334.725, 334.920, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035,
8 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715,
9 337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050, 345.015, 345.050,
10 345.065, 346.055, 346.105, and 436.230, RSMo, and section 324.009 as enacted by house
11 committee substitute for house bill nos. 1511 & 1452, one hundredth general assembly, second
12 regular session, are repealed and ninety-six new sections enacted in lieu thereof, to be known as
13 sections 58.035, 58.095, 58.208, 58.451, 58.720, 190.094, 190.105, 190.143, 190.196, 193.145,
14 193.265, 209.334, 214.276, 256.477, 317.015, 324.009, 324.012, 324.025, 324.035, 324.047,
15 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118,
16 326.277, 326.280, 326.289, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075,
17 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414,
18 334.530, 334.613, 334.616, 334.655, 334.702, 334.703, 334.704, 334.706, 334.708, 334.710,
19 334.712, 334.715, 334.717, 334.721, 334.725, 334.920, 336.030, 336.080, 336.110, 337.020,
20 337.029, 337.035, 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645,
21 337.665, 337.715, 337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050,
22 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, to read as follows:

**58.035. 1. There is hereby established within the department of health and senior
2 services a "Coroner Standards and Training Commission" which shall be composed of
3 eight members, appointed by the governor, with the advice and consent of the senate. The
4 governor shall take into account the diversity of the state when making the appointments
5 to this commission. The commission shall consist of:**

6 **(1) Two coroners elected from counties of the third classification;**

7 **(2) One coroner elected from a county of the first, second, or fourth classification;**

8 **(3) One currently appointed medical examiner;**

9 **(4) One child death pathologist;**

10 **(5) One elected prosecuting attorney;**

11 **(6) One elected sheriff;**

12 **(7) The director of the department of health and senior services, or his or her
13 designee, who shall serve as a nonvoting member of the commission.**

14

15 **Each member of the coroner standards and training commission shall have been at the
16 time of his appointment a citizen of the United States and a resident of this state for a**

17 period of at least one year, and members who are coroners shall be qualified as established
18 by chapter 58.

19 2. The members of the commission shall serve for the following terms:

20 (1) Every member of the commission who holds elected office shall serve an initial
21 term of two years;

22 (2) Every member of the commission who does not hold elected office shall serve
23 an initial term of four years;

24 (3) Every member of the commission shall serve for a term of four years after the
25 initial term has been served.

26 3. Annually the commission shall elect one of the members as chairperson. The
27 coroner standards and training commission shall meet at least twice each year as
28 determined by the director of the department of health and senior services, the
29 chairperson, or a majority of the members to perform its duties. A majority of the
30 members of the coroner standards and training commission shall constitute a quorum.

31 4. No member of the coroner standards and training commission shall receive any
32 compensation for the performance of his or her official duties.

33 5. The coroner standards and training commission shall establish training
34 standards, by rule, relating to the office of county coroner. These standards shall relate
35 to the operation of the office, the legal responsibilities of the office, and the technical skills
36 and knowledge required of the office.

37 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it
39 complies with and is subject to all of the provisions of chapter 536, and, if applicable,
40 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
41 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
42 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
43 grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
44 shall be invalid and void.

45 7. Once the commission has developed standards, the commission shall issue a
46 report detailing the standards. This report shall be submitted to the speaker of the house
47 of representatives and the president pro tempore of the senate, and shall be published on
48 the website of the department of health and senior services.

58.095. 1. The county coroner in any county[, ~~other than in a first-classification~~
2 ~~chartered county,~~] **not having a charter form of government** shall receive an annual salary
3 computed on a basis as set forth in the following schedule. The provisions of this section shall

4 not permit or require a reduction in the amount of compensation being paid for the office of
5 coroner on January 1, 1997:

6	Assessed Valuation		Salary
7	\$18,000,000	to 40,999,999	\$8,000
8	41,000,000	to 53,999,999	8,500
9	54,000,000	to 65,999,999	9,000
10	66,000,000	to 85,999,999	9,500
11	86,000,000	to 99,999,999	10,000
12	100,000,000	to 130,999,999	11,000
13	131,000,000	to 159,999,999	12,000
14	160,000,000	to 189,999,999	13,000
15	190,000,000	to 249,999,999	14,000
16	250,000,000	to 299,999,999	15,000
17	300,000,000	or more	16,000

18 2. One thousand dollars of the salary authorized in this section shall be payable to the
19 coroner only if the coroner has completed at least twenty hours of classroom instruction each
20 calendar year ~~[relating to the operations of the coroner's office when approved by a professional~~
21 ~~association of the county coroners of Missouri]~~ **as established by the coroner standards and**
22 **training commission** unless exempted from the training by the ~~[professional association]~~
23 **Missouri Coroners' and Medical Examiners' Association for good cause.** The ~~[professional~~
24 ~~association approving the program]~~ **Missouri Coroners' and Medical Examiners' Association**
25 shall provide a certificate of completion to each coroner who completes the training program and
26 shall send a list of certified coroners to the treasurer of each county **and the department of**
27 **health and senior services. The coroner standards and training commission may certify**
28 **training programs that satisfy the requirements of this section in lieu of the training**
29 **provided by the Missouri Coroners' and Medical Examiners' Association. Certified**
30 **training completion shall be submitted to the Missouri Coroners' and Medical Examiners'**
31 **Association, which, upon validating the certified training, shall submit the individual's**
32 **name to the county treasurer and department of health and senior services indicating the**
33 **individual is compliant with the training requirements.** Expenses incurred for attending the
34 training session may be reimbursed to the county coroner in the same manner as other expenses
35 as may be appropriated for that purpose. All elected or appointed coroners, deputy coroners, and
36 assistants to the coroner shall complete the annual training described in this subsection within
37 six months of election or appointment.

38 3. The county coroner in any county ~~[other than a first classification charter county]~~ **not**
39 **having a charter form of government,** shall not, except upon two-thirds vote of all the

40 members of the salary commission, receive an annual compensation in an amount less than the
41 total compensation being received for the office of county coroner in the particular county for
42 services rendered or performed on the date the salary commission votes.

43 4. For the term beginning in 1997, the compensation of the coroner, in counties in which
44 the salary commission has not voted to pay one hundred percent of the maximum allowable
45 salary, shall be a percentage of the maximum allowable salary established by this section. The
46 percentage applied shall be the same percentage of the maximum allowable salary received or
47 allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of
48 that county for the year beginning January 1, 1997. In those counties in which the salary
49 commission has voted to pay one hundred percent of the maximum allowable salary, the
50 compensation of the coroner shall be based on the maximum allowable salary in effect at each
51 time a coroner's term of office commences following the vote to pay one hundred percent of the
52 maximum allowable compensation. Subsequent compensation shall be determined as provided
53 in section 50.333.

54 5. Effective January 1, 1997, the county coroner in any county [~~other than a county of~~
55 ~~the first classification with a charter form of government,~~] **not having a charter form of**
56 **government** may, upon the approval of the county commission, receive additional compensation
57 for any month during which investigations or other services are performed for three or more
58 decedents in the same incident during such month. The additional compensation shall be an
59 amount that when added to the regular compensation the sum shall equal the monthly
60 compensation of the county sheriff.

58.208. 1. One dollar of the fee collected for any death certificate issued under
2 **section 193.265 shall be deposited into the Missouri state coroners' training fund**
3 **established under subsection 2 of this section. Moneys in such fund shall be used by the**
4 **Missouri Coroners' and Medical Examiners' Association:**

5 (1) **For in-state training, equipment, and necessary supplies; and**

6 (2) **To provide aid to training programs approved by the Missouri Coroners' and**
7 **Medical Examiners' Association.**

8 2. (1) **There is hereby created in the state treasury the "Missouri State Coroners'**
9 **Training Fund", which shall consist of moneys collected under subsection 1 of this section.**
10 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
11 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
12 **and, upon appropriation, moneys in the fund shall be used solely for the administration of**
13 **subsection 1 of this section.**

14 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
15 **remaining in the fund over the amount of five hundred thousand dollars shall revert to the**
16 **credit of the general revenue fund.**

17 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
18 **funds are invested. Any interest and moneys earned on such investments shall be credited**
19 **to the fund.**

20 **3. Local registrars may, during states of emergency or disaster, request**
21 **reimbursement from the fund for copies of death certificates issued to individuals who are**
22 **unable to afford the associated fees.**

 58.451. 1. When any person, in any county in which a coroner is required by section
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Criminal abortions, including those self-induced;

5 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a
6 physician during the thirty-six-hour period preceding the death;

7 (4) In any unusual or suspicious manner;

8 (5) Any injury or illness while in the custody of the law or while an inmate in a public
9 institution;

10

11 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
12 a death shall immediately notify the coroner of the known facts concerning the time, place,
13 manner and circumstances of the death. Immediately upon receipt of notification, the coroner
14 or deputy coroner shall take charge of the dead body and fully investigate the essential facts
15 concerning the medical causes of death, including whether by the act of man, and the manner of
16 death. The coroner or deputy coroner may take the names and addresses of witnesses to the
17 death and shall file this information in the coroner's office. The coroner or deputy coroner shall
18 take possession of all property of value found on the body, making exact inventory of such
19 property on the report and shall direct the return of such property to the person entitled to its
20 custody or possession. The coroner or deputy coroner shall take possession of any object or
21 article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the
22 cause of death, and deliver it to the prosecuting attorney of the county.

23 2. When a death occurs outside a licensed health care facility, the first licensed medical
24 professional or law enforcement official learning of such death shall immediately contact the
25 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's
26 deputy shall make the determination if further investigation is necessary, based on information

27 provided by the individual contacting the coroner, and immediately advise such individual of the
28 coroner's intentions.

29 3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**
30 **when a death occurs under the care of a hospice, no investigation shall be required if the**
31 **death is certified by the treating physician of the deceased or the medical director of the**
32 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**
33 **written notice to the coroner within twenty-four hours of the death.**

34 4. Upon taking charge of the dead body and before moving the body the coroner shall
35 notify the police department of any city in which the dead body is found, or if the dead body is
36 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
37 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to
38 remain unmoved until the police department, sheriff or the highway patrol has inspected the body
39 and the surrounding circumstances and carefully noted the appearance, the condition and position
40 of the body and recorded every fact and circumstance tending to show the cause and manner of
41 death, with the names and addresses of all known witnesses, and shall subscribe the same and
42 make such record a part of the coroner's report.

43 [4.] 5. In any case of sudden, violent or suspicious death after which the body was
44 buried without any investigation or autopsy, the coroner, upon being advised of such facts, may
45 at the coroner's own discretion request that the prosecuting attorney apply for a court order
46 requiring the body to be exhumed.

47 [5.] 6. The coroner may certify the cause of death in any case where death occurred
48 without medical attendance or where an attending physician refuses to sign a certificate of death
49 or when a physician is unavailable to sign a certificate of death.

50 [6.] 7. When the cause of death is established by the coroner, the coroner shall file a
51 copy of the findings in the coroner's office within thirty days.

52 [7.] 8. If on view of the dead body and after personal inquiry into the cause and manner
53 of death, the coroner determines that a further examination is necessary in the public interest, the
54 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
55 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,
56 or other expert to aid in the examination of the body or of substances supposed to have caused
57 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
58 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
59 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
60 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time
61 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the
62 condition of the body and the cause and manner of death.

63 ~~[8-]~~ **9.** If on view of the dead body and after personal inquiry into the cause and manner
64 of death, the coroner considers a further inquiry and examination necessary in the public interest,
65 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county
66 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear
67 before the coroner, at the time and place expressed in the warrant, and to inquire how and by
68 whom the deceased died.

69 ~~[9-]~~ **10.** (1) When a person is being transferred from one county to another county for
70 medical treatment and such person dies while being transferred, or dies while being treated in
71 the emergency room of the receiving facility the place which the person is determined to be dead
72 shall be considered the place of death and the county coroner or medical examiner of the county
73 from which the person was originally being transferred shall be responsible for determining the
74 cause and manner of death for the Missouri certificate of death.

75 (2) The coroner or medical examiner in the county in which the person is determined to
76 be dead may with authorization of the coroner or medical examiner from the original transferring
77 county, investigate and conduct postmortem examinations at the expense of the coroner or
78 medical examiner from the original transferring county. The coroner or medical examiner from
79 the original transferring county shall be responsible for investigating the circumstances of such
80 and completing the Missouri certificate of death. The certificate of death shall be filed in the
81 county where the deceased was pronounced dead.

82 (3) Such coroner or medical examiner of the county where a person is determined to be
83 dead shall immediately notify the coroner or medical examiner of the county from which the
84 person was originally being transferred of the death of such person, and shall make available
85 information and records obtained for investigation of the death.

86 (4) If a person does not die while being transferred and is institutionalized as a regularly
87 admitted patient after such transfer and subsequently dies while in such institution, the coroner
88 or medical examiner of the county in which the person is determined to be dead shall
89 immediately notify the coroner or medical examiner of the county from which such person was
90 originally transferred of the death of such person. In such cases, the county in which the
91 deceased was institutionalized shall be considered the place of death. If the manner of death is
92 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
93 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
94 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
95 the Missouri certificate of death. The certificate of death shall be filed in the county where the
96 deceased was pronounced dead.

97 ~~[10-]~~ **11.** There shall not be any statute of limitations or time limits on the cause of death
98 when death is the final result or determined to be caused by homicide, suicide, accident, child

99 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.
100 The place of death shall be the place in which the person is determined to be dead. The final
101 investigation of death in determining the cause and matter of death shall revert to the county of
102 origin, and the coroner or medical examiner of such county shall be responsible for the Missouri
103 certificate of death. The certificate of death shall be filed in the county where the deceased was
104 pronounced dead.

105 ~~[11.]~~ **12.** Except as provided in subsection ~~[9]~~ **10** of this section, if a person dies in one
106 county and the body is subsequently transferred to another county, for burial or other reasons,
107 the county coroner or medical examiner where the death occurred shall be responsible for the
108 certificate of death and for investigating the cause and manner of the death.

109 ~~[12.]~~ **13.** In performing the duties, the coroner or medical examiner shall comply with
110 sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a result
2 of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Thermal, chemical, electrical, or radiation injury;

5 (3) Criminal abortions, including those self-induced;

6 (4) Disease thought to be of a hazardous and contagious nature or which might constitute
7 a threat to public health; or when any person dies:

8 (a) Suddenly when in apparent good health;

9 (b) When unattended by a physician, chiropractor, or an accredited Christian Science
10 practitioner, during the period of thirty-six hours immediately preceding his death;

11 (c) While in the custody of the law, or while an inmate in a public institution;

12 (d) In any unusual or suspicious manner;

13

14 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
15 a death shall immediately notify the office of the medical examiner of the known facts
16 concerning the time, place, manner and circumstances of the death. Immediately upon receipt
17 of notification, the medical examiner or his designated assistant shall take charge of the dead
18 body and fully investigate the essential facts concerning the medical causes of death. He may
19 take the names and addresses of witnesses to the death and shall file this information in his
20 office. The medical examiner or his designated assistant shall take possession of all property of
21 value found on the body, making exact inventory thereof on his report and shall direct the return
22 of such property to the person entitled to its custody or possession. The medical examiner or his
23 designated assistant examiner shall take possession of any object or article which, in his opinion,

24 may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the
25 county.

26 2. When a death occurs outside a licensed health care facility, the first licensed medical
27 professional or law enforcement official learning of such death shall contact the county medical
28 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
29 examiner's deputy shall make a determination if further investigation is necessary, based on
30 information provided by the individual contacting the medical examiner, and immediately advise
31 such individual of the medical examiner's intentions.

32 3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**
33 **when a death occurs under the care of a hospice, no investigation shall be required if the**
34 **death is certified by the treating physician of the deceased or the medical director of the**
35 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**
36 **written notice to the medical examiner within twenty-four hours of the death.**

37 4. In case of sudden, violent or suspicious death after which the body was buried without
38 any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his
39 own discretion request that the prosecuting attorney apply for a court order requiring the body
40 to be exhumed.

41 [4-] 5. The medical examiner shall certify the cause of death in any case where death
42 occurred without medical attendance or where an attending physician refuses to sign a certificate
43 of death, and may sign a certificate of death in the case of any death.

44 [5-] 6. When the cause of death is established by the medical examiner, he shall file a
45 copy of his findings in his office within thirty days after notification of the death.

46 [6-] 7. (1) When a person is being transferred from one county to another county for
47 medical treatment and such person dies while being transferred, or dies while being treated in
48 the emergency room of the receiving facility, the place which the person is determined to be dead
49 shall be considered the place of death and the county coroner or the medical examiner of the
50 county from which the person was originally being transferred shall be responsible for
51 determining the cause and manner of death for the Missouri certificate of death.

52 (2) The coroner or medical examiner in the county in which the person is determined to
53 be dead may, with authorization of the coroner or medical examiner from the transferring county,
54 investigate and conduct postmortem examinations at the expense of the coroner or medical
55 examiner from the transferring county. The coroner or medical examiner from the transferring
56 county shall be responsible for investigating the circumstances of such and completing the
57 Missouri certificate of death. The certificate of death shall be filed in the county where the
58 deceased was pronounced dead.

59 (3) Such coroner or medical examiner, or the county where a person is determined to be
60 dead, shall immediately notify the coroner or medical examiner of the county from which the
61 person was originally being transferred of the death of such person and shall make available
62 information and records obtained for investigation of death.

63 (4) If a person does not die while being transferred and is institutionalized as a regularly
64 admitted patient after such transfer and subsequently dies while in such institution, the coroner
65 or medical examiner of the county in which the person is determined to be dead shall
66 immediately notify the coroner or medical examiner of the county from which such person was
67 originally transferred of the death of such person. In such cases, the county in which the
68 deceased was institutionalized shall be considered the place of death. If the manner of death is
69 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
70 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
71 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
72 the Missouri certificate of death. The certificate of death shall be filed in the county where the
73 deceased was pronounced dead.

74 ~~[7-]~~ 8. There shall not be any statute of limitations or time limits on cause of death when
75 death is the final result or determined to be caused by homicide, suicide, accident, criminal
76 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The
77 place of death shall be the place in which the person is determined to be dead, but the final
78 investigation of death determining the cause and manner of death shall revert to the county of
79 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of
80 death. The certificate of death shall be filed in the county where the deceased was pronounced
81 dead.

82 ~~[8-]~~ 9. Except as provided in subsection ~~[6]~~ 7 of this section, if a person dies in one
83 county and the body is subsequently transferred to another county, for burial or other reasons,
84 the county coroner or medical examiner where the death occurred shall be responsible for the
85 certificate of death and for investigating the cause and manner of the death.

86 ~~[9-]~~ 10. In performing the duties, the coroner or medical examiner shall comply with
87 sections 58.775 to 58.785 with respect to organ donation.

190.094. 1. Any ambulance licensed in this state, when used as an ambulance and
2 staffed with volunteer staff, shall be staffed with a minimum of one emergency medical
3 technician and one other crew member who may be a licensed emergency medical technician,
4 registered nurse, physician, **physician assistant**, or someone who has an emergency medical
5 responder certification.

6 2. When transporting a patient, at least one licensed emergency medical technician,
7 registered nurse, **physician assistant**, or physician shall be in attendance with the patient in the
8 patient compartment at all times.

9 3. For purposes of this section, "volunteer" shall mean an individual who performs hours
10 of service without promise, expectation or receipt of compensation for services rendered.
11 Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training
12 shall not nullify the volunteer status.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any
4 public way or place of the state of Missouri unless such person holds a currently valid license
5 from the department for an ambulance service issued pursuant to the provisions of sections
6 190.001 to 190.245.

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this
11 section shall be construed to mean that a duly registered nurse [øø] , a duly licensed physician,
12 **or a duly licensed physician assistant** be required to hold an emergency medical technician's
13 license. **When a physician assistant is in attendance with a patient on an ambulance, the**
14 **physician assistant shall be exempt from any mileage limitations in any collaborative**
15 **practice arrangement prescribed under law.** Each ambulance service is responsible for
16 assuring that any person driving its ambulance is competent in emergency vehicle operations and
17 has a safe driving record. Each ground ambulance shall be staffed with at least two licensed
18 individuals when transporting a patient, except as provided in section 190.094. In emergency
19 situations which require additional medical personnel to assist the patient during transportation,
20 an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's
21 license and prior experience with driving emergency vehicles may drive the ground ambulance
22 provided the ground ambulance service stipulates to this practice in operational policies.

23 3. No license shall be required for an ambulance service, or for the attendant of an
24 ambulance, which:

25 (1) Is rendering assistance in the case of an emergency, major catastrophe or any other
26 unforeseen event or series of events which jeopardizes the ability of the local ambulance service
27 to promptly respond to emergencies; or

28 (2) Is operated from a location or headquarters outside of Missouri in order to transport
29 patients who are picked up beyond the limits of Missouri to locations within or outside of

30 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
31 transportation to locations within Missouri, except as provided in subdivision (1) of this
32 subsection.

33 4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245
34 shall not be construed so as to authorize any person to provide ambulance services or to operate
35 any ambulances without a franchise in any city not within a county or in a political subdivision
36 in any county with a population of over nine hundred thousand inhabitants, or a franchise,
37 contract or mutual-aid agreement in any other political subdivision which has enacted an
38 ordinance making it unlawful to do so.

39 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
40 regulation not in conflict with such sections by any city not within a county, or at least as strict
41 as such sections by any county, municipality or political subdivision except that no such
42 regulations or ordinances shall be adopted by a political subdivision in a county with a
43 population of over nine hundred thousand inhabitants except by the county's governing body.

44 6. In a county with a population of over nine hundred thousand inhabitants, the
45 governing body of the county shall set the standards for all ambulance services which shall
46 comply with subsection 5 of this section. All such ambulance services must be licensed by the
47 department. The governing body of such county shall not prohibit a licensed ambulance service
48 from operating in the county, as long as the ambulance service meets county standards.

49 7. An ambulance service or vehicle when operated for the purpose of transporting
50 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or
51 contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad
52 safety.

53 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
54 vehicle used by an employer for the transportation of such employer's employees whose illness
55 or injury occurs on private property, and not on a public highway or property, nor to any person
56 operating such a motor vehicle.

57 9. A political subdivision that is authorized to operate a licensed ambulance service may
58 establish, operate, maintain and manage its ambulance service, and select and contract with a
59 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
60 service.

61 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection
62 2 of section 190.109, shall be construed to authorize any municipality or county which is located
63 within an ambulance district or a fire protection district that is authorized to provide ambulance
64 service to promulgate laws, ordinances or regulations related to the provision of ambulance

65 services. This provision shall not apply to any municipality or county which operates an
66 ambulance service established prior to August 28, 1998.

67 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to
68 authorize any municipality or county which is located within an ambulance district or a fire
69 protection district that is authorized to provide ambulance service to operate an ambulance
70 service without a franchise in an ambulance district or a fire protection district that is authorized
71 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This
72 provision shall not apply to any municipality or county which operates an ambulance service
73 established prior to August 28, 1998.

74 12. No provider of ambulance service within the state of Missouri which is licensed by
75 the department to provide such service shall discriminate regarding treatment or transportation
76 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national
77 origin, ancestry, handicap, medical condition or ability to pay.

78 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,
79 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter
80 or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages
81 pursuant to chapter 67.

82 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
83 such service shall notify the department of the change in ownership within thirty days of such
84 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
85 ambulance service to verify compliance with the licensure standards of sections 190.001 to
86 190.245.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a
2 ninety-day temporary emergency medical technician license to all levels of emergency medical
3 technicians who meet the following:

4 (1) Can demonstrate that they have, or will have, employment requiring an emergency
5 medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal
9 history, or they are currently licensed and the license will expire before a verification can be
10 completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the
12 department in rules adopted pursuant to sections 190.001 to 190.245;

13 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the license to
18 practice while under the immediate supervision of a licensed emergency medical technician,
19 registered nurse, **physician assistant**, or physician who is currently licensed, without restrictions,
20 to practice in Missouri.

21 3. A temporary emergency medical technician license shall automatically expire either
22 ninety days from the date of issuance or upon the issuance of a five-year emergency medical
23 technician license.

190.196. 1. No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 2. Any person or entity that employs or supervises a person's activities as an emergency
6 medical responder, emergency medical dispatcher, emergency medical technician, registered
7 nurse, **physician assistant**, or physician shall cooperate with the department's efforts to monitor
8 and enforce compliance by those individuals subject to the requirements of sections 190.001 to
9 190.245.

10 3. Any person or entity who employs individuals licensed by the department pursuant
11 to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their
12 having knowledge of any charges filed against a licensee in their employ for possible criminal
13 action involving the following felony offenses:

14 (1) Child abuse or sexual abuse of a child;

15 (2) Crimes of violence; or

16 (3) Rape or sexual abuse.

17 4. Any licensee who has charges filed against him or her for the felony offenses in
18 subsection 3 of this section shall report such an occurrence to the department within seventy-two
19 hours of the charges being filed.

20 5. The department will monitor these reports for possible licensure action authorized
21 pursuant to section 190.165.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death
3 and shall be registered if such certificate has been completed and filed pursuant to this section.
4 All data providers in the death registration process, including, but not limited to, the state
5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,
6 funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident

7 physicians, physician assistants, assistant physicians, advanced practice registered nurses, and
8 the chief medical officers of licensed health care facilities, and other public or private institutions
9 providing medical care, treatment, or confinement to persons, shall be required to use and utilize
10 any electronic death registration system required and adopted under subsection 1 of section
11 193.265 within six months of the system being certified by the director of the department of
12 health and senior services, or the director's designee, to be operational and available to all data
13 providers in the death registration process. However, should the person or entity that certifies
14 the cause of death not be part of, or does not use, the electronic death registration system, the
15 funeral director or person acting as such may enter the required personal data into the electronic
16 death registration system and then complete the filing by presenting the signed cause of death
17 certification to the local registrar, in which case the local registrar shall issue death certificates
18 as set out in subsection 2 of section 193.265. Nothing in this section shall prevent the state
19 registrar from adopting pilot programs or voluntary electronic death registration programs until
20 such time as the system can be certified; however, no such pilot or voluntary electronic death
21 registration program shall prevent the filing of a death certificate with the local registrar or the
22 ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until
23 six months after such certification that the system is operational.

24 2. If the place of death is unknown but the dead body is found in this state, the certificate
25 of death shall be completed and filed pursuant to the provisions of this section. The place where
26 the body is found shall be shown as the place of death. The date of death shall be the date on
27 which the remains were found.

28 3. When death occurs in a moving conveyance in the United States and the body is first
29 removed from the conveyance in this state, the death shall be registered in this state and the place
30 where the body is first removed shall be considered the place of death. When a death occurs on
31 a moving conveyance while in international waters or air space or in a foreign country or its air
32 space and the body is first removed from the conveyance in this state, the death shall be
33 registered in this state but the certificate shall show the actual place of death if such place may
34 be determined.

35 4. The funeral director or person in charge of final disposition of the dead body shall file
36 the certificate of death. The funeral director or person in charge of the final disposition of the
37 dead body shall obtain or verify and enter into the electronic death registration system:

38 (1) The personal data from the next of kin or the best qualified person or source
39 available;

40 (2) The medical certification from the person responsible for such certification if
41 designated to do so under subsection 5 of this section; and

42 (3) Any other information or data that may be required to be placed on a death certificate
43 or entered into the electronic death certificate system including, but not limited to, the name and
44 license number of the embalmer.

45 5. The medical certification shall be completed, attested to its accuracy either by
46 signature or an electronic process approved by the department, and returned to the funeral
47 director or person in charge of final disposition within seventy-two hours after death by the
48 physician, physician assistant, assistant physician, **or** advanced practice registered nurse in
49 charge of the patient's care for the illness or condition which resulted in death. In the absence
50 of the physician, physician assistant, assistant physician, advanced practice registered nurse or
51 with the physician's, physician assistant's, assistant physician's, or advanced practice registered
52 nurse's approval the certificate may be completed and attested to its accuracy either by signature
53 or an approved electronic process by the physician's associate physician, the chief medical officer
54 of the institution in which death occurred, or the physician who performed an autopsy upon the
55 decedent, provided such individual has access to the medical history of the case, views the
56 deceased at or after death and death is due to natural causes. The person authorized to complete
57 the medical certification may, in writing, designate any other person to enter the medical
58 certification information into the electronic death registration system if the person authorized to
59 complete the medical certificate has physically or by electronic process signed a statement stating
60 the cause of death. Any persons completing the medical certification or entering data into the
61 electronic death registration system shall be immune from civil liability for such certification
62 completion, data entry, or determination of the cause of death, absent gross negligence or willful
63 misconduct. The state registrar may approve alternate methods of obtaining and processing the
64 medical certification and filing the death certificate. The Social Security number of any
65 individual who has died shall be placed in the records relating to the death and recorded on the
66 death certificate.

67 6. When death occurs from natural causes more than thirty-six hours after the decedent
68 was last treated by a physician, physician assistant, assistant physician, advanced practice
69 registered nurse, the case shall be referred to the county medical examiner or coroner or
70 physician or local registrar for investigation to determine and certify the cause of death. If the
71 death is determined to be of a natural cause, the medical examiner or coroner or local registrar
72 shall refer the certificate of death to the attending physician, physician assistant, assistant
73 physician, advanced practice registered nurse for such certification. If the attending physician,
74 physician assistant, assistant physician, advanced practice registered nurse refuses or is otherwise
75 unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the
76 certificate of death either by signature or an approved electronic process within thirty-six hours.

77 7. If the circumstances suggest that the death was caused by other than natural causes,
78 the medical examiner or coroner shall determine the cause of death and shall [~~complete and attest~~
79 ~~to the accuracy~~], either by signature or an approved electronic process, **complete and attest to**
80 **the accuracy of** the medical certification within seventy-two hours after taking charge of the
81 case.

82 8. If the cause of death cannot be determined within seventy-two hours after death, the
83 attending medical examiner, coroner, attending physician, physician assistant, assistant
84 physician, advanced practice registered nurse, or local registrar shall give the funeral director,
85 or person in charge of final disposition of the dead body, notice of the reason for the delay, and
86 final disposition of the body shall not be made until authorized by the medical examiner, coroner,
87 attending physician, physician assistant, assistant physician, advanced practice registered nurse,
88 or local registrar.

89 9. When a death is presumed to have occurred within this state but the body cannot be
90 located, a death certificate may be prepared by the state registrar upon receipt of an order of a
91 court of competent jurisdiction which shall include the finding of facts required to complete the
92 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the
93 date of registration, and identify the court and the date of decree.

94 10. (1) The department of health and senior services shall notify all physicians,
95 physician assistants, assistant physicians, and advanced practice registered nurses licensed under
96 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system
97 provided for in this section.

98 (2) On or before August 30, 2015, the department of health and senior services, division
99 of community and public health shall create a working group comprised of representation from
100 the Missouri electronic vital records system users and recipients of death certificates used for
101 professional purposes to evaluate the Missouri electronic vital records system, develop
102 recommendations to improve the efficiency and usability of the system, and to report such
103 findings and recommendations to the general assembly no later than January 1, 2016.

104 **11. Notwithstanding any provision of law to the contrary, if a coroner or deputy**
105 **coroner is not current with or is without the approved training under chapter 58, the**
106 **department of health and senior services shall prohibit such coroner from attesting to the**
107 **accuracy of a certificate of death. No person elected or appointed to the office of coroner**
108 **can assume such elected office until the training, as established by the coroner standards**
109 **and training commission under the provisions of section 58.035, has been completed and**
110 **a certificate of completion has been issued. In the event a coroner cannot fulfill his or her**
111 **duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of**
112 **the county shall appoint a medical professional to attest death certificates until such time**

113 **as the coroner can resume his or her duties or another coroner is appointed or elected to**
114 **the office.**

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]
3 **eleven** dollars for each additional copy ordered at that time. For the issuance of a certification
4 or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen
5 dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the
6 request for certification is made by the children's division, the division of youth services, a
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of
8 age who has come under the jurisdiction of the juvenile court under section 211.031. All fees
9 **collected under this subsection** shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar
12 shall be credited to the endowed care cemetery audit fund, **one dollar for each certification or**
13 **copy of death records to the Missouri state coroners' training fund established in section**
14 **58.208**, and three dollars for the first copy of death records and five dollars for birth, marriage,
15 divorce, and fetal death records shall be credited to the Missouri public services health fund
16 established in section 192.900. Money in the endowed care cemetery audit fund shall be
17 available by appropriation to the division of professional registration to pay its expenses in
18 administering sections 214.270 to 214.410. All interest earned on money deposited in the
19 endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.
20 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed
21 care cemetery audit fund shall not be transferred and placed to the credit of general revenue until
22 the amount in the fund at the end of the biennium exceeds three times the amount of the
23 appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The
24 money deposited in the public health services fund under this section shall be deposited in a
25 separate account in the fund, and moneys in such account, upon appropriation, shall be used to
26 automate and improve the state vital records system, and develop and maintain an electronic
27 birth and death registration system. For any search of the files and records, when no record is
28 found, the state shall be entitled to a fee equal to the amount for a certification of a vital record
29 for a five-year search to be paid by the applicant. For the processing of each legitimation,
30 adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled
31 to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy
32 or copies of a vital record is required to perfect any claim of any person on relief, or any
33 dependent of any person who was on relief for any claim upon the government of the state or

34 United States, the state registrar shall, upon request, furnish a certified copy or so many certified
35 copies as are necessary, without any fee or compensation therefor.

36 2. For the issuance of a certification of a death record by the local registrar, the applicant
37 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]
38 **eleven** dollars for each additional copy ordered at that time. **For each fee collected under this**
39 **subsection, one dollar shall be deposited to the state department of revenue and the**
40 **remainder shall be deposited to the official city or county health agency. The director of**
41 **revenue shall credit all fees deposited to the state department of revenue under this**
42 **subsection to the Missouri state coroners' training fund established in section 58.208.**

43 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
44 record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter
45 form of government and with more than six hundred thousand but fewer than seven hundred
46 thousand inhabitants, a donation of one dollar may be collected by the local registrar over and
47 above any fees required by law when a certification or copy of any marriage license or birth
48 certificate is provided, with such donations collected to be forwarded monthly by the local
49 registrar to the county treasurer of such county and the donations so forwarded to be deposited
50 by the county treasurer into the housing resource commission fund to assist homeless families
51 and provide financial assistance to organizations addressing homelessness in such county. The
52 local registrar shall include a check-off box on the application form for such copies. All fees
53 **collected under this subsection**, other than the donations collected in any county with a charter
54 form of government and with more than six hundred thousand but fewer than seven hundred
55 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
56 city or county health agency.

57 4. A certified copy of a death record by the local registrar can only be issued within
58 twenty-four hours of receipt of the record by the local registrar. Computer-generated
59 certifications of death records may be issued by the local registrar after twenty-four hours of
60 receipt of the records. The fees paid to the official county health agency shall be retained by the
61 local agency for local public health purposes.

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.

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

8 209.319 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
14 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
15 ~~functions or]~~ duties ~~[of an interpreter, for any offense an essential element of which is fraud,~~
16 ~~dishonesty or an act of violence,]~~ **and responsibilities of the occupation, as set forth in section**
17 **324.012, 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 of 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, of the United States, or of 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, of the United States, or of 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) "Nonresident military spouse", a nonresident spouse of an active duty member of the
7 Armed Forces of the United States who has been transferred or is scheduled to be transferred to
8 the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent
9 state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri
10 on a permanent change-of-station basis;

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

17 (4) "Resident military spouse", a spouse of an active duty member of the Armed Forces
18 of the United States who has been transferred or is scheduled to be transferred to the state of
19 Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is
20 domiciled in the state of Missouri, or who has Missouri as his or her home of record.

21 2. Any person ~~[who is a resident of Missouri, a resident military spouse, or a nonresident~~
22 ~~military spouse and]~~ who holds a valid current license issued by another state, a territory of the
23 United States, or the District of Columbia, **and who has been licensed for at least one year in**
24 **such other jurisdiction**, may submit an application for a license in Missouri in the same
25 occupation or profession, **and at the same practice level**, for which he or she holds the current
26 license, along with proof of current licensure **and proof of licensure for at least one year in**
27 **[all] the other [jurisdictions] jurisdiction**, to the relevant oversight body in this state.

28 3. The oversight body in this state shall:

29 (1) Within six months of receiving an application described in subsection 2 of this
30 section ~~[from a resident of Missouri]~~, waive any examination, educational, or experience
31 requirements for licensure in this state for the applicant if it determines that ~~[the licensing~~
32 ~~requirements in the jurisdiction that issued the applicant's license are substantially similar to or~~
33 ~~more stringent than the licensing requirements in Missouri for the same occupation or profession~~
34 ~~and shall issue such applicant a license under this section if such applicant otherwise meets the~~
35 ~~requirements of this section]~~ **there were minimum education requirements and, if applicable,**
36 **work experience and clinical supervision requirements in effect and the other state verifies**
37 **that the person met those requirements in order to be licensed or certified in that state. An**
38 **oversight body that administers an examination on laws of this state as part of its licensing**
39 **application requirement may require an applicant to take and pass an examination specific**
40 **to the laws of this state; or**

41 (2) Within thirty days of receiving an application described in subsection 2 of this
42 section from a nonresident military spouse or a resident military spouse, waive any examination,
43 educational, or experience requirements for licensure in this state for the applicant and issue such
44 applicant a license under this section if such applicant otherwise meets the requirements of this
45 section.

46 4. **(1)** The oversight body shall not waive any examination, educational, or experience
47 requirements for any applicant who **has had his or her license revoked by an oversight body**
48 **outside the state; who is currently under investigation, who has a complaint pending, or**
49 **who is currently under disciplinary action, except as provided in subdivision (2) of this**
50 **subsection, with an oversight body outside the state; who does not hold a license in good**
51 **standing with an oversight body outside the state; who has a criminal record that would**
52 **disqualify him or her for licensure in Missouri;** or who does not hold a valid current license
53 in the other jurisdiction on the date the oversight body receives his or her application under this
54 section.

55 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
56 **oversight body shall determine if the cause for the action was corrected and the matter**

57 **resolved. If the matter has not been resolved by that jurisdiction, the oversight body may**
58 **deny a license until the matter is resolved.**

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

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

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

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

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

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

75 **10. The provisions of this section shall not apply to an oversight body that has**
76 **entered into a licensing compact with another state for the regulation of practice under the**
77 **oversight body's jurisdiction.** The provisions of this section shall not be construed to alter the
78 authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or
79 interstate compacts adopted by Missouri statute or any reciprocity agreements with other states~~[-~~
80 ~~If any conflict arises between the provisions of this section and the provisions of any~~
81 ~~interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact~~
82 ~~or agreement shall prevail. If a conflict arises between the provisions of this section and any~~
83 ~~federal law or rule, the provisions of the federal law or rule shall prevail]~~ **in effect on August**
84 **28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict**
85 **between it and any compact, or any reciprocity agreements with other states in effect on**
86 **August 28, 2018.**

87 ~~[10. For the purposes of this section, resident military spouses and nonresident military~~
88 ~~spouses shall be eligible to apply for a license with any board, department, agency, or office of~~
89 ~~a jurisdiction that issues licenses including, but not limited to, the state board of registration for~~
90 ~~the healing arts; the state board of nursing; the board of pharmacy; the state committee of~~
91 ~~psychologists; the Missouri dental board; the Missouri board for architects; professional~~

92 ~~engineers, professional land surveyors, and professional landscape architects; the state board of~~
93 ~~optometry; and the Missouri veterinary medical board.]~~

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

99 **12. The provisions of this section shall not apply to any occupation set forth in**
100 **subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900**
101 **to 324.945.**

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. The term "licensing authority" shall not include the state**
11 **board of education's licensure of teachers pursuant to chapter 168, the Missouri state**
12 **board of accountant's licensure of accountants pursuant to chapter 326, the board of**
13 **podiatric medicine's licensure of podiatrists pursuant to chapter 330, the Missouri dental**
14 **board's licensure of dentists pursuant to chapter 332, the state board of registration for the**
15 **healing art's licensure of physicians and surgeons pursuant to chapter 334, the Missouri**
16 **state board of nursing's licensure of nurses pursuant to chapter 335, the board of**
17 **pharmacy's licensure of pharmacists pursuant to chapter 338, the Missouri real estate**
18 **commission's licensure of real estate brokers, real estate salespersons, or real estate broker-**
19 **salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical**
20 **board's licensure of veterinarian's pursuant to chapter 340, the Missouri director of**
21 **finance appointed pursuant to chapter 361, or the peace officer standards and training**
22 **commission's licensure of peace officers or other law enforcement personnel pursuant to**
23 **chapter 590;**

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

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

27 engaging in any occupation for which a license is required solely or in part because of a
28 prior conviction of a crime in this state or another state, unless the criminal conviction
29 directly relates to the duties and responsibilities for the licensed occupation as set forth in
30 this section or is violent or sexual in nature.

31 **4. Beginning August 28, 2020, applicants for examination of licensure who have**
32 **pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the**
33 **following offenses or offenses of a similar nature established under the laws of this state,**
34 **any other state, United States, or any other country, notwithstanding whether sentence is**
35 **imposed, shall be considered by state licensing authorities to have committed a criminal**
36 **offense that directly relates to the duties and responsibilities of a licensed profession:**

37 **(1) Any murder in the first degree, or dangerous felony as defined under section**
38 **556.061 excluding an "intoxication-related traffic offense" or "intoxication-related boating**
39 **offense" if the person is found to be a "habitual offender" or "habitual boating offender"**
40 **as such terms are defined in section 577.001;**

41 **(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,**
42 **statutory rape in the first degree, statutory rape in the second degree, rape in the second**
43 **degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the**
44 **first degree, statutory sodomy in the second degree, child molestation in the first degree,**
45 **child molestation in the second degree, sodomy in the second degree, deviate sexual assault,**
46 **sexual misconduct involving a child, sexual misconduct in the first degree under section**
47 **566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it**
48 **existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of**
49 **a child, or attempting to entice a child;**

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

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

62 **(5) The offense of delivery of a controlled substance, as provided in section 579.020,**
63 **may be a disqualifying criminal offense for the following occupations: real estate**
64 **appraisers and appraisal management companies, licensed pursuant to sections 339.500**
65 **to 339.549; and nursing home administrators, licensed**
66 **pursuant to chapter 344; and**

67 **(6) Any offense an essential element of which is fraud may be a disqualifying**
68 **criminal offense for the following occupations: private investigators, licensed pursuant to**
69 **sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects,**
70 **licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections**
71 **327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371;**
72 **landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors,**
73 **licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to**
74 **chapter 333; real estate appraisers and appraisal management companies, licensed**
75 **pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed**
76 **pursuant to chapter 344.**

77 **5. If an individual is charged with any of the crimes set forth in subsection 4 of this**
78 **section, and is convicted, pleads guilty to, or is found guilty of a lesser included offense and**
79 **is sentenced to a period of incarceration, such conviction shall only be considered by state**
80 **licensing authorities as a criminal offense that directly relates to the duties and**
81 **responsibilities of a licensed profession for four years, beginning on the date such**
82 **individual is released from incarceration.**

83 **6. (1) Licensing authorities shall only list criminal convictions that are directly**
84 **related to the duties and responsibilities for the licensed occupation.**

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

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

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

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

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

95 **(3) If an individual has a valid criminal conviction for a criminal offense that could**
96 **disqualify the individual from receiving a license, the disqualification shall not apply to an**

97 individual who has been exonerated for a crime for which he or she has previously been
98 convicted of or incarcerated.

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

108 8. (1) If a licensing authority denies an individual a license solely or in part because
109 of the individual's prior conviction of a crime, the licensing authority shall notify the
110 individual in writing of the following:

- 111 (a) The grounds and reasons for the denial or disqualification;
112 (b) That the individual has the right to a hearing as provided by chapter 621 to
113 challenge the licensing authority's decision;
114 (c) The earliest date the person may reapply for a license; and
115 (d) That evidence of rehabilitation may be considered upon reapplication.

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

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

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

1 **324.025. 1. The provisions of this section shall be known and may be cited as the**
2 **"Expanded Workforce Access Act of 2020".**

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

4 **(1) "Apprenticeship", a program that the United States Department of Labor**
5 **deems to meet the federal guidelines set out in 29 CFR Part 29 and 29 U.S.C. Section 50;**

6 **(2) "License", a license, certificate, registration, permit, or accreditation that**
7 **enables a person to legally practice an 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 **3. Beginning January 1, 2021, within the parameters established under the federal**
12 **Labor Standards For the Registration of Apprenticeship Programs under 29 CFR Part 29**
13 **and 29 U.S.C. Section 50, each state licensing authority shall grant a license to any**
14 **applicant who meets the following criteria:**

15 **(1) Successfully completed the eighth grade;**

16 **(2) Completed an apprenticeship approved by the division of professional**
17 **registration or the United States Department of Labor, or otherwise permitted under state**
18 **or federal law; and**

19 **(3) Passed an examination, if one is deemed to be necessary, by the appropriate**
20 **licensing authority.**

21 **4. (1) The appropriate licensing authority shall establish a passing score for any**
22 **necessary examinations under the apprenticeship program which shall not exceed any**
23 **passing scores that are otherwise required for a non-apprenticeship license for the specific**
24 **profession.**

25 **(2) If there is no examination requirement for a non-apprenticeship license, no**
26 **examination shall be required for applicants who complete an apprenticeship.**

27 **(3) The number of working hours required for a competency-based apprenticeship**
28 **or a hybrid apprenticeship under 29 CFR 29.5 shall not exceed the number of educational**
29 **hours otherwise required for a non-apprenticeship license for the specific profession.**

30 **5. Any department with oversight over a licensing authority may promulgate all**
31 **necessary rules and regulations for the implementation of this section. Any rule or portion**
32 **of a rule, as that term is defined in section 536.010, that is created under the authority**
33 **delegated in this section shall become effective only if it complies with and is subject to all**
34 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
35 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
36 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**

37 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
38 any rule proposed or adopted after August 28, 2020, shall be invalid and void.

39 6. The provisions of this section shall not apply to any occupation set forth in
40 section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

324.035. 1. No board, commission, or committee within the division of professional
2 registration shall utilize occupational fees, or any other fees associated with licensing
3 requirements, or contract or partner with any outside vendor or agency for the purpose
4 of offering continuing education classes.

5 2. Nothing in this section shall be construed to preclude a board, commission, or
6 committee within the division of professional registration from utilizing occupational
7 licensure fees for the purpose of participating in conferences, seminars, or other outreach
8 for the purpose of communicating information to licensees with respect to changes in
9 policy, law, or regulations.

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
16 States, **or of any country**, for any offense [reasonably] **directly** related to the [qualifications,
17 functions or] duties [of any profession licensed or regulated by sections 324.050 to 324.089, for
18 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
19 offense involving moral turpitude,] **and responsibilities of the occupation, as set forth in**
20 **section 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 of 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 of 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 of 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 of 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 **of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions,~~
13 ~~or]~~ duties ~~[of any profession that is licensed or regulated under sections 324.520 to 324.526, and~~
14 ~~the 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**
18 **of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions,~~
19 ~~or]~~ duties ~~[of any profession licensed or regulated by sections 324.900 to 324.945, for any~~
20 ~~offense an essential element of which is fraud, dishonesty, or an act of violence,]~~ **and**
21 **responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or
22 not sentence is 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, of the United States, or of any country, for any offense directly**
11 **related 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, of the United States, or of any country, for any offense directly**
 14 **related 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.

326.277. 1. **Prior to June 30, 2021**, for an applicant to be eligible to apply for the
 2 examination, the applicant shall fulfill the education requirements of subdivision (4) of
 3 subsection 1 of section 326.280.

4 **2. On or after June 30, 2021, for an applicant to be eligible to apply for the**
 5 **examination, the applicant shall:**

6 **(1) Provide proof that the applicant has completed at least one hundred twenty**
 7 **semester hours of college education at an accredited college or university recognized by the**
 8 **board, with an accounting concentration or equivalent as determined by the board by rule;**

9 **(2) Be at least eighteen years of age; and**

10 **(3) Be of good moral character.**

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

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

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

6 (3) Is of good moral character;

7 (4) Either:

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

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

17 (5) Has passed an examination in accounting, auditing and such other related subjects
18 as the board shall determine is appropriate; and

19 (6) Has had one year of experience. Experience shall be verified by a licensee and shall
20 include any type of service or advice involving the use of accounting, attest, compilation,
21 management advisory, financial advisory, tax or consulting skills including governmental
22 accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning
23 the verifying licensee's review of the applicant's experience.

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

26 3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the
27 laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280
28 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections
29 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286
30 for renewal of licenses.

31 4. Upon application, the board may issue a temporary license to an applicant pursuant
32 to this subsection for a person who has made a prima facie showing that the applicant meets all
33 of the requirements for a license and possesses the experience required. The temporary license
34 shall be effective only until the board has had the opportunity to investigate the applicant's
35 qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that
36 the applicant's application for a license has been granted or rejected. In no event shall a
37 temporary license be in effect for more than twelve months after the date of issuance nor shall
38 a temporary license be reissued to the same applicant. No fee shall be charged for a temporary
39 license. The holder of a temporary license which has not expired, been suspended or revoked
40 shall be deemed to be the holder of a license issued pursuant to this section until the temporary
41 license expires, is terminated, suspended or revoked.

42 5. **Prior to June 30, 2021**, an applicant for an examination who meets the educational
43 requirements of subdivision (4) of subsection 1 of this section or who reasonably expects to meet
44 those requirements within sixty days after the examination shall be eligible for examination if
45 the applicant also meets the requirements of subdivisions [~~(1)~~] (2) and (3) of subsection 1 of this
46 section. For an applicant admitted to examination on the reasonable expectation that the
47 applicant will meet the educational requirements within sixty days, no license shall be issued nor

48 credit for the examination or any part thereof given unless the educational requirement is in fact
49 met within the sixty-day period.

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

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

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

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

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

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

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

15 (c) It performs such services through an individual with practice privileges under section
16 326.283; and

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

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

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

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

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

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

29 a. Sole proprietorships;

30 b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural
31 person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or
32 326.286;

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

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

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

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

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

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

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

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

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

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

62 (d) The firm complies with other requirements as the board may impose by rule;

63 (3) Any licensee who is responsible for supervising attest services, or signs or authorizes
64 someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet
65 competency requirements as determined by the board by rule which shall include one year of
66 experience in addition to the experience required under subdivision (6) of subsection 1 of section
67 326.280 and shall be verified by a licensee. The additional experience required by this
68 subsection shall include experience in attest work supervised by a licensee.

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

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

74 (1) The legal form of the firm;

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

77 (3) Any other matter.

78

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

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

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

101 9. The board shall require by rule, as a condition to the renewal of permits, that firms
102 undergo, no more frequently than once every three years, peer reviews conducted in a manner
103 as the board shall specify. The review shall include a verification that individuals in the firm
104 who are responsible for supervising attest and compilation services or sign or authorize someone

105 to sign the accountant's report on the financial statements on behalf of the firm meet the
106 competency requirements set out in the professional standards for such services, provided that
107 any such rule:

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

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

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

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

123 11. **Notwithstanding any other provision in this section, the board may obtain the**
124 **following information regarding peer review from any approved American Institute for**
125 **Certified Public Accountants peer review program:**

126 (1) **The firm's name and address;**

127 (2) **The firm's dates of enrollment in the program;**

128 (3) **The date of acceptance and the period covered by the firm's most recently**
129 **accepted peer review; and**

130 (4) **If applicable, whether the firm's enrollment in the program has been dropped**
131 **or terminated.**

132 12. In connection with proceedings before the board or upon receipt of a complaint
133 involving the licensee performing peer reviews, the board shall not have access to any documents
134 furnished or generated in the course of the performance of the peer reviews except for peer
135 review reports, letters of comment and summary review memoranda. The documents shall be
136 furnished to the board only in a redacted manner that does not specifically identify any firm or
137 licensee being peer reviewed or any of their clients.

138 [~~12.~~] 13. The peer review processes shall be operated and the documents generated
139 thereby be maintained in a manner designed to preserve their confidentiality. No third party,
140 other than the oversight body, the board, subject to the provisions of subsection [~~12~~] 12 of this

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

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
2 pursuant to this chapter 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 the applicant's 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 or certificate of
8 authority required by this chapter or any person who has failed to renew or has surrendered such
9 person's license or certificate of authority, for any one or any combination of the following
10 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
16 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
17 ~~functions or]~~ **duties** ~~[of any profession licensed or regulated under this chapter, 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 license or
22 certificate of authority issued pursuant to this chapter or in obtaining permission to take any
23 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 license or certificate of authority, or allowing
32 any person to use his or her license or certificate of authority, or diploma from any school;

33 (8) Disciplinary action against the holder of a license or a certificate of authority, or other
34 right to practice any profession regulated by this chapter granted by another state, territory,
35 federal agency or country upon grounds for which revocation or suspension is authorized in this
36 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
16 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
17 ~~functions or]~~ **duties** ~~[of any profession licensed or regulated under this chapter, 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 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
16 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
17 ~~functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, 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 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 [ø] , of the United
16 States, **or of any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications;~~
17 ~~functions or~~] duties [~~of any profession licensed or regulated under this chapter, 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 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)~~ (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
41 States, **or of any country**, for any offense [reasonably] **directly** related to the [qualifications,
42 ~~functions, or~~] duties [of an anesthesiologist assistant, for any offense for which an essential
43 ~~element is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,~~
44 **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether
45 or 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
27 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
28 ~~functions, or]~~ duties ~~[of a physical therapist or physical therapist assistant, for any offense an~~
29 ~~essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving~~
30 ~~moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012,**
31 **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 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 of any country**, for any offense ~~[reasonably]~~ **directly** related to
7 the ~~[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.

334.702. As used in sections 334.700 to 334.725, unless the context clearly requires
2 otherwise, the following terms mean:

3 (1) "Athlete", [~~a person who participates in a sanctioned amateur or professional sport~~
4 ~~or recreational sport activity~~] **any person who engages in exercise, recreation, sport, or other**
5 **activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina;**

6 (2) "Athletic trainer", a ~~[person]~~ **health care professional** who meets the qualifications
7 of section 334.708 and who, upon the direction of ~~[the team physician and/or]~~ a consulting
8 physician~~[-practices prevention]~~ **licensed under this chapter, promotes health and wellness,**
9 **provides injury and illness prevention, clinical evaluation and assessment,** emergency care,
10 first aid, treatment, or physical rehabilitation of injuries incurred by athletes, **and oversees**
11 **return to performance activity for athletes** in the manner, means, and methods deemed
12 necessary to effect care ~~[or]~~, rehabilitation, ~~[or both]~~ **or function, and that are congruent with**
13 **the athletic trainer's education, training, and competence. When billing a third party**
14 **payer, an athletic trainer shall only bill such third party payer for services within the scope**
15 **of practice of a licensed athletic trainer;**

16 (3) "Athletic training student", a person enrolled in a professional athletic training
17 degree program accredited by the Commission on Accreditation of Athletic Training
18 Education, or its successor agency;

19 ~~[(3)]~~ (4) "Board", the Missouri board for the healing arts;

20 ~~[(4)]~~ (5) "Committee", the Missouri athletic ~~[trainers]~~ **trainer** advisory committee;

21 ~~[(5)]~~ (6) "Division", the division of professional registration **within the department of**
22 **commerce and insurance;**

23 ~~[(6)] "Student athletic trainer", a person who assists in the duties usually performed by~~
24 ~~a licensed athletic trainer and who works under the direct supervision of a licensed athletic~~
25 ~~trainer.]~~

26 (7) "Physically active individual", any person who engages in exercise, recreation,
27 sport, or other activity requiring physical strength, agility, flexibility, range of motion,
28 speed, or stamina.

334.703. 1. An athletic trainer shall refer any individual whose medical condition
2 is beyond the scope of the athletic trainer's education, training, and competence to a
3 physician as defined in section 334.400.

4 2. If there is no improvement in an individual who has sustained an athletic injury
5 within twenty-one days of initiation of treatment, or ten visits, the athletic trainer shall
6 refer the individual to a physician as defined in section 334.400.

7 3. The practice of athletic training shall not include the reconditioning or
8 rehabilitation of systemic neurologic or cardiovascular injuries, conditions, or diseases,
9 except for an athlete participating in a sanctioned amateur or professional sport or
10 recreational sport activity under the supervision of the treating physician.

11 4. Nothing in this section shall be construed as to limit the ability of athletic trainers
12 to provide health care services in accordance with the provisions of this chapter.

334.704. No person shall hold himself or herself out as an athletic trainer ~~[in this state]~~
 2 , **or to be practicing athletic training, by title or description, including the words athletic**
 3 **trainer (AT), licensed athletic trainer (LAT), athletic therapist, or certified athletic trainer**
 4 **(ATC)**, unless such person has been licensed as such under the provisions of sections 334.700
 5 to 334.725.

334.706. 1. The board shall license applicants who meet the qualifications for athletic
 2 trainers, who file for licensure, and who pay all fees required for this licensure.

3 2. The board shall:

4 (1) Prescribe application forms to be furnished to all persons seeking licensure pursuant
 5 to sections 334.700 to 334.725;

6 (2) Prescribe the form and design of the licensure to be issued pursuant to sections
 7 334.700 to 334.725;

8 (3) Set the fee for licensure and renewal thereof;

9 (4) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and
 10 of all athletic trainers licensed in this state;

11 (5) ~~[Annually prepare]~~ **Make available** a roster of the names and **business** addresses of
 12 all athletic trainers licensed in this state~~], copies of which shall be made available upon request~~
 13 ~~to any person paying the fee therefor]; and~~

14 (6) ~~[Set the fee for the roster at an amount sufficient to cover the actual cost of~~
 15 ~~publishing and distributing the roster;~~

16 ~~——(7)] Appoint members of the Missouri athletic trainer advisory committee[;~~

17 ~~——(8) Adopt an official seal].~~

18 3. The board may:

19 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings
 20 to deny~~], suspend, or revoke] a license or licensure, or to discipline a license;~~

21 (2) Promulgate rules pursuant to chapter 536 in order to carry out the provisions of
 22 sections 334.700 to 334.725;

23 (3) Establish guidelines for athletic trainers in sections 334.700 to 334.725.

24 4. No rule or portion of a rule promulgated under the authority of sections 334.700 to
 25 334.725 shall become effective unless it has been promulgated pursuant to the provisions of
 26 section 536.024.

334.708. 1. Any person seeking licensure pursuant to sections 334.700 to 334.725 after
 2 August 28, 2006, ~~[must be a resident or in the process of establishing residency in this state and]~~
 3 **shall** have passed the ~~[National Athletic Trainers Association]~~ Board of Certification, **Inc.**, or
 4 its successor agency, examination.

5 2. The board shall grant, without examination, licensure to any qualified nonresident
6 athletic trainer holding a license or licensure in another state if such other state recognizes
7 licenses or licensure of the state of Missouri in the same manner.

 334.710. 1. All applications for initial licensure pursuant to sections 334.700 to 334.725
2 shall be submitted on forms prescribed by the board and shall be accompanied by an initial
3 licensure fee. All applications for renewal of licensure issued pursuant to sections 334.700 to
4 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by a
5 renewal fee.

 2. All fees of any kind and character authorized to be charged by the board shall be ~~paid~~
7 ~~to the director of revenue and shall be deposited by the state treasurer into the board for the~~
8 ~~healing arts fund, to be disbursed only in payment for expenses of maintaining the athletic trainer~~
9 ~~licensure program and for the enforcement of the provisions of sections 334.700 to 334.725]~~
10 **collected and deposited pursuant to section 334.050.**

 334.712. 1. Any person who meets the qualifications listed in section 334.708, submits
2 his or her application and fees in accordance with section 334.710, and has not committed any
3 act listed in section 334.715 shall be issued a license pursuant to sections 334.700 to 334.725.

 2. Each license issued pursuant to sections 334.700 to 334.725 shall contain the name
5 of the person to whom it was issued, the date on which it was issued and such other information
6 as the board deems advisable. All licenses issued pursuant to sections 334.700 to 334.725 shall
7 expire on ~~[January thirtieth of each year]~~ **a schedule established by rule.**

 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]~~ **Trainers'** Association or the ~~[National Athletic Trainers~~
27 ~~Association]~~ Board of Certification, **Inc.**, or its successor agency, as adopted and published by
28 the committee and the board and filed with the secretary of state; or

29 (3) Any cause listed in section 334.100.

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

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

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

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

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

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

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

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

46 (8) Revoke the person's license.

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

50 5. Before restoring to good standing a license, certificate, or permit issued under this
51 chapter which has been in a revoked, suspended, or inactive state for any cause for more than two

52 years, the board may require the applicant to attend such continuing education courses and pass
53 such examinations as the board may direct.

334.717. 1. There is hereby created the "Missouri Athletic Trainer Advisory
2 Committee", to be composed of ~~[five]~~ **six** members to be appointed by the board.

3 2. The athletic trainer advisory committee shall:

4 (1) Assist the board in conducting ~~[examinations]~~ **evaluations** for applicants of athletic
5 trainer licensure;

6 (2) Advise the board on all matters pertaining to the licensure of athletic trainers;

7 (3) Review all complaints and/or investigations wherein there is a possible violation of
8 sections **334.100**, 334.700 to 334.725, or regulations promulgated pursuant thereto and make
9 recommendations to the board for action;

10 (4) Follow the provisions of the board's administrative practice procedures in conducting
11 all official duties.

12 3. ~~[Each]~~ **The** athletic trainer advisory committee ~~[member]~~ shall **be comprised as such:**

13 (1) **Each member shall** be a citizen of the United States and a resident of the state of
14 Missouri for five years ~~[next]~~ **immediately** preceding appointment **and remain a resident of**
15 **the state of Missouri throughout the term;** and

16 (2) ~~[Be comprised of]~~ Three **members shall be** licensed athletic trainers ~~[except for~~
17 ~~initial appointees]~~; and

18 (3) One member shall be a physician duly licensed by the Missouri state board for the
19 healing arts; and

20 (4) One member shall be a general public member; **and**

21 **(5) One member shall be a member of the board.**

22 4. ~~[Except for the initial appointees,]~~ Members shall hold office for terms of six years.

23 ~~[The board shall designate one member for a term expiring in 1984, one member for a term~~
24 ~~expiring in 1985, one member for a term expiring in 1986, one member for a term expiring in~~
25 ~~1987, and one member for a term expiring in 1988.]~~ In the event of death, resignation, or
26 removal of any member, the vacancy of the unexpired term shall be filled by the board in the
27 same manner as the other appointments.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the
2 practice of medicine by any person not licensed by the state board of registration for the healing
3 arts.

4 2. The provisions of sections 334.700 to 334.725 shall not apply to the following
5 persons:

6 (1) Physicians and surgeons licensed by the state board of registration for the healing arts
7 **pursuant to this chapter;**

- 8 (2) ~~[Dentists licensed by the Missouri dental board who confine their practice strictly to~~
 9 ~~dentistry;~~
- 10 ~~——(3) Optometrists licensed by the state board of optometry who confine their practice~~
 11 ~~strictly to optometry, as defined in section 336.010;~~
- 12 ~~——(4) Nurses licensed by the state board of nursing who confine their practice strictly to~~
 13 ~~nursing as defined in section 335.016;~~
- 14 ~~[(5)]~~ (3) Chiropractors licensed by the state board of chiropractic examiners who confine
 15 themselves strictly to the practice of chiropractic, as defined in section 331.010;
- 16 ~~[(6)]~~ (4) Podiatrists licensed by the ~~[state board of chiropody or podiatry]~~ **state board**
 17 **of podiatric medicine** who confine their practice strictly to that of a podiatrist, as defined in
 18 section 330.010;
- 19 ~~[(7)]~~ (5) Professional physical therapists licensed by the state board of registration for
 20 the healing arts who confine their practice strictly to professional physical therapy, as defined
 21 in section 334.500;
- 22 ~~[(8) Coaches and physical education instructors in the performance of their duties;~~
- 23 ~~——(9)]~~ (6) Athletic training students who confine themselves strictly to their duties as
 24 defined in sections 334.700 to 334.725;
- 25 ~~[(10)]~~ (7) Athletic trainers, **holding a valid credential** from other nations, states, or
 26 territories performing their duties for their respective teams or organizations if they restrict their
 27 duties only to their teams or organizations and only during the course of their teams' or
 28 organizations' ~~[stay]~~ **visit, not to exceed thirty days in one calendar year**, in this state.
- 334.725. Any person who violates any provision of sections 334.700 to 334.725 is guilty
 2 of a misdemeanor and, upon conviction thereof, shall be punished as for a class ~~[C]~~ **B**
 3 misdemeanor.
- 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
16 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
17 ~~functions or]~~ duties ~~[of a respiratory care practitioner, for any offense an essential element is~~
18 ~~fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and**
19 **responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or
20 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 334.800 to 334.930 or in
23 obtaining permission to take any examination given or required pursuant to sections 334.800 to
24 334.930;
- 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 a respiratory care practitioner;
- 29 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
30 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to
31 334.930;
- 32 (7) Impersonation of any person holding a certificate of registration or authority, permit
33 or license or allowing any person to use his or her certificate of registration or authority, permit,
34 license or diploma from any school;
- 35 (8) Disciplinary action against the holder of a license or other right to practice any
36 profession regulated by sections 334.800 to 334.930 granted by another state, territory, federal
37 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 38 (9) A person if finally adjudged insane or incompetent by a court of competent
39 jurisdiction;
- 40 (10) Assisting or enabling any person to practice or offer to practice as a respiratory care
41 practitioner who is not registered and currently eligible to practice pursuant to sections 334.800
42 to 334.930;
- 43 (11) Issuance of a certificate of registration or authority, permit or license based upon
44 a material mistake of fact;
- 45 (12) Violation of any professional trust or confidence;

46 (13) 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 (14) Committing unethical conduct as defined in the ethical standards for respiratory care
 49 practitioners adopted by the division and filed with the secretary of state; or

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

52 3. 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 board may, singly or in combination, censure or place the person named in the complaint on
 56 probation with such terms and conditions as the board deems appropriate for a period not to
 57 exceed five years, or may suspend, for a period not to exceed three years, or may revoke the
 58 license, certificate or permit.

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

63 5. Any person who violates any of the provisions of sections 334.800 to 334.930 is guilty
 64 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.

336.080. 1. Every licensed optometrist who continues in active practice or service shall, on or before the renewal date, renew his or her license and pay the required renewal fee and present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two hours of board-approved continuing education, or their equivalent during the preceding two-year continuing education reporting period as established by rule and regulation. **As part of the thirty-two hours of continuing education, a licensed optometrist shall be required to obtain two hours in the area of Missouri jurisprudence, as approved by the board.** The continuing education requirement may be waived by the board upon presentation to it of satisfactory evidence of the illness of the optometrist or for other good cause as defined by rule and regulation. The board shall not reject any such application if approved programs are not available within the state of Missouri. Every license which has not been renewed on or before the renewal date shall expire.

2. Any licensed optometrist who permits his or her license to expire may renew it within five years of expiration upon payment of the required reactivation fee and presentation of satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours of board-approved continuing education, or their equivalent, during the five years.

336.110. 1. The board may refuse to issue any certificate of registration or authority, permit or license 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 his right to file a complaint with the administrative hearing commission as provided by chapter 621.

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

(1) Use of any controlled substance, as defined in chapter 195, 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 of 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;

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.

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

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

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

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

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

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

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

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

19 ~~[(5)]~~ (4) Holds a current certificate of professional qualification (CPQ) issued by the
20 Association of State and Provincial Psychology Boards (ASPPB).

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

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

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

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

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

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
16 States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
17 ~~functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, 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 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.

337.050. 1. There is hereby created and established a "State Committee of
2 Psychologists", which shall consist of seven licensed psychologists and one public member. The
3 state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this
4 section shall be construed to prevent the appointment of any current member of the state
5 committee of psychologists to the new state committee of psychologists created on August 28,
6 1989.

7 2. Appointments to the committee shall be made by the governor upon the
8 recommendations of the director of the division, upon the advice and consent of the senate. The
9 division, prior to submitting nominations, shall solicit nominees from professional psychological
10 associations and licensed psychologists in the state. The term of office for committee members
11 shall be five years, and committee members shall not serve more than ten years. No person who
12 has previously served on the committee for ten years shall be eligible for appointment. In
13 making initial appointments to the committee, the governor shall stagger the terms of the
14 appointees so that two members serve initial terms of two years, two members serve initial terms
15 of three years, and two members serve initial terms of four years.

16 3. Each committee member shall be a resident of the state of Missouri for one year, shall
17 be a United States citizen, and shall, other than the public member, have been licensed as a
18 psychologist in this state for at least three years. Committee members shall reflect a diversity
19 of practice specialties. To ensure adequate representation of the diverse fields of psychology,
20 the committee shall consist of at least two psychologists who are engaged full time in the
21 doctoral teaching and training of psychologists, and at least two psychologists who are engaged
22 full time in the professional practice of psychology. In addition, the first appointment to the
23 committee shall include at least one psychologist who shall be licensed on the basis of a master's
24 degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall
25 be construed to prohibit full membership rights on the committee for psychologists licensed on
26 the basis of a master's degree. If a member of the committee shall, during the member's term as
27 a committee member, remove the member's domicile from the state of Missouri, then the
28 committee shall immediately notify the director of the division, and the seat of that committee

29 member shall be declared vacant. All such vacancies shall be filled by appointment of the
30 governor with the advice and consent of the senate, and the member so appointed shall serve for
31 the unexpired term of the member whose seat has been declared vacant.

32 4. The public member shall be at the time of the public member's appointment a citizen
33 of the United States; a resident of this state for a period of one year and a registered voter; a
34 person who is not and never was a member of any profession licensed or regulated pursuant to
35 sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and
36 never has had a material, financial interest in either the providing of the professional services
37 regulated by sections 337.010 to 337.093, or an activity or organization directly related to any
38 profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the
39 public member shall not include the determination of the technical requirements to be met for
40 licensure or whether any person meets such technical requirements or of the technical
41 competence or technical judgment of a licensee or a candidate for licensure.

42 5. The committee shall hold a regular annual meeting at which it shall select from among
43 its members a chairperson and a secretary. A quorum of the committee shall consist of a
44 majority of its members. In the absence of the chairperson, the secretary shall conduct the office
45 of the chairperson.

46 6. Each member of the committee shall receive, as compensation, an amount set by the
47 division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall
48 be entitled to reimbursement for necessary and actual expenses incurred in the performance of
49 the member's official duties.

50 7. Staff for the committee shall be provided by the director of the division of professional
51 registration.

52 8. The governor may remove any member of the committee for misconduct, inefficiency,
53 incompetency, or neglect of office.

54 9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the
55 division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to
56 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may
57 promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which
58 rules shall be based upon the ethical principles promulgated and published by the American
59 Psychological Association.

60 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
61 promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only
62 if the agency has fully complied with all of the requirements of chapter 536 including but not
63 limited to section 536.028 if applicable, after August 28, 1998. All rulemaking authority
64 delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998,

65 however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted
66 and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the
67 provisions of this section are nonseverable and if any of the powers vested with the general
68 assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and
69 annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of
70 rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be
71 invalid and void, except that nothing in this act shall affect the validity of any rule adopted and
72 promulgated prior to August 28, 1998.

73 11. The committee may sue and be sued in its official name, and shall have a seal which
74 shall be affixed to all certified copies or records and papers on file, and to such other instruments
75 as the committee may direct. All courts shall take judicial notice of such seal. Copies of records
76 and proceedings of the committee, and of all papers on file with the division on behalf of the
77 committee certified under the seal shall be received as evidence in all courts of record.

78 12. When applying for a renewal of a license pursuant to section 337.030, each licensed
79 psychologist shall submit proof of the completion of at least forty hours of continuing education
80 credit within the two-year period immediately preceding the date of the application for renewal
81 of the license, **with a minimum of three of the forty hours of continuing education dedicated**
82 **to professional ethics**. The type of continuing education to be considered shall include, but not
83 be limited to:

84 (1) Attending recognized educational seminars, the content of which are primarily
85 psychological, as defined by rule;

86 (2) Attending a graduate level course at a recognized educational institution where the
87 contents of which are primarily psychological, as defined by rule;

88 (3) Presenting a recognized educational seminar, the contents of which are primarily
89 psychological, as defined by rule;

90 (4) Presenting a graduate level course at a recognized educational institution where the
91 contents of which are primarily psychological, as defined by rule; and

92 (5) Independent course of studies, the contents of which are primarily psychological,
93 which have been approved by the committee and defined by rule.

94

95 The committee shall determine by administrative rule the amount of training, instruction,
96 self-instruction or teaching that shall be counted as an hour of continuing education credit.

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
15 States, **or of any country** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
16 ~~functions, or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense~~
17 ~~an essential element of which is fraud, dishonesty or an act of violence, or for any offense~~
18 ~~involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section**
19 **324.012, regardless 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
15 States, **or of any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualifications,~~
16 ~~functions or~~] duties [~~of a professional counselor, for any offense an essential element of which~~
17 ~~is fraud, 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, of the United States, or of 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 of 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 ~~impediment,~~ **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, of the United States, or of 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 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, of the United States, or of 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, of the United States, or of 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, of the United States, or of 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 of any**
17 **country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties
18 ~~[of a marital and family therapist, for any offense an essential element of which 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 license issued
23 pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to take any
24 examination given or required pursuant to the provisions of sections 337.700 to 337.739;

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 marital and family therapist;

29 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
30 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to
31 337.739;

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 marital and family
35 therapy granted by another state, territory, federal agency or country upon grounds for which
36 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 marital and family
39 therapy who is not licensed and is not currently eligible to practice under the provisions of
40 sections 337.700 to 337.739;

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 337.700 to 337.739 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 marital and
48 family therapists 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 under sections 337.700 to 337.739 and who does so in good faith
51 shall not be subject to an action for civil damages as a result thereof.

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

338.220. 1. It shall be unlawful for any person, copartnership, association, corporation
2 or any other business entity to open, establish, operate, or maintain any pharmacy as defined by
3 statute without first obtaining a permit or license to do so from the Missouri board of pharmacy.
4 A permit shall not be required for an individual licensed pharmacist to perform nondispensing
5 activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be
6 required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by
7 protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits
8 or licenses are hereby established:

9 (1) Class A: Community/ambulatory;

10 (2) Class B: Hospital pharmacy;

11 (3) Class C: Long-term care;

12 (4) Class D: Nonsterile compounding;

13 (5) Class E: Radio pharmaceutical;

14 (6) Class F: Renal dialysis;

15 (7) Class G: Medical gas;

16 (8) Class H: Sterile product compounding;

- 17 (9) Class I: Consultant services;
18 (10) Class J: Shared service;
19 (11) Class K: Internet;
20 (12) Class L: Veterinary;
21 (13) Class M: Specialty (bleeding disorder);
22 (14) Class N: Automated dispensing system (health care facility);
23 (15) Class O: Automated dispensing system (ambulatory care);
24 (16) Class P: Practitioner office/clinic;
25 **(17) Class Q: Charitable pharmacy.**

26 2. Application for such permit or license shall be made upon a form furnished to the
27 applicant; shall contain a statement that it is made under oath or affirmation and that its
28 representations are true and correct to the best knowledge and belief of the person signing same,
29 subject to the penalties of making a false affidavit or declaration; and shall be accompanied by
30 a permit or license fee. The permit or license issued shall be renewable upon payment of a
31 renewal fee. Separate applications shall be made and separate permits or licenses required for
32 each pharmacy opened, established, operated, or maintained by the same owner.

33 3. All permits, licenses or renewal fees collected pursuant to the provisions of sections
34 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of
35 pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the
36 provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general
37 assembly.

38 4. Class L: veterinary permit shall not be construed to prohibit or interfere with any
39 legally registered practitioner of veterinary medicine in the compounding, administering,
40 prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical
41 product to be used for animals.

42 5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this
43 section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used
44 for treating animals.

45 6. A "class B hospital pharmacy" shall be defined as a pharmacy owned, managed, or
46 operated by a hospital as defined by section 197.020 or a clinic or facility under common control,
47 management or ownership of the same hospital or hospital system. This section shall not be
48 construed to require a class B hospital pharmacy permit or license for hospitals solely providing
49 services within the practice of pharmacy under the jurisdiction of, and the licensure granted by,
50 the department of health and senior services under and pursuant to chapter 197.

51 7. Upon application to the board, any hospital that holds a pharmacy permit or license
52 on August 28, 2014, shall be entitled to obtain a class B pharmacy permit or license without fee,
53 provided such application shall be submitted to the board on or before January 1, 2015.

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, for any offense reasonably related to the qualifications, functions or duties of any
77 profession licensed or regulated under this chapter, **or** for any offense an essential element of
78 which is fraud, dishonesty or an act of violence, ~~[or for any offense involving moral turpitude,]~~
79 whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

116 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall
117 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has
118 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the
119 following offenses or offenses of a similar nature established under the laws of this, any other
120 state, the United States, or any other country, notwithstanding whether sentence is imposed:

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

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

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

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

141 (5) Mortgage fraud as defined in section 570.310.

142 6. A person whose license was revoked under subsection 5 of this section may appeal
143 such revocation to the administrative hearing commission. Notice of such appeal must be
144 received by the administrative hearing commission within ninety days of mailing, by certified
145 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
146 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
147 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
148 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 issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any state-certified real estate appraiser, state-licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management company that is a legal entity other than a natural person, any person who is a controlling person as defined in this chapter, or any person who has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by sections 339.500 to 339.549;

(3) Paying money or other valuable consideration, other than as provided for by section 339.513, to any member or employee of the commission to procure a certificate or license pursuant to sections 339.500 to 339.549;

(4) 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 of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or] duties [of any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of which an essential element 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;

(5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.549;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice 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 **of the United States, or of 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.

344.030. 1. An applicant for an initial license shall file a completed application with the
2 board on a form provided by the board, accompanied by an application fee as provided by rule
3 payable to the department of health and senior services. Information provided in the application
4 shall be attested by signature to be true and correct to the best of the applicant's knowledge and
5 belief.

6 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
27 the United States, **or of 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
2 shall submit the application fee and shall furnish evidence of such person's [~~good moral and~~
3 ~~ethical character,~~] current competence and shall:

4 (1) Hold a master's or a doctoral degree from a program accredited by the Council on
5 Academic Accreditation of the American Speech-Language-Hearing Association or other
6 accrediting agency approved by the board in the area in which licensure is sought;

7 (2) Submit official transcripts from one or more accredited colleges or universities
8 presenting evidence of the completion of course work and clinical practicum requirements
9 equivalent to that required by the Council on Academic Accreditation of the American
10 Speech-Language-Hearing Association or other accrediting agency approved by the board; and

11 (3) Pass an examination promulgated or approved by the board. The board shall
12 determine the subject and scope of the examinations.

13 2. To be eligible for licensure by the board without examination, each applicant shall
14 make application on forms prescribed by the board, submit the application fee [~~and shall be of~~
15 ~~good moral and ethical character,~~] submit an activity statement and meet one of the following
16 requirements:

17 (1) The board shall issue a license to any speech-language pathologist or audiologist who
18 is licensed in another country and who has had no violations, suspension or revocations of a
19 license to practice speech-language pathology or audiology in any jurisdiction; provided that,
20 such person is licensed in a country whose requirements are substantially equal to, or greater
21 than, Missouri at the time the applicant applies for licensure; or

22 (2) Hold the certificate of clinical competence issued by the American
23 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 a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license or registration seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 345.010 to 345.080;

(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 of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or] duties [of any profession licensed or regulated pursuant to sections 345.010 to 345.080, 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 certificate of 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 [øø] , of the United

16 States, **or of any country**, for any offense [~~reasonably~~] **directly** related to the [~~qualification;~~
17 ~~functions or~~] duties [~~of any profession licensed or regulated under this chapter, 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 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, of the**
10 **United States, or of 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.

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

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

6 ~~(2) "Nonresident military spouse", a nonresident spouse of an active~~
 7 ~~duty member of the Armed Forces of the United States who has been~~
 8 ~~transferred or is scheduled to be transferred to the state of Missouri, or who~~
 9 ~~has been transferred or is scheduled to be transferred to an adjacent state~~
 10 ~~and is or will be domiciled in the state of Missouri, or has moved to the state~~
 11 ~~of Missouri on a permanent change-of-station basis;~~

12 ~~(3) "Oversight body", any board, department, agency, or office of a~~
 13 ~~jurisdiction that issues licenses; except, for the purposes of this section, oversight~~
 14 ~~body shall not include the state board of registration for the healing arts, the state~~
 15 ~~board of nursing, the board of pharmacy, the state committee of psychologists,~~
 16 ~~the Missouri dental board, the Missouri board for architects, professional~~
 17 ~~engineers, professional land surveyors and professional landscape architects, the~~
 18 ~~state board of optometry, or the Missouri veterinary medical board;~~

19 ~~(4) "Resident military spouse", a spouse of an active duty member~~
 20 ~~of the Armed Forces of the United States who has been transferred or is~~
 21 ~~scheduled to be transferred to the state of Missouri or an adjacent state and~~
 22 ~~who is a permanent resident of the state of Missouri, who is domiciled in the~~
 23 ~~state of Missouri, or who has Missouri as his or her home of record.~~

24 ~~2. Any person who is a resident of Missouri, a resident military~~
 25 ~~spouse, or a nonresident military spouse and who holds a valid current license~~
 26 ~~issued by another state, territory of the United States, or the District of Columbia~~
 27 ~~may submit an application for a license in Missouri in the same occupation or~~
 28 ~~profession for which he or she holds the current license, along with proof of~~
 29 ~~current licensure in [the] all other [jurisdiction] jurisdictions, to the relevant~~
 30 ~~oversight body in this state.~~

31 ~~3. The oversight body in this state shall,] :~~

32 ~~(1) Within six months of receiving an application described in subsection~~
 33 ~~2 of this section from a resident of Missouri, waive any examination,~~
 34 ~~educational, or experience requirements for licensure in this state for the~~
 35 ~~applicant if it determines that the licensing requirements in the jurisdiction that~~
 36 ~~issued the applicant's license are substantially similar to or more stringent than~~
 37 ~~the licensing requirements in Missouri for the same occupation or profession and~~
 38 ~~shall issue such applicant a license under this section if such applicant~~
 39 ~~otherwise meets the requirements of this section; or~~

40 ~~(2) Within thirty days of receiving an application described in~~
41 ~~subsection 2 of this section from a nonresident military spouse or a resident~~
42 ~~military spouse, waive any examination, educational, or experience~~
43 ~~requirements for licensure in this state for the applicant and issue such~~
44 ~~applicant a license under this section if such applicant otherwise meets the~~
45 ~~requirements of this section.~~

46 ~~4. The oversight body shall not waive any examination, educational, or~~
47 ~~experience requirements for any applicant who is currently under disciplinary~~
48 ~~action with an oversight body outside the state or who does not hold a valid~~
49 ~~current license in the other jurisdiction on the date the oversight body receives his~~
50 ~~or her application under this section.~~

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

54 ~~6. Nothing in this section shall prohibit the oversight body from denying~~
55 ~~a license to an applicant under this section for any reason described in any section~~
56 ~~associated with the occupation or profession for which the applicant seeks a~~
57 ~~license.~~

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

61 ~~8. This section shall not apply to business, professional, or occupational~~
62 ~~licenses issued or required by political subdivisions.~~

63 ~~9. The provisions of this section shall not be construed to alter the~~
64 ~~authority granted by, or any requirements promulgated pursuant to, any~~
65 ~~interjurisdictional or interstate compacts adopted by Missouri statute or any~~
66 ~~reciprocity agreements with other states [in effect on August 28, 2018, and~~
67 ~~whenever possible this section shall be interpreted so as to imply no conflict~~
68 ~~between it and any compact, or any reciprocity agreements with other states in~~
69 ~~effect on August 28, 2018]. **If any conflict arises between the provisions of**~~
70 ~~**this section and the provisions of any interjurisdictional or interstate**~~
71 ~~**compact or reciprocity agreement, the provisions of such compact or**~~
72 ~~**agreement shall prevail. If a conflict arises between the provisions of this**~~
73 ~~**section and any federal law or rule, the provisions of the federal law or rule**~~
74 ~~**shall prevail.**~~

75 ~~10. For the purposes of this section, resident military spouses and~~
76 ~~nonresident military spouses shall be eligible to apply for a license with any~~
77 ~~board, department, agency, or office of a jurisdiction that issues licenses~~
78 ~~including, but not limited to, the state board of registration for the healing~~
79 ~~arts; the state board of nursing; the board of pharmacy; the state committee~~
80 ~~of psychologists; the Missouri dental board; the Missouri board for~~
81 ~~architects, professional engineers, professional land surveyors, and~~

82 ~~professional landscape architects; the state board of optometry; and the~~
83 ~~Missouri veterinary medical board.]~~
84

2 ~~[334.719. Any person who is a resident of this state and who was actively~~
3 ~~engaged as an athletic trainer on September 28, 1983, shall be entitled to continue~~
4 ~~to practice as such but, within six months of that date, comply with the provisions~~
5 ~~of section 334.708 to 334.715. For the purposes of this section a person is~~
6 ~~actively engaged as an athletic trainer if he is employed on a salary basis by an~~
7 ~~educational institution, a professional athletic organization, or any other bona fide~~
8 ~~athletic organization for the duration of the institutional year or the athletic~~
9 ~~organization's season, and one of his job responsibilities requires him to perform~~
~~the duties of an athletic trainer.]~~

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