

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 567
91ST GENERAL ASSEMBLY

Reported from the Committee on Professional Registration and Licensing, February 15, 2001, with recommendation that the House Committee Substitute for House Bill No. 567 Do Pass.

TED WEDEL, Chief Clerk

1484L.03C

AN ACT

To repeal sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.205, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.040, 329.085, 329.190, 329.210, 331.050, 334.625, 334.749, 334.890, 337.612, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, relating to professional registration, and to enact in lieu thereof seventy-two new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086,
2 324.177, 324.205, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022,
3 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130,
4 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210,
5 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.381, 327.600, 327.603, 327.605,
6 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629,
7 327.630, 327.631, 329.040, 329.085, 329.190, 329.210, 331.050, 334.625, 334.749, 334.890,
8 337.612, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, are repealed and seventy-two
9 new sections enacted in lieu thereof, to be known as sections 214.275, 214.276, 214.367,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 214.392, 256.459, 324.086, 324.177, 324.205, 324.212, 324.217, 324.243, 324.522, 324.530,
11 326.250, 326.253, 326.256, 326.259, 326.262, 326.265, 326.268, 326.271, 326.274, 326.277,
12 326.280, 326.283, 326.286, 326.289, 326.292, 326.295, 326.298, 326.304, 326.307, 326.310,
13 326.313, 326.316, 326.319, 326.322, 326.325, 326.328, 326.331, 327.011, 327.031, 327.041,
14 327.081, 327.131, 327.381, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.621,
15 327.623, 327.629, 327.630, 327.631, 329.040, 329.085, 329.190, 329.210, 331.032, 331.050,
16 334.625, 334.720, 334.749, 334.890, 337.612, 337.622, 339.090, 345.080 and 620.010, to read
17 as follows:

214.275. 1. No endowed care or nonendowed care cemetery shall be operated in this
2 state unless the owner or operator thereof has a [certificate of authority] **license** issued by the
3 division **and complies with all applicable state, county or municipal ordinances and**
4 **regulations.**

5 2. [The cemetery complies with all applicable state, county or municipal ordinances and
6 regulations.] **It shall not be unlawful for a person who does not have a license to care for**
7 **or maintain the cemetery premises, or to fulfill prior contractual obligations for the**
8 **interment of human remains in burial spaces.**

9 3. [The division shall grant or deny each application for a certificate of authority
10 pursuant to this section within thirty days after it is filed, and no prosecution of any person who
11 has filed an application for such certificate shall be initiated unless it is shown that such
12 application was duly denied by the division and that the owner was duly notified thereof.]
13 **Applications for a license shall be in writing, submitted to the division on forms prescribed**
14 **by the division. The application shall contain such information as the division deems**
15 **necessary and be accompanied by the required fee.**

16 4. [The division may refuse to renew or may suspend or revoke any certificate pursuant
17 to sections 214.270 to 214.516 if it finds, after hearing, that the cemetery does not meet the
18 requirements set forth in sections 214.270 to 214.516 as conditions for the issuance of a
19 certificate, or for the violation by the owner of the cemetery of any of the provisions of section
20 214.276. No new certificate shall be issued to the owner of a cemetery or to any corporation
21 controlled by such owner for three years after the revocation of the certificate of the owner or of
22 a corporation controlled by the owner. Before any action is taken pursuant to this subsection,
23 the procedure for notice and hearing as prescribed by section 214.276 shall be followed.] **Each**
24 **license issued pursuant to sections 214.270 to 214.516 shall be renewed prior to the license**
25 **renewal date established by the division. The division shall issue a new license upon receipt**
26 **of a proper renewal application and the required renewal fee. The required renewal fee**
27 **shall be fifty dollars, plus an assessment for each interment, inurnment or other disposition**
28 **of human remains at a cemetery for which a charge is made, as the division shall by rule**

29 **determine, not to exceed ten dollars per such disposition in the case of an endowed care**
30 **cemetery, and six dollars for such disposition in the case of a nonendowed care cemetery.**
31 **The division shall mail a renewal notice to the last known address of the holder of the**
32 **license prior to the renewal date. The holder of a license shall keep the division advised of**
33 **the holder's current address. The license issued to the owner or operator of a cemetery**
34 **which is not renewed within three months after the license renewal date shall be suspended**
35 **automatically, subject to the right of the holder to have the suspended license reinstated**
36 **within nine months of the date of suspension if the person pays the required reinstatement**
37 **fee. Any license suspended and not reinstated within nine months of the suspension shall**
38 **expire and be void and the holder of such license shall have no rights or privileges provided**
39 **to holders of valid licenses. Any person whose license has expired may, upon**
40 **demonstration of current qualifications and payment of required fees, be reregistered or**
41 **reauthorized under the person's original license number.**

42 **5. The division shall grant or deny each application for a license pursuant to this**
43 **section within ninety days after it is filed, and no prosecution of any person who has filed**
44 **an application for such license shall be initiated unless it is shown that such application was**
45 **denied by the division and the owner was notified thereof.**

46 **6. Upon the filing of a completed application, as defined by rule, the applicant may**
47 **operate the business until the application is acted upon by the division.**

48 **7. Within thirty days after the sale or transfer of ownership or control of a**
49 **cemetery, the transferor shall return his or her license to the division. A prospective**
50 **purchaser or transferee of a cemetery shall file an application for a license at least thirty**
51 **days prior to the sale or transfer of ownership or control of a cemetery and shall be in**
52 **compliance with sections 214.270 to 214.516.**

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

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

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic

13 beverage to an extent that such use impairs a person's ability to perform the work of any
14 profession licensed or regulated by sections 214.270 to 214.516;

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, for any offense reasonably related to the qualifications, functions or duties of any
18 profession licensed or regulated pursuant to sections 214.270 to 214.516, for any offense an
19 essential element of which is fraud, dishonesty or an act of violence, or for any offense involving
20 moral turpitude, whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any [certificate of
22 registration or authority] **license**, issued pursuant to sections 214.270 to 214.516 or in obtaining
23 permission to take any examination given or required pursuant to sections 214.270 to 214.516;

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 regulated by sections 214.270 to
28 214.516;

29 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
30 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to
31 214.516;

32 (7) Impersonation of any person holding a [certificate of registration or authority,]
33 **license** or allowing any person to use his or her [certificate of registration or authority] **license**;

34 (8) Disciplinary action against the holder of a [certificate] **license** or other right to
35 practice any profession regulated by sections 214.270 to 214.516 granted by another state,
36 territory, federal agency or country upon grounds for which revocation or suspension is
37 authorized in this state;

38 (9) A person is 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 any profession
41 licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible
42 to practice pursuant to sections 214.270 to 214.516;

43 (11) Issuance of a [certificate of registration or authority] **license** based upon a material
44 mistake of fact;

45 (12) Failure to display a valid [certificate] **license**;

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) [Violation of any of the provisions of sections 214.270 to 214.516;
50 (16)] Willfully and through undue influence selling a [cemetery lot,] **burial space,**
51 **cemetery** services or merchandise.

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

61 4. Operators of all existing endowed care or nonendowed care cemeteries shall, prior to
62 August twenty-eighth following August 28, 1999, apply for a [certificate of authority] **license**
63 pursuant to this section. All endowed care or nonendowed care cemeteries operating in
64 compliance with sections 214.270 to 214.516 prior to August twenty-eighth following August
65 28, 1999, shall be granted a [certificate of authority] **license** by the division upon receipt of
66 application.

67 5. **The division may settle disputes arising under subsections 2 and 3 of this section**
68 **by consent agreement or settlement agreement between the division and the holder of a**
69 **license. Within such a settlement agreement, the division may singly or in combination,**
70 **impose any discipline or penalties allowed by this section or subsection 4 of section 214.410.**
71 **Settlement of such disputes shall be entered into pursuant to the procedures set forth in**
72 **section 621.045, RSMo.**

214.367. A prospective purchaser **or transferee** of any endowed care cemetery, with the
2 written consent of the cemetery operator, may obtain a copy of the cemetery's most recent audit
3 or inspection report from the division. The division shall inform the prospective purchaser **or**
4 **transferee**, within thirty days, whether the cemetery may continue to operate and be represented
5 as an endowed care cemetery.

214.392. 1. The division shall:

2 (1) Recommend prosecution for violations of the provisions of sections 214.270 to
3 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

4 (2) Employ, within limits of the funds appropriated, such employees as are necessary to
5 carry out the provisions of sections 214.270 to 214.410;

6 (3) Be allowed to convey full authority to each city or county governing body the use of
7 inmates controlled by the department of corrections and the board of probation and parole to care

8 for abandoned cemeteries located within the boundaries of each city or county;

9 (4) Exercise all budgeting, purchasing, reporting and other related management
10 functions;

11 (5) [Promulgate such rules and regulations as are necessary to administer the inspection
12 and audit provisions of the endowed care cemetery law and as are necessary for the establishment
13 and maintenance of the cemetery registry pursuant to section 214.280.] **The division may**
14 **promulgate rules necessary to implement the provisions of sections 214.270 to 214.516,**
15 **including but not limited to:**

16 (a) **Rules setting the amount of fees authorized pursuant to sections 214.270 to**
17 **214.516. The fees shall be set at a level to produce revenue that shall not substantially**
18 **exceed the cost and expense of administering sections 214.270 to 214.516. All moneys**
19 **received by the division pursuant to sections 214.270 to 214.516 shall be collected by the**
20 **director who shall transmit such moneys to the department of revenue for deposit in the**
21 **state treasury to the credit of the endowed care cemetery audit fund created in section**
22 **193.265, RSMo;**

23 (b) **Rules to administer the inspection and audit provisions of the endowed care**
24 **cemetery law;**

25 (c) **Rules for the establishment and maintenance of the cemetery registry pursuant**
26 **to section 214.283.**

27 2. [No rule or portion of a rule promulgated under the authority of this chapter shall
28 become effective until it has been approved by the joint committee on administrative rules in
29 accordance with the procedures provided herein, and the delegation of the legislative authority
30 to enact law by the adoption of such rules is dependent upon the power of the joint committee
31 on administrative rules to review and suspend rules pending ratification by the senate and the
32 house of representatives as provided herein.

33 3. Upon filing any proposed rule with the secretary of state, the filing agency shall
34 concurrently submit such proposed rule to the committee, which may hold hearings upon any
35 proposed rule or portion thereof at any time.

36 4. A final order of rulemaking shall not be filed with the secretary of state until thirty
37 days after such final order of rulemaking has been received by the committee. The committee
38 may hold one or more hearings upon such final order of rulemaking during the thirty-day period.
39 If the committee does not disapprove such order of rulemaking within the thirty-day period, the
40 filing agency may file such order of rulemaking with the secretary of state and the order of
41 rulemaking shall be deemed approved.

42 5. The committee may, by majority vote of the members, suspend the order of
43 rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking

44 only for one or more of the following grounds:

- 45 (1) An absence of statutory authority for the proposed rule;
- 46 (2) An emergency relating to public health, safety or welfare;
- 47 (3) The proposed rule is in conflict with state law;
- 48 (4) A substantial change in circumstance since enactment of the law upon which the
- 49 proposed rule is based.

50 6. If the committee disapproves any rule or portion thereof, the filing agency shall not
51 file such disapproved portion of any rule with the secretary of state and the secretary of state shall
52 not publish in the Missouri Register any final order of rulemaking containing the disapproved
53 portion.

54 7. If the committee disapproves any rule or portion thereof, the committee shall report
55 its findings to the senate and the house of representatives. No rule or portion thereof disapproved
56 by the committee shall take effect so long as the senate and the house of representatives ratify
57 the act of the joint committee by resolution adopted in each house within thirty legislative days
58 after such rule or portion thereof has been disapproved by the joint committee.

59 8. Upon adoption of a rule as provided herein, any such rule or portion thereof may be
60 suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV
61 of the constitution, by concurrent resolution upon recommendation of the joint committee on
62 administrative rules. The committee shall be authorized to hold hearings and make
63 recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state
64 shall publish in the Missouri Register, as soon as practicable, notice of the suspension or
65 revocation.] **No rule or portion of a rule promulgated pursuant to the authority of sections**
66 **214.270 to 214.516 shall become effective unless it has been promulgated pursuant to**
67 **chapter 536, RSMo.**

256.459. 1. The "Board of Geologist Registration" is hereby created to administer the
2 provisions of sections 256.450 to 256.483. The official domicile of the board of geologist
3 registration is the division of professional registration. The division shall provide necessary staff
4 support services, but all administrative costs of board operation shall be paid, upon
5 appropriation, by moneys in the board of geologist registration fund created in section 256.465.

6 2. The board shall be composed of eight members, seven of whom shall be voting
7 members appointed by the governor with the advice and consent of the senate. The state
8 geologist shall serve as "ex officio" nonvoting member.

9 3. Five of the appointed members shall be registered geologists, except that this
10 requirement shall not apply for the initially appointed geologist members. Four members shall
11 be chosen to represent experience in different geologic specialties. The fifth member shall be
12 a geologist employed by the state or a city or county. The initially appointed geologist members

13 must be eligible for registration [under] **pursuant to** sections 256.450 to 256.483 and must be
14 registered [under] **pursuant to** sections 256.450 to 256.483 within twelve months following
15 appointment to the board to maintain eligibility as a member of the board.

16 4. Two of the appointed members shall be public members. Each public member shall,
17 at the time of appointment, be a citizen of the United States, a resident of Missouri for at least
18 three years immediately preceding appointment, a registered voter, a person who is not and never
19 was a member of any profession licensed or regulated [under] **pursuant to** this chapter or the
20 spouse of such person and a person who does not have and never has had a material, financial
21 interest in either the providing of professional services regulated by this chapter or any activity
22 or organization directly related to any profession licensed or regulated [under] **pursuant to** this
23 chapter. The duties of the public members shall not include the determination of the technical
24 requirements to be met for licensure or whether any person meets such technical requirements
25 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

26 5. Each geologist member of the board shall be a citizen of the United States and shall
27 have been a resident of Missouri for at least three years immediately preceding appointment.

28 6. Appointed members of the board shall serve terms of three years except that two of
29 the first appointed members shall be appointed to one-year terms and two of the first appointed
30 members shall be appointed to two-year terms. Members shall hold office until the expiration
31 of the terms for which they were appointed and until their successors have been appointed and
32 duly qualified unless removed for cause by the governor. No person may serve more than two
33 consecutive terms.

34 7. The board shall not be required to give any appeal bond in any cause arising under
35 application of sections 256.450 to 256.483. The attorney general shall represent the board in all
36 actions and proceedings to enforce the provisions of sections 256.450 to 256.483.

37 8. [Appointed board members shall be compensated only for actual expenses incurred
38 while performing required functions of the board. The expenses shall be paid from the funds of
39 the board.] **Notwithstanding any other provision of law to the contrary, any appointed**
40 **member of the board shall receive as compensation an amount established by the director**
41 **of the division of professional registration not to exceed seventy dollars per day for board**
42 **business plus actual and necessary expenses. The director of the division of professional**
43 **registration shall establish by rule guidelines for payment.**

324.086. [The division, in collaboration with the board, may discipline or sanction any
2 holder of a license or permit issued pursuant to sections 324.050 to 324.089 for any one or any
3 combination of the following:

4 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
5 beverage to an extent that such use impairs a person's professional performance or responsibility;

6 (2) Finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere,
7 in a criminal prosecution under the laws of any state, the United States or any territory of the
8 United States, for any offense reasonably related to the qualifications, functions or duties of an
9 occupational therapist or occupational therapy assistant; for any offense for which an essential
10 element is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude,
11 whether or not sentence is imposed;

12 (3) Use of fraud, deception, misrepresentation or bribery in securing any credential,
13 license or permit, or to aid or abet any person in a violation of this section;

14 (4) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance
15 of the functions or duties of an occupational therapist or occupational therapy assistant or a
16 violation of any professional trust or confidence;

17 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
18 324.050 to 324.089 or any lawful rule or regulation promulgated thereunder;

19 (6) Impersonate, in any manner, or pretend to be any person holding a valid license or
20 permit as an occupational therapist or occupational therapy assistant or allowing any other person
21 to use such person's credentials;

22 (7) Finally adjudged incapacitated by a court of competent jurisdiction;

23 (8) Assisting or enabling any person to practice, or offer to practice, occupational therapy
24 services if such person does not hold a valid license or permit issued pursuant to sections
25 324.050 to 324.089;

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

28 (10) Unethical conduct as defined in the ethical standards for occupational therapists and
29 occupational therapy assistants adopted by the division and filed with the secretary of state;

30 (11) Failure to give notification of the suspension, probation or revocation of any past
31 or currently held licenses, certificates or registrations required to practice occupational therapy
32 in this or any other jurisdiction or the failure to renew or surrender such license, certificate or
33 registration;

34 (12) Discipline in another state or by a certifying body; or

35 (13) Otherwise violate any provision of sections 324.050 to 324.089.] **1. The board
36 may refuse to issue or renew any certificate of registration or authority, permit or license
37 required pursuant to sections 324.050 to 324.089 for one or any combination of causes
38 stated in subsection 2 of this section. The board shall notify the applicant in writing of the
39 reasons for the refusal and shall advise the applicant of his or her right to file a complaint
40 with the administrative hearing commission as provided by chapter 621, RSMo.**

41 **2. The board may cause a complaint to be filed with the administrative hearing**

42 commission as provided by chapter 621, RSMo, against any holder of any certificate of
43 registration or authority, permit or license required by sections 324.050 to 324.089 or any
44 person who has failed to renew or has surrendered his or her certificate of registration or
45 authority, permit or license for any one or any combination of the following causes:

46 (1) Use or unlawful possession of any controlled substance, as defined in chapter
47 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to
48 perform the work of an occupational therapist or occupational therapy assistant;

49 (2) The person has been finally adjudicated and found guilty, or entered a plea of
50 guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the
51 United States, for any offense reasonably related to the qualifications, functions or duties
52 of any profession licensed or regulated by sections 324.050 to 324.089, for any offense an
53 essential element of which is fraud, dishonesty or an act of violence, or for any offense
54 involving moral turpitude, whether or not sentence is imposed;

55 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate
56 of registration or authority, permit or license issued pursuant to sections 324.050 to 324.089
57 or in obtaining permission to take any examination given or required pursuant to sections
58 324.050 to 324.089;

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

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

64 (6) Violation of, or assisting or enabling any person to violate, any provision of
65 sections 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections
66 324.050 to 324.089;

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

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

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

76 (10) Assisting or enabling any person to practice or offer to practice any profession
77 licensed or regulated by sections 324.050 to 324.089 who is not registered and currently

78 **eligible to practice pursuant to sections 324.050 to 324.089;**

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

81 **(12) Violation of any professional trust or confidence;**

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

85 **(14) Unethical conduct as defined in the ethical standards for occupational**
86 **therapists and occupational therapy assistants adopted by the division and filed with the**
87 **secretary of state;**

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

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

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

324.177. 1. There is hereby established an "Advisory Commission for Clinical
2 Perfusionists" which shall guide, advise and make recommendations to the board. The
3 commission shall approve the examination required by section 324.133 and shall assist the board
4 in carrying out the provisions of sections 324.125 to 324.183.

5 2. The advisory commission shall consist of five perfusionist members and two public
6 members which shall be appointed by the governor with the advice and consent of the senate.
7 The members of the commission shall be appointed for terms of six years; except those first
8 appointed, of which one shall be appointed for a term of one year, one shall be appointed for a
9 term of two years, one shall be appointed for a term of three years, one shall be appointed for a
10 term of four years, one shall be appointed for a term of five years and one shall be appointed for
11 a term of six years. The nonpublic commission members shall be residents of the state of
12 Missouri for at least one year, shall be United States citizens and shall meet all the requirements
13 for licensing provided in sections 324.125 to 324.183, shall be licensed pursuant to sections

14 324.125 to 324.183, except the members of the first commission, who shall be licensed within
15 six months of their appointment and are actively engaged in the practice of perfusion. If a
16 member of the commission shall, during the member's term as a commission member, remove
17 the member's domicile from the state of Missouri, then the commission shall immediately notify
18 the governor and the seat of that commission member shall be declared vacant. All such
19 vacancies shall be filled by appointment as in the same manner as the preceding appointment.
20 The public members shall be at the time of the members' appointment citizens of the United
21 States; residents of the state for a period of at least one year and registered voters; persons who
22 are not and never were members of any profession licensed or regulated pursuant to sections
23 324.125 to 324.183 or the spouse of such person; persons who do not have and never have had
24 a material, financial interest in either the provision of the professional services regulated by
25 sections 324.125 to 324.183, or an activity or organization directly related to any profession
26 licensed or regulated by sections 324.125 to 324.183.

27 3. [No member of the commission shall be entitled to any compensation for the
28 performance of the member's official duties, but each member shall be reimbursed for necessary
29 and actual expenses incurred in the performance of the member's official duties.]
30 **Notwithstanding any other provision of law to the contrary, any appointed member of the**
31 **commission shall receive as compensation an amount established by the director of the**
32 **division of professional registration not to exceed seventy dollars per day for commission**
33 **business plus actual and necessary expenses. The director of the division of professional**
34 **registration shall establish by rule guidelines for payment.** All staff for the commission shall
35 be provided by the division of professional registration.

36 4. A member of the commission may be removed if, the member:

37 (1) Does not have, at the time of appointment, the qualifications required for
38 appointment to the commission;

39 (2) Does not maintain during service on the commission the qualifications required for
40 appointment to the commission;

41 (3) Violates any provision of sections 324.125 to 324.183;

42 (4) Cannot discharge the member's duties for a substantial part of the term for which the
43 member is appointed because of illness or disability; or

44 (5) Is absent from more than half of the regularly scheduled commission meetings that
45 the member is eligible to attend during a calendar year, unless the absence is excused by a
46 majority vote of the commission.

324.205. 1. After July 1, 2000, no person may use the title licensed dietitian or L.D. in
2 this state unless the person is licensed pursuant to the provisions of sections 324.200 to 324.225.

3 2. Any person who violates the provisions of subsection 1 of this section is guilty of [an

4 infraction] **a class A misdemeanor.**

324.212. 1. Applications for licensure as a dietitian shall be in writing, submitted to the
2 committee on forms prescribed by the division and furnished to the applicant. The application
3 shall contain the applicant's statements showing the applicant's education, experience and such
4 other information as the committee may require. Each application shall contain a statement that
5 it is made under oath or affirmation and that the information contained therein is true and correct
6 to the best knowledge and belief of the applicant, subject to the penalties provided for the making
7 of a false affidavit or declaration. Each application shall be accompanied by the fees required
8 by the committee.

9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the [licensure] renewal date. Failure to provide the committee with the information
11 required for [licensure] **renewal**, or to pay the [licensure] **renewal** fee after such notice shall
12 effect a noncurrent license. The license shall be [restored] **reinstated** if, within two years of the
13 [licensure] **renewal** date, the applicant submits the required documentation and pays the
14 applicable fees as approved by the committee.

15 3. A new [certificate] **license** to replace any [certificate] **license** lost, destroyed or
16 mutilated may be issued subject to the rules of the committee upon payment of a fee.

17 4. The committee shall set by rule the appropriate amount of fees authorized herein. The
18 fees shall be set at a level to produce revenue which shall not exceed the cost and expense of
19 administering the provisions of sections 324.200 to 324.225. All fees provided for in sections
20 324.200 to 324.225 shall be collected by the director who shall transmit the funds to the director
21 of revenue to be deposited in the state treasury to the credit of the "Dietitian Fund" which is
22 hereby created.

23 5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
24 this fund shall not be transferred and placed to the credit of general revenue until the amount in
25 the fund at the end of the biennium exceeds three times the amount of the appropriation from the
26 dietitian fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is
27 that amount in the fund which exceeds the appropriate multiple of the appropriations from the
28 dietitian fund for the preceding fiscal year.

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, RSMo.

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

8 sections 324.200 to 324.225 or any person who has failed to renew or has surrendered the
9 person's license 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) [Revocation or suspension] **Disciplinary action against the holder** of a license or
16 other right to practice medical nutrition therapy by another state, territory, federal agency or
17 country upon grounds for which revocation or suspension is authorized in this state;

18 (4) [Obtaining] **Issuance of** a license based upon a material mistake of fact; or

19 (5) [Failure to display a valid license if so required by sections 324.200 to 324.225 or
20 any rule promulgated pursuant thereto] **The person has been finally adjudicated and found**
21 **guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant**
22 **to the laws of any state or the United States, for any offense reasonably related to the**
23 **qualifications, functions, or duties of the professional regulated pursuant to sections**
24 **324.200 to 324.225, for any offense an essential element of which is fraud, dishonesty or act**
25 **of violence, or for any offense involving moral turpitude, whether or not sentence is**
26 **imposed;**

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

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

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

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

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

40 (11) **Use or unlawful possession of any controlled substance, as defined in chapter**
41 **195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to**
42 **perform the work of any profession licensed or regulated by sections 324.200 to 324.225;**

43 (12) **Violation of the drug laws or rules and regulations of this state, any other state**

44 **or the federal government;**

45 **(13) Violation of any professional trust or confidence.**

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

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

60 5. The committee shall maintain an information file containing each complaint filed with
61 the committee relating to a holder of a license. [The committee, at least quarterly, shall notify
62 the complainant and holder of a license of the complaint's status until final disposition.]

63 6. The committee shall recommend for prosecution violations of sections 324.200 to
64 324.225 to an appropriate prosecuting or circuit attorney.

324.243. 1. There is hereby established in the division of professional registration in the
2 department of economic development the "Board of Therapeutic Massage" which shall guide,
3 advise and make recommendations to the division and fulfill other responsibilities designated
4 by sections 324.240 to 324.275. The board shall approve the examination required by section
5 324.265 and shall assist the division in carrying out the provisions of sections 324.240 to
6 324.275.

7 2. The board shall consist of seven voting members, including one public member, and
8 one nonvoting member, appointed by the governor with the advice and consent of the senate.
9 Each member of the board shall be a citizen of the United States and a resident of this state and,
10 except for the members first appointed, shall be licensed as a massage therapist by this state. The
11 nonvoting member shall be a member of the massage education community in the state and shall
12 serve a four-year term. Beginning with the appointments made after August 28, 1998, three
13 voting members shall be appointed for four years, two voting members shall be appointed for
14 three years and two voting members shall be appointed for two years. Thereafter, all voting
15 members shall be appointed to serve four-year terms. No person shall be eligible for

16 reappointment who has served as a member of the board for a total of eight years. The
17 membership of the board shall reflect the differences in work experience and the professional
18 affiliations of therapists with consideration being given to race, gender and ethnic origins.

19 3. A vacancy in the office of a member shall be filled by appointment by the governor
20 for the remainder of the unexpired term.

21 4. The board shall hold an annual meeting at which it shall elect from its membership
22 a chairperson, vice chairperson and secretary. The board may hold such additional meetings as
23 may be required in the performance of its duties, provided that notice of every meeting shall be
24 given to each member at least three days prior to the date of the meeting. A quorum of the board
25 shall consist of a majority of its voting members.

26 5. The governor may remove a board member for misconduct, incompetence or neglect
27 of official duties after giving the board member written notice of the charges and allowing the
28 board member an opportunity to be heard.

29 6. The public member shall be, at the time of appointment, a citizen of the United States;
30 a resident of this state for a period of one year and a registered voter; but may not have been a
31 member of any profession licensed or regulated pursuant to sections 324.240 to 324.275 or an
32 immediate family member of such a person; and may not have had a material, financial interest
33 in either the providing of massage therapy as defined in sections 324.240 to 324.275 or in an
34 activity or organization directly related to any profession licensed or regulated pursuant to
35 sections 324.240 to 324.275. The duties of the public member shall not include any
36 determination of the technical requirements to be met for licensure, whether a candidate for
37 licensure meets such technical requirements, or of the technical competence or technical
38 judgment of a licensee or a candidate for licensure.

39 7. The professional members shall not be officers in a professional massage organization,
40 nor may they be the owners or managers of any massage educational entity.

41 8. [No member of the board shall be entitled to any compensation for the performance
42 of the member's official duties, but each member shall be reimbursed for necessary and actual
43 expenses incurred in the performance of the member's official duties.] **Notwithstanding any
44 other provision of law to the contrary, any appointed member of the commission shall
45 receive as compensation an amount established by the director of the division of
46 professional registration not to exceed seventy dollars per day for commission business plus
47 actual and necessary expenses. The director of the division of professional registration
48 shall establish by rule guidelines for payment.** All staff for the board shall be provided by the
49 division.

324.522. 1. No practitioner of tattooing, body piercing or branding shall practice and
2 no establishment in which tattoos, body piercing or brandings are applied shall be operated

3 without a license issued by the director of the division of professional registration. The license
4 fee for each practitioner and each establishment shall be established by rule.

5 2. The director of the division of professional registration shall promulgate rules and
6 regulations relative to the hygienic practice of tattooing, **body piercing and branding**, and
7 sanitary operations of tattoo, **body piercing and branding** establishments. Such rules and
8 regulations shall include:

9 (1) Standards of hygiene to be met and maintained by establishments and practitioners
10 in order to receive and maintain a license for the practice of tattooing, **body piercing and**
11 **branding**;

12 (2) Procedures to be used to grant, revoke or reinstate a license;

13 (3) Inspection of tattoo, **body piercing and branding** establishments; and

14 (4) Any other matter necessary to the administration of this section.

15 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
16 is created under the authority delegated in sections 324.520 to 324.524 shall become effective
17 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
18 applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999,
19 is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or
20 affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with
21 all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if
22 any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
23 to delay the effective date or to disapprove and annul a rule are subsequently held
24 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
25 August 28, 1999, shall be invalid and void.

**324.530. Any person performing inspections for evidence of wood destroying insects
2 at the request of the buyer, seller or lending institution for real estate transactions shall
3 have in effect a valid Missouri certified commercial applicator's license, pesticide
4 technician's license working under the direct supervision of a certified commercial
5 applicator, certified noncommercial applicator's license or a certified public operator's
6 license in subcategory 7b-termite pest control issued pursuant to chapter 281, RSMo.**

**326.250. The provisions of sections 326.250 to 326.331 shall be known and may be
2 cited as the "Missouri Accountancy Act".**

**326.253. It is the policy of this state and the purpose of this chapter to promote the
2 reliability of information that is used for guidance in financial transactions or for
3 accounting for or assessing the financial status or performance of commercial,
4 noncommercial and governmental enterprises. The protection of the public interest
5 requires that persons professing special competence in accountancy or offering assurance**

6 as to the reliability or fairness of presentation of such information shall have demonstrated
7 their qualifications to do so, and that persons who have not demonstrated and maintained
8 such qualifications not be permitted to represent themselves as having such special
9 competence or to offer such assurance; that the conduct of persons licensed as having
10 special competence in accountancy be regulated in all aspects of their professional work;
11 that a public authority competent to prescribe and assess the qualifications and to regulate
12 the conduct of certified public accountants be established; and that the use of titles that
13 have a capacity or tendency to deceive the public as to the status or competence of the
14 persons using such titles be prohibited.

326.256. 1. As used in this chapter, the following terms mean:

- 2 (1) "AICPA", the American Institute of Certified Public Accountants;
- 3 (2) "Attest", providing the following financial statement services:
 - 4 (a) Any audit or other engagement to be performed in accordance with the
 - 5 Statements on Auditing Standards (SAS);
 - 6 (b) Any examination of prospective financial information to be performed in
 - 7 accordance with the Statements on Standards for Attestation Engagements (SSAE);
- 8 (3) "Board", the Missouri state board of accountancy established pursuant to
- 9 section 326.259 or its predecessor pursuant to prior law;
- 10 (4) "Certificate", a certificate issued pursuant to section 326.060 prior to August
- 11 28, 2001;
- 12 (5) "Certified public accountant" or "CPA", the holder of a certificate or license
- 13 as defined in this section;
- 14 (6) "Certified public accountant firm", "CPA firm" or "firm", a sole
- 15 proprietorship, a corporation, a partnership or any other form of organization issued a
- 16 permit pursuant to section 326.289;
- 17 (7) "Client", a person or entity that agrees with a licensee or licensee's employer
- 18 to receive any professional service;
- 19 (8) "Compilation", providing a service to be performed in accordance with
- 20 Statements on Standards for Accounting and Review Services (SSARS) that is presented
- 21 in the form of financial statements information that is the representation of management
- 22 (owners) without undertaking to express any assurance on the statements;
- 23 (9) "License", a license issued pursuant to section 326.280, or a provisional license
- 24 issued pursuant to section 326.283; or, in each case, an individual license or permit issued
- 25 pursuant to corresponding provisions of prior law;
- 26 (10) "Licensee", the holder of a license as defined in this section;
- 27 (11) "Manager", a manager of a limited liability company;

- 28 (12) "Member", a member of a limited liability company;
- 29 (13) "NASBA", the National Association of State Boards of Accountancy;
- 30 (14) "Permit", a permit to practice as a certified public accountant firm issued
- 31 pursuant to section 326.289 or corresponding provisions of prior law or pursuant to
- 32 corresponding provisions of the laws of other states;
- 33 (15) "Professional", arising out of or related to the specialized knowledge or skills
- 34 associated with certified public accountants;
- 35 (16) "Public accountancy":
- 36 (a) Performing or offering to perform for an enterprise, client or potential client
- 37 one or more services involving the use of accounting or auditing skills, or one or more
- 38 management advisory or consulting services, or the preparation of tax returns or the
- 39 furnishing of advice on tax matters by a person, firm, limited liability company or
- 40 professional corporation using the title "C.P.A" or "P.A." in signs, advertising, directory
- 41 listing, business cards, letterheads or other public representations;
- 42 (b) Signing or affixing a name, with any wording indicating the person or entity has
- 43 expert knowledge in accounting or auditing to any opinion or certificate attesting to the
- 44 reliability of any representation or estimate in regard to any person or organization
- 45 embracing financial information or facts respecting compliance with conditions established
- 46 by law or contract, including but not limited to statutes, ordinances, rules, grants, loans
- 47 and appropriations; or
- 48 (c) Offering to the public or to prospective clients to perform, or actually
- 49 performing on behalf of clients, professional services that involve or require an audit or
- 50 examination of financial records leading to the expression of a written attestation or
- 51 opinion concerning these records;
- 52 (17) "Report", when used with reference to financial statements, means an opinion,
- 53 report or other form of language that states or implies assurance as to the reliability of any
- 54 financial statements, and that also includes or is accompanied by any statement or
- 55 implication that the person or firm issuing it has special knowledge or competence in
- 56 accounting or auditing. Such a statement or implication of special knowledge or
- 57 competence may arise from use by the issuer of the report of names or titles indicating that
- 58 the person or firm is an accountant or auditor, or from the language of the report itself.
- 59 The term report includes any form of language which disclaims an opinion when such form
- 60 of language is conventionally understood to imply any positive assurance as to the
- 61 reliability of the financial statements referred to or special competence on the part of the
- 62 person or firm issuing such language, or both, and includes any other form of language
- 63 that is conventionally understood to imply such assurance or such special knowledge or

64 competence, or both;

65 (18) "Review", providing a service to be performed in accordance with Statements
66 on Standards for Accounting and Review Services (SSARS) that is performing inquiry and
67 analytical procedures that provide the accountant with a reasonable basis for expressing
68 limited assurance that there are no material modifications that should be made to the
69 statements for them to be in conformity with generally accepted accounting principles or,
70 if applicable, with another comprehensive basis of accounting;

71 (19) "State", any state of the United States, the District of Columbia, Puerto Rico,
72 the U.S. Virgin Islands and Guam; except that "this state" means the state of Missouri;

73 (20) "Substantial equivalency", a determination by the board of accountancy or
74 its designee that the education, examination and experience requirements contained in the
75 statutes and administrative rules of another jurisdiction are comparable to or exceed the
76 education, examination and experience requirements contained in this chapter or that an
77 individual certified public accountant's education, examination and experience
78 qualifications are comparable to or exceed the education, examination and experience
79 requirements contained in this chapter;

80 (21) "Transmittal", any transmission of information in any form, including but not
81 limited to any and all documents, records, minutes, computer files, disks or information.

82 2. The statements on standards specified in this section shall be adopted by
83 reference by the board pursuant to rulemaking and shall be those developed for general
84 application by the AICPA or other recognized national accountancy organization as
85 prescribed by board rule.

326.259. 1. The "Missouri State Board of Accountancy" is hereby established and
2 shall consist of seven members, one of whom shall be a voting public member, and shall
3 have the functions, powers and duties prescribed in this chapter.

4 2. Each member of the board, except the public member, shall be a licensee
5 pursuant to the laws of this state, and shall at the time of his or her appointment be a
6 citizen of the United States, a resident of this state for at least one year and have practiced
7 continuously as a licensee for a period of at least five years immediately preceding his or
8 her appointment. At the time of his or her appointment, the public member shall be a
9 citizen of the United States, a resident of this state for a period of one year, a registered
10 voter, a person who is not and never was a member of any profession licensed or regulated
11 pursuant to this chapter or the immediate family member of such a person, and a person
12 who does not have and never has had a material financial interest in either providing
13 professional services regulated by this chapter, or an activity or organization directly
14 related to any profession licensed or regulated pursuant to this chapter.

15 **3. Members of the Missouri state board of accountancy appointed pursuant to**
16 **section 326.160 prior to August 28, 2001, shall serve the remainder of their terms.**
17 **Thereafter, the members of the board, including public members, shall be chosen by the**
18 **governor with the advice and consent of the senate from lists submitted by the director of**
19 **the division of professional registration. The chair of the largest membership state**
20 **organization of certified public accountants which is dedicated to maintaining the high**
21 **professional and ethical standards of accountants as well as protection of the public may**
22 **submit a list of five licensees to the director of the division of professional registration for**
23 **consideration as a board member, other than the public member. To be considered by the**
24 **director of the division of professional registration, the list shall be submitted at least**
25 **ninety days prior to the expiration of the term of the board member or as soon as feasible**
26 **after a vacancy on the board occurs. The duties of the public member shall not include the**
27 **determination of the technical requirements for licensure, whether any person meets the**
28 **technical requirements, or the technical competence or technical judgment of a certified**
29 **public accountant or applicant for licensure.**

30 **4. The term of office of each board member appointed shall be five years.**
31 **Vacancies shall be filled by the governor for the remainder of the unexpired term. No**
32 **person shall serve more than two consecutive terms or eleven years, whichever is less;**
33 **except that a member may hold office until his or her successor is appointed and qualified.**
34 **Any member who has served two complete consecutive terms shall be ineligible to be**
35 **reappointed until one year has lapsed. No member whose term has been terminated for**
36 **any reason, other than the term's expiration, shall be eligible for reappointment until the**
37 **lapse of one year. An appointment to fill an unexpired term shall not be considered a**
38 **complete term.**

39 **5. The governor may remove any member of the board for misconduct,**
40 **incompetency or neglect of official duties after giving the member written notice of the**
41 **charges and an opportunity to be heard.**

326.262. 1. The Missouri state board of accountancy shall have power by rule to
2 **adopt and use a seal; make and amend all rules deemed necessary for the proper**
3 **administration of this chapter; conduct examinations; administer oaths and hear testimony**
4 **regarding complaints, investigations and disciplinary actions or in pursuing settlement as**
5 **provided by section 621.110, RSMo, or preparatory to the filing of a complaint pursuant**
6 **to section 621.045, RSMo; require by summons or subpoena the attendance and testimony**
7 **of witnesses, and the production of books, papers and documents with respect to testimony**
8 **regarding complaints, investigations and disciplinary actions or in pursuing settlement;**
9 **and do and perform all other acts and things committed to its charge and administration,**

10 or incidental thereto.

11 2. The board shall maintain its office in Jefferson City, Missouri.

326.265. 1. The board shall elect annually one of its members as president, one as vice president, one as secretary and one as treasurer, and shall make an annual report to the governor and the general assembly. The board shall file and preserve all written applications, petitions, complaints, charges or requests made or presented to the board and all affidavits and other verified documents, and shall keep accurate records and minutes of its proceedings. A copy of any entry in the register, or of any records or minutes of the board, certified by the president or secretary of the board under its seal shall constitute and have the full force and effect of the original.

9 2. The board may employ legal counsel and board personnel as defined in subdivision (4) of subsection 15 of section 620.010, RSMo, and incur such travel and other expense as in its judgment shall be necessary for the effective administration of this chapter.

13 3. The board may also appoint a continuing education committee of not less than five members consisting of certified public accountants of this state. Such committee shall:

15 (1) Evaluate continuing education programs to determine if they meet continuing education regulations adopted by the board;

17 (2) Consider applications for exceptions to continuing education regulations adopted pursuant to the provisions of section 326.271; and

19 (3) Consider other matters regarding continuing education as may be assigned by the board.

326.268. 1. The board may prescribe by rule the dates and places for holding regular meetings and regulate the call, notice and holding of special meetings. Four members of the board shall constitute a quorum at any regular meeting or special meeting.

4 2. The board shall determine by rule the dates and times of examination of applicants. Examination of applicants shall be held at least twice annually. The board may determine by rule the method for publicizing the times and places of the examination. The board may require any or all applicants to appear in person before the board to answer questions regarding their qualifications and may, in the board's discretion, require evidence in support of the statements of the applicant.

10 3. The required examination shall test the applicant's knowledge of the subjects of accounting and auditing, and such other related subjects as the board may specify by rule, including but not limited to business law and taxation. The board shall prescribe by rule the methods of applying for and conducting the examination, including methods for grading and passing grades; provided, however, that the board shall, to the extent possible,

15 ensure the examination, grading of the examination and the passing grades are uniform
16 with those applicable in other states. The board may make use of all or any part of the
17 Uniform Certified Public Accountant Examination and Advisory Grading Service of the
18 American Institute of Certified Public Accountants and may contract with third parties
19 to perform administrative services with respect to the examination as the board deems
20 appropriate.

21 4. The board may determine by rule the examination fee.

22 5. Each member of the board shall receive as compensation an amount set by the
23 board not to exceed seventy dollars for each day devoted to the affairs of the board, and
24 shall be reimbursed for necessary and actual expenses incurred in the performance of the
25 member's official duties. All claims for compensation and expenses shall be presented and
26 allowed in open meetings of the board. No compensation or expenses of members of the
27 board, its officers or employees shall be charged against the general funds of the state, but
28 shall be paid out of the state board of accountancy fund.

326.271. 1. The board shall promulgate rules of procedure for governing the
2 conduct of matters before the board.

3 2. The board shall promulgate rules of professional conduct for establishing and
4 maintaining high standards of competence and integrity in the profession of public
5 accountancy.

6 3. In promulgating rules and regulations regarding the requirements of continuing
7 education, the board:

8 (1) May use and rely upon guidelines and pronouncements of recognized
9 educational and professional associations;

10 (2) May prescribe for content, duration and organization of courses;

11 (3) Shall consider applicant accessibility to continuing education as required by the
12 board, and any impediments to the interstate practice of public accountancy which may
13 result from differences in requirements in states;

14 (4) May in its discretion relax or suspend continuing education requirements for
15 instances of individual hardship;

16 (5) Shall not require the completion of more than one hundred twenty hours of
17 continuing education or its equivalent in any three-year period, not more than one-third
18 of which shall be required in any one year. The continuing education requirements must
19 be capable of being fulfilled in programs or courses reasonably available to licensees within
20 the state.

21 4. The board may require by rule licensees to submit any continuing education
22 reporting as the board deems necessary.

23 5. No rule or portion of a rule promulgated pursuant to the authority of this
24 chapter shall become effective unless it has been promulgated pursuant to the provisions
25 of chapter 536, RSMo.

 326.274. Upon receipt of a complaint or other information suggesting violations of
2 this chapter or the rules of the board, the board may conduct investigations to determine
3 if probable cause exists to institute proceedings pursuant to sections 326.295 to 326.316
4 against any person or firm for the violation, but an investigation pursuant to this section
5 shall not be a prerequisite to initiate proceedings where a determination of probable cause
6 can be made without investigation.

 326.277. For an applicant to be eligible to apply for the examination, the applicant
2 shall fulfill the education requirements of subdivision (4) of subsection 1 of section 326.280.

 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
4 employee, is regularly employed in this state;

5 (2) Has attained the age of twenty-one 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
9 baccalaureate degree conferred by an accredited college or university recognized by the
10 board, with a concentration in accounting or the substantial equivalent of a concentration
11 in accounting as determined by the board; or

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

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

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

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

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

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

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

326.283. 1. (1) An individual whose principal place of business is not in this state
2 **and has a valid designation to practice public accountancy from any state which the board**
3 **has determined by rule to be in substantial equivalence with the licensure requirements of**
4 **sections 326.250 to 326.331, or if the individual's qualifications are substantially equivalent**
5 **to the licensure requirements of sections 326.250 to 326.331, shall be presumed to have**
6 **qualifications substantially equivalent to this state's requirements and shall have all the**
7 **privileges of licensees of this state, provided the individual shall notify the board of his or**
8 **her intent to engage in the practice of accounting with a client within this state whether in**
9 **person, by electronic or technological means, or any other manner. The board by rule may**
10 **require individuals to obtain a license.**

11 **(2) Any individual of another state exercising the privilege afforded pursuant to**

12 this section consents as a condition of the grant of this privilege to:

13 (a) The personal and subject matter jurisdiction and disciplinary authority of the
14 board;

15 (b) Comply with this chapter and the board's rules; and

16 (c) The appointment of the state board which issued the individual's license as his
17 or her agent upon whom process may be served in any action or proceeding by this board
18 against the individual.

19 2. A licensee of this state offering or rendering services or using his or her certified
20 public accountant title in another state shall be subject to disciplinary action in this state
21 for an act committed in another state for which the licensee would be subject to discipline
22 for an act committed in the other state. Notwithstanding the provisions of section 326.274
23 to the contrary, the board may investigate any complaint made by the board of
24 accountancy of another state.

326.286. 1. The board may grant or renew licenses to persons who make
2 application and demonstrate that:

3 (1) Their qualifications, including the qualifications prescribed by section 326.280,
4 are in accordance with this section; or

5 (2) They are eligible under the substantial equivalency standard pursuant to
6 subsection 1 of section 326.283.

7 2. Licenses shall be initially issued and renewed for periods of not more than three
8 years and shall expire on the renewal date following issuance or renewal. Applications for
9 licenses shall be made in such form, and in the case of applications for renewal, between
10 such dates, as the board by rule shall specify. Application and renewal fees shall be
11 determined by the board by rule.

12 3. With regard to applicants that do not qualify for reciprocity under the
13 substantial equivalency standard set out in subsection 1 of section 326.283, the board may
14 issue a license to an applicant upon a showing that:

15 (1) The applicant passed the examination required for issuance of the applicant's
16 certificate with grades that would have been passing grades at the time in this state;

17 (2) The applicant had four years of experience outside of this state of the type
18 described in subdivision (6) of subsection 1 of section 326.280 or meets equivalent
19 requirements prescribed by the board by rule, after passing the examination upon which
20 the applicant's license was based and within the ten years immediately preceding the
21 application; and

22 (3) If the applicant's certificate, license or permit was issued more than four years
23 prior to the application for issuance of a license pursuant to this section, the applicant has

24 fulfilled the requirements of continuing professional education that would have been
25 applicable pursuant to subsection 6 of this section.

26 4. As an alternative to the requirements of subsection 3 of this section, a certified
27 public accountant licensed by another state who establishes a principal place of business
28 in this state shall request the issuance of a license from the board prior to establishing the
29 principal place of business. The board may issue a license to the person who obtains
30 verification from the NASBA National Qualification Appraisal Service that the individual's
31 qualifications are substantially equivalent to the licensure requirements of sections 326.250
32 to 326.331.

33 5. An application pursuant to this section may be made through the NASBA
34 Qualification Appraisal Service.

35 6. For renewal of a license pursuant to this section, each licensee shall participate
36 in a program of learning designed to maintain professional competency. The program of
37 learning shall comply with rules adopted by the board. The board may create by rule an
38 exception to such requirement for licensees who do not perform or offer to perform for the
39 public one or more kinds of services involving the use of accounting or auditing skills,
40 including issuance of reports on financial statements or of one or more kinds of
41 management advisory, financial advisory or consulting services, or the preparation of tax
42 returns or the furnishing of advice on tax matters. Licensees granted an exception by the
43 board shall place the word "inactive" adjacent to their certified public accountant title on
44 any business card, letterhead or any other document or device, except their certified public
45 accountant certificate, on which their certified public accountant title appears.

46 7. Applicants for initial issuance or renewal of licenses pursuant to this section shall
47 list all states in which they have applied for or hold certificates, licenses or permits and list
48 any past denial, revocation or suspension or any discipline of a certificate, license or
49 permit. Each holder of or applicant for a license shall notify the board in writing within
50 thirty days after its occurrence of any issuance, denial, revocation or suspension or any
51 discipline of a certificate, license or permit by another state.

52 8. The board may issue a license to a holder of a substantially equivalent foreign
53 designation, provided that:

54 (1) The foreign authority which granted the designation makes similar provisions
55 to allow a person who holds a valid license issued by this state to obtain such foreign
56 authority's comparable designation; and

57 (2) The foreign designation:

58 (a) Was duly issued by a foreign authority that regulates the practice of public
59 accountancy and the foreign designation has not expired or been revoked or suspended;

60 (b) Entitles the holder to issue reports upon financial statements; and
61 (c) Was issued upon the basis of educational, examination and experience
62 requirements established by the foreign authority or by law; and

63 (3) The applicant:

64 (a) Received the designation based on educational and examination standards
65 substantially equivalent to those in effect in this state at the time the foreign designation
66 was granted;

67 (b) Completed an experience requirement substantially equivalent to the
68 requirement set out in subdivision (6) of subsection 1 of section 326.280 in the jurisdiction
69 which granted the foreign designation or has completed four years of professional
70 experience in this state, or meets equivalent requirements prescribed by the board by rule
71 within the ten years immediately preceding the application; and

72 (c) Passed a uniform qualifying examination in national standards and an
73 examination on the laws, regulations and code of ethical conduct in effect in this state
74 acceptable to the board.

75 9. An applicant pursuant to subsection 8 of this section shall list all jurisdictions,
76 foreign and domestic, in which the applicant has applied for or holds a designation to
77 practice public accountancy. Each holder of a license issued pursuant to this subsection
78 shall notify the board in writing within thirty days after its occurrence of any issuance,
79 denial, revocation, suspension or any discipline of a designation or commencement of a
80 disciplinary or enforcement action by any jurisdiction.

81 10. The board has the sole authority to interpret the application of the provisions
82 of subsections 8 and 9 of this section.

83 11. The board shall require by rule as a condition for renewal of a license by any
84 licensee who performs review or compilation services for the public other than through a
85 certified public accountant firm that the individual undergo, no more frequently than once
86 every three years, a peer review conducted in a manner as the board by rule shall specify,
87 and the review shall include verification that the individual has met the competency
88 requirements set out in professional standards for such services.

326.289. 1. The board may grant or renew permits to practice as a certified public
2 accounting firm to entities that make application and demonstrate their qualifications in
3 accordance with this section or to certified public accounting firms originally licensed in
4 another state that establish an office in this state. A firm shall hold a permit issued
5 pursuant to this section to provide attest, review or compilation services or to use the title
6 certified public accountant or certified public accounting firm.

7 2. Permits shall be initially issued and renewed for periods of not more than three

8 years or for a specific period as prescribed by board rule following issuance or renewal.

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

11 4. An applicant for initial issuance or renewal of a permit to practice pursuant to
12 this section shall be required to show that:

13 (1) Notwithstanding any other provision of law to the contrary, a simple majority
14 of the ownership of the firm, in terms of financial interests and voting rights of all
15 partners, officers, principals, shareholders, members or managers, belongs to licensees who
16 are licensed in some state, and the partners, officers, principals, shareholders, members or
17 managers, whose principal place of business is in this state and who perform professional
18 services in this state are licensees pursuant to section 326.280 or the corresponding
19 provision of prior law. Although firms may include nonlicensee owners, the firm and its
20 ownership shall comply with rules promulgated by the board;

21 (2) Any certified public accounting firm may include owners who are not licensees,
22 provided that:

23 (a) The firm designates a licensee of this state who is responsible for the proper
24 registration of the firm and identifies that individual to the board;

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

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

28 (3) Any licensee who is responsible for supervising attest, review or compilation
29 services, or signs or authorizes someone to sign the licensee's report on the financial
30 statements on behalf of the firm, shall meet competency requirements as determined by the
31 board by rule which shall include one year of experience in addition to the experience
32 required pursuant to subdivision (6) of subsection 1 of section 326.280 and shall be verified
33 by a licensee. The additional experience required by this subsection shall include
34 experience in attest work supervised by a licensee.

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

38 6. No licensee or firm holding a permit pursuant to this chapter shall use a
39 professional or firm name or designation that is misleading as to:

40 (1) The legal form of the firm;

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

43 (3) Any other matter.

44 The names of one or more former partners, members or shareholders may be included in
45 the name of a firm or its successor unless the firm becomes a sole proprietorship because
46 of the death or withdrawal of all other partners, officers, members or shareholders. A firm
47 may use a fictitious name if the fictitious name is registered with the board and is not
48 otherwise misleading. The name of a firm shall not include the name of an individual who
49 is a present or a past partner, member or shareholder of the firm or its predecessor. The
50 name of the firm shall not include the name of an individual who is not a licensee.

51 7. Applicants for initial issuance or renewal of permits shall list in their application
52 all states in which they have applied for or hold permits as certified public accounting
53 firms and list any past denial, revocation, suspension or any discipline of a permit by any
54 other state. Each holder of or applicant for a permit pursuant to this section shall notify
55 the board in writing within thirty days after its occurrence of any change in the identities
56 of partners, principals, officers, shareholders, members or managers whose principal place
57 of business is in this state; any change in the number or location of offices within this state;
58 any change in the identity of the persons in charge of such offices; and any issuance, denial,
59 revocation, suspension or any discipline of a permit by any other state.

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

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

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

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

80 that is satisfactory to the board; and

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

86 10. Prior to January 1, 2008, licensees who perform fewer than three attest services
87 during each calendar year shall be exempt from the requirements of subsection 9 of this
88 section.

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

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

97 13. The peer review processes shall be operated and the documents generated
98 thereby be maintained in a manner designed to preserve their confidentiality. No third
99 party, other than the oversight body, the board, subject to the provisions of subsection 12
100 of this section or the organization performing peer review shall have access to documents
101 furnished or generated in the course of the review. All documents shall be privileged and
102 closed records for all purposes and all meetings at which the documents are discussed shall
103 be considered closed meetings pursuant to subdivision (1) of section 610.021, RSMo. The
104 proceedings, records and work papers of the board and any peer review subjected to the
105 board process shall be privileged and shall not be subject to discovery, subpoena or other
106 means of legal process or introduction into evidence at any civil action, arbitration,
107 administrative proceeding or board proceeding. No member of the board or person who
108 is involved in the peer review process shall be permitted or required to testify in any civil
109 action, arbitration, administrative proceeding or board proceeding as to any matters
110 produced, presented, disclosed or discussed during or in connection with the peer review
111 process or as to any findings, recommendations, evaluations, opinions or other actions of
112 such committees or any of its members; provided, however, that information, documents
113 or records that are publicly available shall not be subject to discovery or use in any civil
114 action, arbitration, administrative proceeding or board proceeding merely because they
115 were presented or considered in connection with the peer review process.

326.292. 1. Only licensees may issue a report on financial statements of any person, firm, organization or governmental unit or offer to render or render any attest service. Such restriction shall not prohibit any act of a public official or public employee in the performance of the person's duties as such; nor prohibit the performance by any nonlicensee of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services and the preparation of nonattest financial statements. Nonlicensees may prepare financial statements and issue nonattest transmittals or information thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

2. Only certified public accountants shall use or assume the title certified public accountant, or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant. Nothing in this section shall prohibit:

(1) A certified public accountant whose certificate was in full force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title certified public accountant or abbreviation CPA;

(2) A person who holds a certificate, then in force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who is regularly employed by or is a director or officer of a corporation, partnership, association or business trust, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association or business trust provided the capacity is so designated, and provided in the signature line the title CPA or certified public accountant is not designated.

3. No firm shall provide attest services or assume or use the title certified public accountants or the abbreviation CPAs, or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public accounting firm unless:

(1) The firm holds a valid permit issued pursuant to section 326.289; and

(2) Ownership of the firm is in accord with section 326.289 and rules promulgated by the board.

4. Only persons holding a valid license or permit issued pursuant to section 326.280 or 326.289 shall assume or use the title certified accountant, chartered accountant, enrolled accountant, licensed accountant, registered accountant, accredited accountant or any other title or designation likely to be confused with the titles certified public accountant or public accountant, or use any of the abbreviations CA, LA, RA, AA or similar abbreviation likely

37 to be confused with the abbreviation CPA or PA. The title enrolled agent or EA shall only
38 be used by individuals so designated by the Internal Revenue Service. Nothing in this
39 section shall prohibit the use or issuance of a title for nonattest services provided that the
40 organization and the title issued by the organization existed prior to August 28, 2001.

41 5. (1) Nonlicensees shall not use language in any statement relating to the financial
42 affairs of a person or entity that is conventionally used by certified public accountants in
43 reports on financial statements. Nonlicensees may use the following safe harbor language:

44 (a) For compilations: "I (We) have prepared the accompanying (financial
45 statements) of (name of entity) as of (time period) for the (period) then ended. This
46 presentation is limited to preparing in the form of a financial statement information that
47 is the representation of management (owners). I (We) have not audited or reviewed the
48 accompanying financial statements and accordingly do not express an opinion or any other
49 form of assurance on them.";

50 (b) For reviews: "I (We) reviewed the accompanying (financial statements) of
51 (name of entity) as of (time period) for the (period) then ended. These financial statements
52 (information) are (is) the responsibility of the company's management. I (We) have not
53 audited the accompanying financial statements and accordingly do not express an opinion
54 or any other form of assurance on them.".

55 (2) Only persons or firms holding a valid license or permit issued pursuant to
56 section 326.280 or 326.289 shall assume or use any title or designation that includes the
57 words accountant or accounting in connection with any other language, including the
58 language of a report, that implies that the person or firm holds a license or permit or has
59 special competence as an accountant or auditor; provided, however, that this subsection
60 shall not prohibit any officer, partner, principal, member, manager or employee of any
61 firm or organization from affixing such person's own signature to any statement in
62 reference to the financial affairs of the firm or organization with any wording designating
63 the position, title or office that the person holds therein nor prohibit any act of a public
64 official or employee in the performance of the person's duties as such. Nothing in this
65 subsection shall prohibit the singular use of "accountant" or "accounting" for nonattest
66 purposes.

67 6. Licensees performing attest, review or compilation services shall provide those
68 services in accordance with professional standards as determined by the board by rule.

69 7. No licensee or holder of a provisional license or firm holding a permit pursuant
70 to sections 326.280 to 326.289 shall use a professional or firm name or designation that is
71 misleading about the legal form of the firm, or about the persons who are partners,
72 principals, officers, members, managers or shareholders of the firm, or about any other

73 **matter.**

74 **8. None of the foregoing provisions of this section shall apply to a person or firm**
75 **holding a certification, designation, degree or license granted in a foreign country entitling**
76 **the holder to engage in the practice of public accountancy or its equivalent in the country,**
77 **whose activities in this state are limited to the provision of professional services to persons**
78 **or firms who are residents of, governments of, or business entities of the country in which**
79 **the person holds the entitlement, who performs no attest, review or compilation services**
80 **and who issues no reports with respect to the financial statements of any other persons,**
81 **firms or governmental units in this state, and who does not use in this state any title or**
82 **designation other than the one under which the person practices in such country, followed**
83 **by a translation of such title or designation into the English language, if it is in a different**
84 **language, and by the name of such country.**

85 **9. No licensee whose license is issued pursuant to section 326.280 or issued pursuant**
86 **to prior law shall perform attest services through any certified public accounting firm that**
87 **does not hold a valid permit issued pursuant to section 326.289.**

88 **10. No individual licensee shall issue a report in standard form upon a compilation**
89 **or review of financial information through any form of business that does not hold a valid**
90 **permit issued pursuant to section 326.289 unless the report discloses the name of the**
91 **business through which the individual is issuing the report, and the individual:**

92 **(1) Signs the compilation or review report identifying the individual as a licensee;**

93 **(2) Meets the competency requirement provided in applicable standards; and**

94 **(3) Undergoes, no less frequently than once every three years, a peer review**
95 **conducted in a manner as the board by rule shall specify, and the review shall include**
96 **verification that the individual has met the competency requirements set out in**
97 **professional standards for such services.**

98 **11. Nothing herein shall prohibit a practicing attorney or firm of attorneys from**
99 **preparing or presenting records or documents customarily prepared by an attorney or**
100 **firm of attorneys in connection with the attorney's professional work in the practice of law.**

101 **12. Nothing herein shall prohibit any trustee, executor, administrator, referee or**
102 **commissioner from signing and certifying financial reports incident to his or her duties in**
103 **that capacity.**

104 **13. Nothing herein shall prohibit any director or officer of a corporation, partner**
105 **or a partnership, sole proprietor of a business enterprise, member of a joint venture,**
106 **member of a committee appointed by stockholders, creditors or courts, or an employee of**
107 **any of the foregoing, in his or her capacity as such, from signing, delivering or issuing any**
108 **financial, accounting or related statement, or report thereon, relating to the corporation,**

partnership, business enterprise, joint venture or committee, provided the capacity is designated on the statement or report.

14. (1) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client:

(a) An audit or review of a financial statement; or

(b) A compilation of a financial statement when the licensee expects, or reasonably may expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(c) An examination of prospective financial information.

Such prohibition applies during the period in which the licensee is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

(2) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose in writing that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(3) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose in writing the acceptance or payment to the client.

15. (1) A licensee shall not:

(a) Perform for a contingent fee any professional services for, or receive a fee from, a client for whom the licensee or the licensees's firm performs:

a. An audit or review of a financial statement; or

b. A compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

c. An examination of prospective financial information; or

(b) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

(2) The prohibition in subdivision (1) of this subsection applies during the period in which the licensee is engaged to perform any of those services and the period covered by any historical financial statements involved in any services.

(3) A contingent fee is a fee established for the performance of any service pursuant

145 to an arrangement in which no fee will be charged unless a specified finding or result is
146 attained, or in which the amount of the fee is otherwise dependent upon the finding or
147 result of the service. Solely for purposes of this section, fees are not regarded as being
148 contingent if fixed by courts or other public authorities, or, in tax matters, if determined
149 based on the results of judicial proceedings or the findings of governmental agencies. A
150 licensee's fees may vary depending, for example, on the complexity of services rendered.

151 16. Any person who violates any provision of subsections 1 to 5 of this section shall
152 be guilty of a class A misdemeanor. Whenever the board has reason to believe that any
153 person has violated this section it may certify the facts to the attorney general of this state
154 or bring other appropriate proceedings.

326.295. 1. To assure a free flow of information for peer review pursuant to section
2 326.286 or 326.289, or proceedings before the board pursuant to section 326.310, all
3 complaint files, investigation files, and all other investigation reports and other
4 investigative information in the possession of the board or peer review committee or firm,
5 acting pursuant to the authority of section 326.286, 326.289 or 326.310, or its employees or
6 agents, which relate to the hearings or review shall be privileged and confidential, and shall
7 not be subject to discovery, subpoena, or other means of legal compulsion for their release
8 to any person, other than the licensee and the board or peer review committee or firm or
9 their employees and agents involved in such proceedings or be admissible in evidence in
10 any judicial or administrative proceeding, other than the proceeding for which such
11 material was prepared or assembled. A final written decision and finding of fact of the
12 board, pursuant to section 326.310, shall be a public record.

13 2. No person shall be civilly liable as a result of his or her acts, omissions or
14 decisions in good faith as a member of the board, a peer review committee or firm, or as
15 an employee or agent thereof, in connection with such person's duties.

16 3. No person shall be civilly liable as a result of filing a report or complaint with the
17 board or a peer review committee, or for the disclosure to the board or a peer review
18 committee or its agents or employees, whether pursuant to a subpoena, of records,
19 documents, testimony or other forms of information which constitute privileged matter in
20 connection with proceedings of a peer review committee, or other board proceedings
21 pursuant to section 326.310. Immunity from civil liability shall not apply if the act is done
22 with malice.

326.298. 1. Upon application by the board and the necessary burden having been
2 met, a court of general jurisdiction may grant an injunction, restraining order or other
3 order as may be appropriate to enjoin a person from:

4 (1) Offering to engage or engaging in the performance of any acts or practices for

5 which a license or permit is required upon a showing that acts or practices were performed
6 or offered to be performed without a license or permit; or

7 (2) Engaging in any practice or business authorized by a certificate, license or
8 permit issued pursuant to this chapter upon a showing that the holder presents a
9 substantial probability of serious danger to the health, safety or welfare of any resident of
10 this state or client of the licensee.

11 2. Any action shall be commenced either in the county in which such conduct
12 occurred or in the county in which the defendant resides.

13 3. Any action brought pursuant to this section shall be in addition to and not in lieu
14 of any penalty provided by this chapter and may be brought concurrently with other
15 actions to enforce this chapter.

326.304. At all proceedings for the enforcement of these or any other provisions of
2 this chapter, the board shall, in its discretion as it deems necessary, select the attorney
3 general or one of his or her designated assistants, or other legal counsel to appear and
4 represent the board at each stage of the proceeding or trial until its conclusion.

326.307. The display or uttering by a person of a card, sign, advertisement or other
2 printed, engraved or written instrument or device, printed or through electronic media,
3 bearing a person's name in conjunction with the words "certified public accountant" or
4 any abbreviation thereof, or "public accountant" or any abbreviation thereof, shall be
5 prima facie evidence in any action brought pursuant to section 326.298 that the person
6 whose name is so displayed, caused or procured the display or uttering of such card, sign,
7 advertisement or other printed, engraved or written instrument or device and that such
8 person is holding himself or herself out to be a certified public accountant or a public
9 accountant holding a license pursuant to section 326.280. In any such action evidence of
10 the commission of a single act prohibited by this chapter shall be sufficient to justify an
11 injunction or a conviction without evidence of a general course of conduct.

326.310. 1. The board may refuse to issue any license or permit required pursuant
2 to this chapter for one or any combination of causes stated in subsection 2 of this section.
3 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
5 hearing commission as provided by chapter 621, RSMo.

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

- 11 **(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic**
12 **beverage to an extent that the use impairs a person's ability to perform the work of any**
13 **profession licensed or regulated by this chapter;**
- 14 **(2) The person has been finally adjudicated and found guilty, or entered a plea of**
15 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**
16 **United States, for any offense reasonably related to the qualifications, functions or duties**
17 **of any profession licensed or regulated pursuant to this chapter, for any offense an**
18 **essential element of which is fraud, dishonesty or an act of violence, or for any offense**
19 **involving moral turpitude, whether or not sentence is imposed;**
- 20 **(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,**
21 **permit or license issued pursuant to this chapter or in obtaining permission to take any**
22 **examination given or required pursuant to this chapter;**
- 23 **(4) Obtaining or attempting to obtain any fee, charge, tuition or other**
24 **compensation by fraud, deception or misrepresentation;**
- 25 **(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or**
26 **dishonesty in the performance of the functions or duties of any profession licensed or**
27 **regulated by this chapter;**
- 28 **(6) Violation of, or assisting or enabling any person to violate, any provision of this**
29 **chapter or any lawful rule or regulation adopted pursuant to this chapter;**
- 30 **(7) Impersonation of any person holding a certificate or permit or allowing any**
31 **person to use his or her certificate or permit or diploma from any school;**
- 32 **(8) Revocation, suspension, restriction, modification, limitation, reprimand,**
33 **warning, censure, probation or other final disciplinary action against the holder of or**
34 **applicant for a license or other right to practice any profession regulated by this chapter**
35 **by another state, territory, federal agency or country, whether voluntarily agreed to by the**
36 **certified public accountant or applicant, including but not limited to the denial of licensure,**
37 **surrender of a license, allowing a license to expire or lapse, or discontinuing or limiting the**
38 **practice of accounting while subject to an investigation or while actually under**
39 **investigation by any licensing authority, branch of the armed forces of the United States**
40 **of America, court, agency of the state or federal government, or employer;**
- 41 **(9) A person is finally adjudged insane or incompetent by a court of competent**
42 **jurisdiction;**
- 43 **(10) Assisting or enabling any person to practice or offer to practice accountancy**
44 **pursuant to this chapter who is not eligible to practice pursuant to this chapter;**
- 45 **(11) Issuance of a certificate or permit based upon a material mistake of fact;**
46 **(12) Failure to display a valid certificate or permit required by this chapter or any**

47 rule promulgated pursuant to this chapter;

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

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

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

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

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

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

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

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

65 3. Proceedings pursuant to this section shall be conducted in accordance with the
66 provisions of chapter 621, RSMo. Upon a finding that the grounds provided in subsection
67 2 of this section for disciplinary action are met, the board may, singly or in combination,
68 assess an administrative penalty not to exceed two thousand dollars per violation, censure
69 or place on probation on such terms and conditions as the board deems appropriate for a
70 period not to exceed five years, or may suspend for a period not to exceed three years or
71 revoke the certificate, license or permit. In any order of revocation, the board may provide
72 that the person shall not apply for a new license for a maximum of three years and one day
73 following the date of the order of revocation. All stay orders shall toll this time period. In
74 lieu of or in addition to any remedy specifically provided in subsection 1 of this section, the
75 board may require of a licensee:

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

77 (2) Satisfactory completion of continuing professional education programs as the
78 board may specify; or

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

81 326.313. After notice and hearings as provided in chapter 621, RSMo, the board
82 may revoke the permit of a CPA firm if it does not have all the qualifications prescribed

83 by section 326.289; or may revoke, suspend or censure the permit holder for any of the
84 causes enumerated in section 326.310.

326.316. Upon application in writing and after hearing pursuant to notice, the
2 board may issue a new license to a licensee whose license has been revoked, or may reissue
3 or modify the suspension of any permit to practice public accounting which has been
4 revoked or suspended.

326.319. 1. All moneys payable pursuant to the provisions of this chapter shall be
2 collected by the division of professional registration who shall transmit them to the
3 department of revenue for deposit in the state treasury to the credit of a fund to be known
4 as the "State Board of Accountancy Fund" which is hereby created.

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

13 3. In any proceeding in which a remedy provided by subsection 1 or 2 of section
14 326.310 is imposed, the board may also require the respondent licensee to pay the costs of
15 the proceeding if the board is a prevailing party or in settlement. The moneys shall be
16 placed in the state treasury to the credit of the "Missouri State Board of Accountancy
17 Investigation Fund", which is hereby created, to be used solely for investigations as
18 provided in this chapter. The moneys shall not be considered in calculating amounts to be
19 transferred to general revenue as provided in subsection 2 of this section. The fund shall
20 be used solely for board investigations.

21 4. The board shall set the amount of the fees which this chapter authorizes and
22 requires by rule pursuant to chapter 536, RSMo. The fees shall be set at a level to produce
23 revenue which shall not substantially exceed the cost and expense of administering this
24 chapter.

326.322. 1. Except by permission of the client for whom a licensee performs
2 services or the heirs, successors or personal representatives of such client, a licensee
3 pursuant to this chapter shall not voluntarily disclose information communicated to the
4 licensee by the client relating to and in connection with services rendered to the client by
5 the licensee. The information shall be privileged and confidential, provided, however, that
6 nothing herein shall be construed as prohibiting the disclosure of information required to

7 be disclosed by the standards of the public accounting profession in reporting on the
8 examination of financial statements or as prohibiting disclosures in investigations, in
9 ethical investigations conducted by private professional organizations, or in the course of
10 peer reviews, or to other persons active in the organization performing services for that
11 client on a need to know basis or to persons in the entity who need this information for the
12 sole purpose of assuring quality control.

13 2. A licensee shall not be examined by judicial process or proceedings without the
14 consent of the licensee's client as to any communication made by the client to the licensee
15 in person or through the media of books of account and financial records, or the licensee's
16 advice, reports or working papers given or made thereon in the course of professional
17 employment, nor shall a secretary, stenographer, clerk or assistant of a licensee, or a public
18 accountant, be examined, without the consent of the client concerned, regarding any fact
19 the knowledge of which he or she has acquired in his or her capacity as a licensee. This
20 privilege shall exist in all cases except when material to the defense of an action against a
21 licensee.

326.325. 1. Subject to the provisions of section 326.322, all statements, records,
2 schedules, working papers and memoranda made by a licensee or a partner, shareholder,
3 officer, director, member, manager or employee of a licensee, incident to, or in the course
4 of, rendering services to a client while a licensee, except the reports submitted by the
5 licensee to the client and except for records that are part of the client's records, shall be
6 and remain the property of the licensee in the absence of an express agreement between the
7 licensee and the client to the contrary. No statement, record, schedule, working paper or
8 memorandum shall be sold, transferred or bequeathed without the consent of the client or
9 the client's personal representative or assignee to anyone other than one or more surviving
10 partners, stockholders, members or new partners, new stockholders or new members of
11 the licensee, or any combined or merged firm or successor in interest to the licensee.
12 Nothing in this section should be construed as prohibiting any temporary transfer of work
13 papers or other material necessary in the course of carrying out peer reviews or as
14 otherwise interfering with the disclosure of information pursuant to section 326.322.

15 2. A licensee shall furnish to a client or former client, upon request and reasonable
16 notice:

17 (1) A copy of the licensee's working papers to the extent that the working papers
18 include records that would ordinarily constitute part of the client's records and are not
19 otherwise available to the client; and

20 (2) Any accounting or other records belonging to, or obtained from or on behalf of,
21 the client that the licensee removed from the client's premises or received for the client's

22 **account. The licensee may make and retain copies of such documents of the client when**
23 **they form the basis for work done by the licensee.**

24 **3. Nothing in this section shall require a licensee to keep any paperwork beyond the**
25 **period prescribed in any other applicable statute, nor shall it prohibit a licensee from**
26 **charging a reasonable fee for furnishing the requested materials.**

326.328. Application by a person or a firm not a resident of this state shall
2 **constitute and authorize appointment of the Missouri secretary of state as the applicant's**
3 **agent upon whom process may be served in any action or proceeding against the applicant**
4 **arising out of any transaction or operation connected with or incidental to services**
5 **performed within this state.**

326.331. If any provisions of sections 326.250 to 326.331 or the application thereof
2 **to anyone or to any circumstances is held invalid, the remainder of those sections and the**
3 **application of the invalid provision to others or other circumstances shall not be affected.**

327.011. As used in this chapter, the following words and terms shall have the meanings
2 **indicated:**

3 **(1) "Accredited degree program from a school of architecture", a degree from any school**
4 **or other institution which teaches architecture and whose curricula for the degree in question**
5 **have been, at the time in question, certified as accredited by the National Architectural**
6 **Accrediting Board;**

7 **(2) "Accredited school of landscape architecture", any school or other institution**
8 **which teaches landscape architecture and whose curricula on the subjects in question are**
9 **or have been at the times in question certified as accredited by the Landscape Architecture**
10 **Accreditation Board of the American Society of Landscape Architects;**

11 **(3) "Accredited school of engineering", any school or other institution which teaches**
12 **engineering and whose curricula on the subjects in question are or have been, at the time in**
13 **question certified as accredited by the engineering accreditation commission of the accreditation**
14 **board for engineering and technology or its successor organization;**

15 **[(3)] (4) "Architect", any person authorized pursuant to the provisions of this chapter to**
16 **practice architecture in Missouri, as the practice of architecture is defined in section 327.091;**

17 **[(4)] (5) "Board", the Missouri board for architects, professional engineers, and**
18 **professional land surveyors;**

19 **[(5)] (6) "Corporation", any general business corporation, professional corporation or**
20 **limited liability company;**

21 **(7) "Department", the department of economic development;**

22 **(8) "Division", the division of professional registration in the department of**
23 **economic development;**

24 (9) "Landscape architect", any person licensed pursuant to the provisions of
25 sections 327.600 to 327.635 who is qualified to practice landscape architecture by reason
26 of special knowledge and the use of biological, physical, mathematical and social sciences
27 and the principles and methods of analysis and design of the land, has demonstrated
28 knowledge and ability in such areas, and has been duly licensed as a landscape architect
29 by the board on the basis of professional education, examination and experience in
30 landscape architecture;

31 [(6)] (10) "Partnership", any partnership or limited liability partnership;

32 [(7)] (11) "Person", any person, corporation, firm, partnership, association or other
33 entity;

34 [(8)] (12) "Professional engineer", any person authorized pursuant to the provisions of
35 this chapter to practice as a professional engineer in Missouri, as the practice of engineering is
36 defined in section 327.181;

37 [(9)] (13) "Professional land surveyor", any person authorized pursuant to the provisions
38 of this chapter to practice as a professional land surveyor in Missouri as the practice of land
39 surveying is defined in section 327.272.

327.031. 1. The "Missouri Board for Architects, Professional Engineers, [and]
2 Professional Land Surveyors **and Landscape Architects**" is hereby established and shall consist
3 of [eleven] **fourteen** members: a chairperson, who may be either an architect, a professional
4 engineer or a professional land surveyor; three architects, who shall constitute the architectural
5 division of the board; three professional engineers, who shall constitute its professional
6 engineering division; three professional land surveyors, who shall constitute its professional land
7 surveying division; **three landscape architects, who shall constitute its landscape**
8 **architecture division**; and a voting public member.

9 2. After receiving his or her commission and before entering upon the discharge of his
10 or her official duties, each member of the board shall take, subscribe to and file in the office of
11 the secretary of state the official oath required by the constitution.

12 3. The chairperson shall be the administrative and executive officer of the board, and it
13 shall be his or her duty to supervise and expedite the work of the board and its divisions, and,
14 at his or her election, when a tie exists between the divisions of the board, to break the tie by
15 recording his or her vote for or against the action upon which the divisions are in disagreement.
16 Each member of the architectural division shall have one vote when voting on an action pending
17 before the board; each member of the professional engineering division shall have one vote when
18 voting on an action pending before the board; **the chairperson of the landscape architecture**
19 **division or the chairperson's designee shall have one vote when voting on an action pending**
20 **before the board**; and each member of the professional land surveying division shall have one

21 vote when voting on an action pending before the board. Every motion or proposed action upon
22 which the divisions of the board are tied shall be deemed lost, and the chairperson shall so
23 declare, unless the chairperson shall elect to break the tie as provided in this section. **[Six] Seven**
24 **voting** members of the board and two members of each division shall constitute a quorum,
25 respectively, for the transaction of business.

26 4. Each division of the board shall, at its first meeting in each even-numbered year, elect
27 one of its members as division chairperson for a term of two years. The chairpersons of the
28 architectural division **[and]**, professional engineering division and the professional land
29 surveying division so elected shall be vice chairpersons of the board, and when the chairperson
30 of the board is an architect, the chairperson of the architectural division shall be the ranking vice
31 chairperson, and when the chairperson of the board is a professional engineer, the chairperson
32 of the professional engineering division shall be the ranking vice chairperson, and when the
33 chairperson of the board is a professional land surveyor, the chairperson of the professional land
34 surveying division shall be the ranking vice chairperson. The chairperson of each division shall
35 be the administrative and executive officer of his or her division, and it shall be his or her duty
36 to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the
37 chairperson shall, at his or her election, break the tie by his or her vote. Every motion or
38 question pending before the division upon which a tie exists shall be deemed lost, and so
39 declared by the chairperson of the division, unless the chairperson shall elect to break such tie
40 by his or her vote.

41 5. Any person appointed to the board, except a public member, shall be a currently
42 licensed architect, licensed professional engineer **[or]**, licensed professional land surveyor **or**
43 **registered or licensed landscape architect** in Missouri, as the vacancy on the board may
44 require, who has been a resident of Missouri for at least five years, who has been engaged in
45 active practice as an architect, professional engineer **[or]**, professional land surveyor **or**
46 **landscape architect**, as the case may be, for at least ten consecutive years immediately
47 preceding such person's appointment and who is and has been a citizen of the United States for
48 at least five years immediately preceding such person's appointment. Active service as a faculty
49 member while holding the rank of assistant professor or higher in an accredited school of
50 engineering shall be regarded as active practice of engineering, for the purposes of this chapter.
51 Active service as a faculty member, after meeting the qualifications required by section 327.314,
52 while holding the rank of assistant professor or higher in an accredited school of engineering and
53 teaching land surveying courses shall be regarded an active practice of land surveying for the
54 purposes of this chapter. Active service as a faculty member while holding the rank of assistant
55 professor or higher in an accredited school of architecture shall be regarded as active practice of
56 architecture for the purposes of this chapter; provided, however, that no faculty member of an

57 accredited school of architecture shall be eligible for appointment to the board unless such
58 person has had at least three years' experience in the active practice of architecture other than in
59 teaching. The public member shall be, at the time of appointment, a citizen of the United States;
60 a resident of this state for a period of one year and a registered voter; a person who is not and
61 never was a member of any profession licensed or regulated pursuant to this chapter or the
62 spouse of such person; and a person who does not have and never has had a material, financial
63 interest in either the providing of the professional services regulated by this chapter, or an
64 activity or organization directly related to any profession licensed or regulated pursuant to this
65 chapter. All members, including public members, shall be chosen from lists submitted by the
66 director of the division of professional registration. The duties of the public member shall not
67 include the determination of the technical requirements to be met for licensure or whether any
68 person meets such technical requirements or of the technical competence or technical judgment
69 of a licensee or a candidate for licensure.

70 6. The governor shall appoint the chairperson and the other members of the board when
71 a vacancy occurs either by the expiration of a term or otherwise, and each board member shall
72 serve until such member's successor is appointed and has qualified. The position of chairperson
73 shall alternate among an architect, a professional engineer and a professional land surveyor. All
74 appointments, except to fill an unexpired term, shall be for terms of four years; but no person
75 shall serve on the board for more than two consecutive four-year terms, and each four-year term
76 shall be deemed to have begun on the date of the expiration of the term of the board member who
77 is being replaced or reappointed, as the case may be. Any appointment to the board which is
78 made when the senate is not in session shall be submitted to the senate for its advice and consent
79 at its next session following the date of the appointment.

80 7. In the event that a vacancy is to occur on the board because of the expiration of a term,
81 then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs,
82 the president of the American Institute of Architects/Missouri if the vacancy to be filled requires
83 the appointment of an architect, **the president of the Missouri Association of Landscape**
84 **Architects if the vacancy to be filled requires the appointment of a landscape architect**, the
85 president of the Missouri Society of Professional Engineers if the vacancy to be filled requires
86 the appointment of an engineer, and the president of the Missouri Association of Registered Land
87 Surveyors if the vacancy to be filled requires the appointment of a land surveyor, shall submit
88 to the director of the division of professional registration a list of five architects or five
89 professional engineers, **five landscape architects** or five professional land surveyors, as the case
90 may require, qualified and willing to fill the vacancy in question, with the recommendation that
91 the governor appoint one of the five persons so listed; and with the list of names so submitted,
92 the president of the appropriate organization shall include in a letter of transmittal a description

93 of the method by which the names were chosen. This subsection shall not apply to public
94 member vacancies.

95 8. The board may sue and be sued as the Missouri board for architects, professional
96 engineers, [and] professional land surveyors **and landscape architects**, and its members need
97 not be named as parties. Members of the board shall not be personally liable either jointly or
98 severally for any act or acts committed in the performance of their official duties as board
99 members, nor shall any board member be personally liable for any court costs which accrue in
100 any action by or against the board.

101 9. **Upon appointment by the governor and confirmation by the senate of the**
102 **landscape architecture division, the landscape architectural council is hereby abolished**
103 **and all of its powers, duties and responsibilities are transferred to and imposed upon the**
104 **Missouri board for architects, professional engineers, professional land surveyors and**
105 **landscape architects established pursuant to this section. Every act performed by or under**
106 **the authority of the Missouri board for architects, professional engineers, professional land**
107 **surveyors and landscape architects shall be deemed to have the same force and effect as if**
108 **performed by the landscape architectural council pursuant to sections 327.600 to 327.635.**
109 **All rules and regulations of the landscape architectural council shall continue in effect and**
110 **shall be deemed to be duly adopted rules and regulations of the Missouri board of**
111 **architects, professional engineers, professional landscape architects and landscape**
112 **architects until such rules and regulations are revised, amended or repealed by the board**
113 **as provided by law, such action to be taken by the board on or before January 1, 2002.**

114 10. **Upon appointment by the governor and confirmation by the senate of the**
115 **landscape architecture division, all moneys deposited in the landscape architectural council**
116 **fund created in section 327.625 shall be transferred to the state board for architects,**
117 **professional engineers, professional land surveyors and landscape architects fund created**
118 **in section 327.081. The landscape architectural council fund shall be abolished upon the**
119 **transfer of all moneys in it to the state board of architects, professional engineers, land**
120 **surveyors and landscape architects.**

327.041. 1. The board shall have the duty and the power to carry out the purposes and
2 to enforce and administer the provisions of this chapter, to require, by summons or subpoena,
3 with the advice of the attorney general and upon the vote of two-thirds of the voting board
4 members, the attendance and testimony of witnesses, and the production of drawings, plans,
5 plats, specifications, books, papers or any document representing any matter under hearing or
6 investigation, pertaining to the issuance, probation, suspension or revocation of certificates of
7 registration or certificates of authority provided for in this chapter, or pertaining to the unlawful
8 practice of architecture, professional engineering [or], professional land surveying **or landscape**

9 **architecture.**

10 2. The board shall, within the scope and purview of the provisions of this chapter,
11 prescribe the duties of its officers and employees and adopt, publish and enforce the rules and
12 regulations of professional conduct which shall establish and maintain appropriate standards of
13 competence and integrity in the professions of architecture, professional engineering [and],
14 professional land surveying **and landscape architecture**, and adopt, publish and enforce
15 procedural rules and regulations as may be considered by the board to be necessary or proper for
16 the conduct of the board's business and the management of its affairs, and for the effective
17 administration and interpretation of the provisions of this chapter. Any rule or portion of a rule,
18 as that term is defined in section 536.010, RSMo, that is created under the authority delegated
19 in this chapter shall become effective only if it complies with and is subject to all of the
20 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking
21 authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in
22 this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior
23 to August 28, 1999, if it fully complied with all applicable provisions of law. This section and
24 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
25 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul
26 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
27 proposed or adopted after August 28, 1999, shall be invalid and void.

28 3. Rules promulgated by the board pursuant to sections 327.272 to [327.371] **327.635**
29 shall be consistent with and shall not supersede the rules promulgated by the department of
30 natural resources pursuant to chapter 60, RSMo.

327.081. 1. All funds received pursuant to the provisions of this chapter shall be
2 deposited in the state treasury to the credit of the "State Board for Architects, Professional
3 Engineers [and], Land Surveyors **and Landscape Architects Fund**" which is hereby established.
4 All expenditures authorized by this chapter shall be paid from funds appropriated to the board
5 by the general assembly from this fund.

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

327.131. 1. Any person may apply to the board for examination and license as an

2 architect who is over the age of twenty-one, is of good moral character, and is a graduate of and
3 holds [a degree in architecture from an accredited] **an accredited degree from an accredited**
4 **degree program from a** school of architecture and has acquired at least three years of
5 satisfactory architectural experience [after acquiring the degree aforesaid, or]. **Prior to January**
6 **1, 2012, any applicant** who possesses the age and character qualifications as provided in this
7 subsection and who has acquired a combined total of twelve years of education, above the high
8 school level, and satisfactory architectural experience **may apply to the board for examination**
9 **and license as an architect. Beginning January 1, 2012, all new applicants shall hold an**
10 **accredited degree from an accredited degree program from a school of architecture.**

11 2. The board shall provide by rule what shall constitute satisfactory architectural
12 experience, based upon recognized education and training equivalents.

13 **3. Beginning January 1, 2002, each applicant who has graduated with an accredited**
14 **degree from an accredited degree program from a school of architecture shall complete the**
15 **intern development program (IDP) as defined in the IDP Guidelines: Intern Development**
16 **Program, 1994, as published by the National Council of Architectural Registration Boards,**
17 **as amended. Completion of the intern development program shall be deemed to be**
18 **satisfactory architectural experience.**

327.381. The board shall issue a license to any architect, professional engineer [or],
2 professional land surveyor **or landscape architect** who has been licensed in another state,
3 territory or possession of the United States, or in another country, provided that the board is
4 satisfied by proof adduced by such applicant that the applicant's qualifications meet or exceed
5 the requirements for initial licensure in Missouri at the time of the applicant's initial license, and
6 provided further that the board may establish by rule the conditions under which it shall require
7 any such applicant to take any examination it considers necessary, and provided further that the
8 board is satisfied by proof adduced by such applicant that the applicant is of good moral
9 character, and provided further that any such application is accompanied by the required fee
10 which shall be equal to the examination fee.

327.600. As used in sections 327.600 to 327.635, the following terms mean:

- 2 (1) ["Accredited school of landscape architecture", any school or other institution which
3 teaches landscape architecture and whose curricula on the subjects in question are or have been
4 at the times in question certified as accredited by the Landscape Architecture Accreditation
5 Board of the American Society of Landscape Architects;
- 6 (2) "Council", the landscape architecture council;
- 7 (3) "Department", the department of economic development;
- 8 (4) "Division", the division of professional registration of the department of economic
9 development;

10 (5) "Landscape architect", any person registered under the provisions of sections 327.600
11 to 327.635 who performs work consisting only of consultations concerning and preparation of
12 master plans for parks, land areas or the preparation of plans for and the supervision of the
13 planting and grading or the construction of walks and paving for parks or land areas and such
14 other minor structural features as fences, steps, walls, small decorative pools and other
15 construction not involving structural design or stability and which is usually and customarily
16 included within the area or work of a landscape architect;

17 (6) "Person", any person, firm, corporation, partnership, association, or other entity]
18 **"Landscape architecture", the performance of professional services, including but not**
19 **limited to consultations, research, planning, design or responsible supervision in**
20 **connection with the development of land, in which the dominant purpose of such**
21 **professional services is the preservation, enhancement or determination of land uses,**
22 **natural land features, ground cover and planting, naturalistic and esthetic value, settings**
23 **and approaches to structures or other improvements, natural drainage and the**
24 **consideration and determination of inherent problems of the land relating to erosion, wear**
25 **and tear, blight or other hazard;**

26 (2) **"Practice of landscape architecture", the location and arrangement of such**
27 **tangible objects and features as are incidental and necessary to the purposes specified in**
28 **the definition of landscape architecture, but shall not include the design of structures or**
29 **facilities with separate and self-contained purposes such as are ordinarily included in the**
30 **practice of engineering or architecture, and shall not include the making of final land plats**
31 **for official approval or recording.**

327.603. 1. **One year from the appointment of the landscape architecture division,**
2 no person shall [use the name or title landscape architect, landscape architecture, landscape
3 architectural, or L.A. in this state unless he is registered as required by sections 327.600 to
4 327.635 provided, however, that nothing in sections 327.600 to 327.635 shall be construed as
5 limiting or preventing the practice of a person's profession or restricting a person from providing
6 landscape architectural services so long as such person does not hold himself out to the public
7 by title as being registered under sections 327.600 to 327.635] **practice or offer to practice, or**
8 **hold himself or herself out as a landscape architect or as being able to practice landscape**
9 **architecture in this state or to use in connection with his or her name or otherwise assume,**
10 **or advertise unless he or she is licensed as required by this chapter. Sections 327.600 to**
11 **327.635 shall not be construed to prohibit those persons engaged in nursery occupations,**
12 **gardeners, landscape contractors, home builders or residential developers from preparing**
13 **planting plans and items incidental thereto, provided the project scope does not jeopardize**
14 **the public health, safety and welfare; nor shall sections 327.600 to 327.635 be construed to**

15 prevent the practice of any other legally recognized profession as governed by applicable
16 law. Nothing contained in this section shall under any circumstances be construed as in
17 any way affecting the laws relating to the practice, licensing, certification or registration
18 of architects, engineers and land surveyors. An architect, engineer or land surveyor
19 licensed, certified or registered to practice his or her profession or occupation pursuant to
20 the provisions of any law to regulate the practice of such profession or occupation is
21 exempt from licensing as a landscape architect, and nothing contained in this section shall
22 under any circumstances be construed as in any way precluding an architect or engineer
23 from performing any of the services included within the definition of the term landscape
24 architecture in section 327.600.

25 2. The licensure requirement shall be waived for those persons who hold a current
26 registration by the division as a landscape architect on or before August 28, 2001, provided
27 that application is made on a form prescribed by the board on or before December 31,
28 2002. The licensure requirement shall be waived for those persons whose certificates of
29 registration have expired on or before August 28, 2002, by being approved by the board
30 for reinstatement of expired registration and then making application for licensure on a
31 form prescribed by the board on or before December 31, 2002.

327.607. The [council] **board** shall conduct all examinations, determine which
2 applicants have successfully passed the examinations and recommend each such applicant to the
3 division for [registration] **licensure** as a landscape architect. The [council] **board** may obtain
4 the services of specially trained and qualified persons or organizations to assist in conducting
5 examinations of applicants for [registration] **licensure**. Certification of an applicant's technical
6 qualifications by the council of landscape architectural registration boards may be accepted by
7 this state's [council] **board** as establishing such qualifications and the applicant shall not be
8 required to pass any further examination.

327.612. Any person who is of good moral character, has attained the age of twenty-one
2 years, and has [either] a degree in landscape architecture from an accredited school of landscape
3 architecture and has acquired at least three years satisfactory landscape architectural experience
4 after acquiring such a degree[, or has eight years or more of satisfactory training and experience,
5 as defined by rule, in the practice of landscape architecture,] may apply to the [council] **board**
6 for examination and [registration] **licensure** as a landscape architect.

327.615. Applications for examinations and [registration] **licensure** as a landscape
2 architect shall be typewritten on [prescribed forms furnished to the applicant] **forms approved**
3 **by the board**. The application shall contain the applicant's statements showing the applicant's
4 education, experience, results of previous landscape architectural licensing examinations, if any,
5 and such other pertinent information as the [council] **board** may require. Each application shall

6 contain a statement that it is made under oath or affirmation and that its representations are true
7 and correct to the best knowledge and belief of the person signing the application subject to the
8 penalties of making a false affidavit or declaration, and shall be accompanied by the required fee.

327.617. 1. After the [council] **board** has determined upon such inquiry and by such
2 methods as it may consider proper that an applicant possesses the qualifications entitling [him]
3 **the applicant** to be examined, each applicant for examination and [registration] **licensure** as a
4 landscape architect shall appear before the [council] **board** or its representatives for examination
5 at the time and place specified by the [council] **board** in a written notice to each such applicant,
6 provided that an examination shall be given at least once in each calendar year.

7 2. The written examination shall be of such form, content and duration as determined
8 by the [council] **board** to thoroughly test the qualifications of each applicant.

9 3. Any person who passes the examination prescribed by the [council] **board** shall be
10 entitled to be [registered] **licensed** as a landscape architect in Missouri, subject to the other
11 provisions of sections 327.600 to 327.635.

327.621. 1. The [certificate of registration] **license** issued to every [registered] landscape
2 architect in Missouri shall be renewed on or before the [certificate] **license** renewal date,
3 provided that the required fee is paid. The [certificate of registration] **license** of a landscape
4 architect which is not renewed within three months of the [certificate] renewal date shall be
5 suspended automatically, subject to the right of the holder thereof to have such suspended
6 [certificate of registration] **license** reinstated within nine months of the date of suspension, if the
7 reinstatement fee is paid. Any [certificate of registration] **license** suspended and not reinstated
8 within nine months of the suspension date shall expire and be void and the holder thereof shall
9 have no rights or privileges thereunder; provided, however, any person whose [certificate of
10 registration] **license** has expired may within the discretion of the [council] **board**, upon payment
11 of the fee [specified hereinafter] **provided pursuant to section 327.625**, be [reregistered]
12 **relicensed** or reauthorized under his or its original [certificate of registration] **license** number.

13 2. Each application for the renewal of a [registration] **licensure** shall be on a form
14 furnished to the applicant and shall be accompanied by the required fee.

327.623. The [council] **board** may [register] **license**, in its discretion and without
2 examination, any landscape architect certified, licensed or registered in another state or territory
3 of the United States when such applicant has qualifications which are at least equivalent to the
4 requirements for [registration] **licensure** as a landscape architect in this state.

327.629. No person shall [use the designation] **practice as a** landscape architect in
2 Missouri as defined in section 327.600 unless and until the [division] **board** has issued to him
3 **or her** a [certificate of registration] **license** certifying that he **or she** has been duly [registered]
4 **licensed** as a landscape architect in Missouri, and unless such [registration] **licensure** has been

5 renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to
6 327.635 shall be construed as authorizing a landscape architect to engage in the practice of
7 architecture, engineering, land surveying or to affect or prevent the practice of architecture by
8 an architect licensed [under] **pursuant to** the laws of this state, or to affect or prevent the
9 practice of engineering by a professional engineer licensed [under] **pursuant to** the laws of this
10 state, or to affect or prevent the practice of land surveying by a land surveyor licensed [under]
11 **pursuant to** the laws of this state; or to apply to any person licensed as an architect, professional
12 engineer or land surveyor in this state except that no person shall [use the designation landscape
13 architect, landscape architectural or landscape architecture or L.A. unless registered under] **hold**
14 **themselves out to be a landscape architect unless licensed pursuant to** the provisions of
15 sections 327.600 to 327.635.

327.630. The right to [use the designation of] **practice as a** landscape architect shall be
2 deemed a personal right, based upon the qualifications of the individual, evidenced by his
3 [certificate of registration] **or her license** and shall not be transferable; provided, however, that
4 any [registered] **licensed** landscape architect may practice his **or her** profession through the
5 medium of, or as a member or as an employee of, a partnership or corporation.

327.631. 1. The [council] **board** may refuse to issue any [certificate] **license** required
2 pursuant to section 327.629, or renewal or reinstatement thereof, for one or any combination of
3 causes stated in subsection 2 of this section. The [council] **board** shall notify the applicant in
4 writing of the reasons for the refusal and shall advise the applicant of his **or her** right to file a
5 complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The [council] **board** may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621, RSMo, against any holder of any [certificate of
8 registration] **license** required by section 327.629 or any person who has failed to renew or has
9 surrendered his [certificate of registration] **or her license** for any one or any combination of the
10 following causes:

11 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty
12 or nolo contendere, in a criminal prosecution [under] **pursuant to** the laws of any state or of the
13 United States, for any offense reasonably related to the qualifications, functions or duties of the
14 profession regulated [under] **pursuant to** sections 327.600 to 327.635, for any offense an
15 essential element of which is fraud, dishonesty or an act of violence, or for any offense involving
16 moral turpitude, whether or not sentence is imposed;

17 (2) Use of fraud, deception, misrepresentation or bribery in securing any [certificate of
18 registration] **license** or authority, permit or license issued pursuant to sections 327.600 to
19 327.635 or in obtaining permission to take any examination given or required pursuant to
20 sections 327.600 to 327.635;

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

23 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
24 in the performance of the functions or duties of the profession regulated by sections 327.600 to
25 327.635;

26 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
27 327.600 to 327.635, or of any lawful rule or regulation adopted pursuant to such sections;

28 (6) Impersonation of any person holding a [certificate of registration] **license** or
29 authority, permit or license allowing any person to use his or her certificate or diploma from any
30 school;

31 (7) Disciplinary action against the holder of a [certificate of registration] **license** or other
32 right to practice the profession regulated by sections 327.600 to 327.635 granted by another state,
33 territory, federal agency, or country upon grounds for which revocation or suspension is
34 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 [certificate of registration] **license** based upon a material mistake of
38 fact;

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

41 3. After the filing of such complaint, the proceedings shall be conducted in accordance
42 with the provisions of chapters 536 and 621, RSMo. Upon a finding by the administrative
43 hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary
44 action are met, the [council] **board** may censure or place the person named in the complaint on
45 probation on such terms and conditions as the [council] **board** deems appropriate for a period
46 not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
47 [certificate of registration] **license**.

329.040. 1. Any person of good moral character may make application to the board for
2 a license to own a school of cosmetology on a form provided upon request by the board. Every
3 school of cosmetology in which any of the classified occupations of cosmetology are taught shall
4 be required to obtain a license from the board prior to opening. The license shall be issued upon
5 approval of the application by the board, the payment of the required fees, and the applicant
6 meets other requirements provided in this chapter. The license shall be kept posted in plain view
7 within the school at all times.

8 2. A school license renewal fee shall be due on or before the renewal date of any school
9 license issued pursuant to this section. If the school license renewal fee is not paid on or before

10 the renewal date, a late fee shall be added to the regular school license fee.

11 3. No school of cosmetology shall be granted a license [under] **pursuant to** this chapter
12 unless it:

13 (1) Employs and has present in the school a competent licensed instructor for every
14 twenty-five students enrolled and scheduled to be in attendance for a given class period and one
15 to ten additional students may be enrolled and in attendance with the assistance of an instructor
16 trainee. One instructor is authorized to teach up to three instructor trainees immediately after
17 being granted an instructor's license;

18 (2) Requires all students to be enrolled in a course of study of no less than three hours
19 per day and no more than eight hours per day with a weekly total that is no less than fifteen hours
20 and no more than forty-eight hours;

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

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

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

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

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

- 46 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- 47 (3) Hair cutting and shaping, one hundred thirty hours;
- 48 (4) Permanent waving and relaxing, one hundred twenty-five hours;
- 49 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- 50 (6) Combouts and hair styling techniques, one hundred five hours;
- 51 (7) Scalp treatments and scalp diseases, thirty hours;
- 52 (8) Facials, eyebrows and arches, forty hours;
- 53 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- 54 (10) Cosmetic chemistry, twenty-five hours;
- 55 (11) Salesmanship and shop management, ten hours;
- 56 (12) Sanitation and sterilization, thirty hours;
- 57 (13) Anatomy, twenty hours;
- 58 (14) State law, ten hours;
- 59 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

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

- 64 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty
65 hours;
- 66 (2) Salesmanship and shop management, twenty hours;
- 67 (3) Sanitation and sterilization, twenty hours;
- 68 (4) Anatomy, ten hours;
- 69 (5) State law, ten hours;
- 70 (6) Study of the use and application of certain chemicals, forty hours;
- 71 (7) Curriculum to be defined by school, not less than seventy hours.

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

- 76 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- 77 (2) Makeup application, all phases, one hundred hours;
- 78 (3) Hair removal, thirty hours;
- 79 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- 80 (5) Reflexology, thirty-five hours;
- 81 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;

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

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

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

85 (10) State law, ten hours;

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

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

91 8. No school of cosmetology shall operate within this state unless a proper license
92 [under] **pursuant to** this chapter has first been obtained.

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

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

106 11. Each licensed school of cosmetology for manicuring only shall provide a minimum
107 of one thousand square feet of floor space, adequate room for theory instruction, adequate
108 equipment, lockers, an adequate library, two restrooms and a clinical working area for ten
109 students. Minimum floor space requirement proportionately increases with student enrollment
110 of over ten students.

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

116 13. No school of cosmetology may have a greater number of students enrolled and
117 scheduled to be in attendance for a given class period than the total floor space of that school will

118 accommodate. Floor space required per student shall be no less than fifty square feet per
119 additional student beyond twenty students for a school of cosmetology, beyond ten students for
120 a school of manicuring and beyond ten students for a school of esthetics.

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

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

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

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

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

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

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

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

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

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

 329.190. 1. The state board of cosmetology shall be composed of seven members,
2 including one voting public member **and one member who is a licensed school owner**
3 **pursuant to subsection 1 of section 329.040**, appointed by the governor with the advice and
4 consent of the senate. The term of office of each member shall be four years.

5 2. The members of the board shall receive as compensation for their services the sum
6 set by the board not to exceed fifty dollars for each day actually spent in attendance at meetings
7 of the board, within the state, not to exceed forty-eight days in any calendar year, and in addition
8 thereto they shall be reimbursed for all necessary expenses incurred in the performance of their
9 duties as members of the board.

10 3. All members, except the public member, shall be cosmetologists and manicurists duly
11 registered as such and licensed pursuant to the laws of this state, and shall be United States
12 citizens and shall have been residents of this state for at least one year next preceding their
13 appointments and shall have been actively engaged in the lawful practice of cosmetology for a
14 period of at least five years. The public member shall be at the time of the person's appointment
15 a citizen of the United States; a resident of this state for a period of one year and a registered
16 voter; a person who is not and never was a member of any profession licensed or regulated
17 pursuant to this chapter or the spouse of such person; and a person who does not have and never
18 has had a material, financial interest in either the providing of the professional services regulated
19 by this chapter, or an activity or organization directly related to any profession licensed or
20 regulated pursuant to this chapter. All members, including public members, shall be chosen from
21 lists submitted by the director of the division of professional registration. The duties of the
22 public member shall not include the determination of the technical requirements to be met for
23 licensure or whether any person meets such technical requirements or of the technical

24 competence or technical judgment of a licensee or a candidate for licensure.

329.210. 1. The board shall have power to:

2 (1) Prescribe by rule for the examinations of applicants for licensure to practice the
3 classified occupation of cosmetology and issue licenses;

4 (2) Prescribe by rule for the inspection of cosmetology establishments and schools and
5 appoint the necessary inspectors and examining assistants;

6 (3) Prescribe by rule for the inspection of establishments and schools of cosmetology [by
7 persons licensed in cosmetology] as to their sanitary conditions and to appoint the necessary
8 inspectors and, if necessary, examining assistants; and set the amount of the fees which this
9 chapter authorizes and requires, by rules and regulations promulgated pursuant to section
10 536.021, RSMo. The fees shall be set at a level sufficient to produce revenue which shall not
11 substantially exceed the cost and expense of administering this chapter;

12 (4) Employ and remove board personnel, as defined in subdivision (4) of subsection 15
13 of section 620.010, RSMo, as may be necessary for the efficient operation of the board, within
14 the limitations of its appropriation;

15 (5) Elect one of its members president, one vice president and one secretary; and

16 (6) Determine the sufficiency of the qualifications of applicants.

17 2. The board shall create no expense exceeding the sum received from time to time from
18 fees imposed pursuant to this chapter.

19 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
20 is promulgated under the authority of this chapter, shall become effective only if the agency has
21 fully complied with all of the requirements of chapter 536, RSMo, including but not limited to,
22 section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated
23 prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however
24 nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and
25 promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the
26 provisions of this section are nonseverable and if any of the powers vested with the general
27 assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to
28 disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported
29 grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking
30 shall be invalid and void, except that nothing in this act shall affect the validity of any rule
31 adopted and promulgated prior to August 28, 1998.

**331.032. Notwithstanding any other provision of law to the contrary, the board of
2 chiropractic examiners may issue a temporary license to practice chiropractic as follows:**

3 **(1) To a chiropractor holding a current and unrestricted license to practice**
4 **chiropractic issued pursuant to the laws of a state other than Missouri;**

5 (2) A temporary license issued pursuant to this section shall be valid for a
6 maximum period of ninety days and the board shall not issue more than two temporary
7 licenses to an applicant during any calendar year;

8 (3) An applicant for a temporary license shall submit to the board a complete
9 application on a form prescribed by the board, pay an application fee as determined by
10 rule of the board and furnish proof satisfactory to the board that the applicant meets all
11 requirements for licensure, or examination therefor, as set forth in section 331.030;

12 (4) In addition to all other requirements herein, an applicant for a temporary
13 license pursuant to this section shall include with such applicant's application the name of
14 the chiropractic school or college from which the applicant graduated and the date of such
15 graduation, and evidence of such applicant's current and unrestricted licensure in another
16 state, including the number of such license and a photocopy thereof along with any other
17 evidence deemed necessary by the board;

18 (5) All provisions of this chapter that apply to applicants for and holders of licenses
19 to practice chiropractic, other than as specified in this section, shall apply to applicants for
20 and holders of temporary licenses, including the board's authority to conduct any
21 investigation the board considers appropriate to verify an applicant's credentials, moral
22 character and fitness to receive a temporary license and the board's authority to take
23 actions pursuant to the provisions of this chapter or any other provision of state law. The
24 board of chiropractic examiners may adopt rules the board considers necessary to
25 implement the provisions of this section. No rule or portion of a rule promulgated
26 pursuant to the authority of this section shall become effective unless it has been
27 promulgated pursuant to chapter 536, RSMo.

331.050. 1. All persons once licensed to practice chiropractic in this state shall pay on
2 or before the license renewal date a renewal license fee and shall furnish to the board satisfactory
3 evidence of the completion of the requisite number of hours, which shall not be less than twelve
4 hours nor more than twenty-four hours per year, of postgraduate study or not less than
5 twenty-four hours nor more than forty-eight hours if renewal occurs biennially. The postgraduate
6 study required shall be [that presented by a college of chiropractic accredited by the Council on
7 Chiropractic Education or] a course of study approved by the board. The requisite number of
8 hours is to be determined by the board. The board may set the requisite number of hours
9 between the range of twelve to twenty-four hours, but may not increase the number of hours in
10 excess of twelve hours by more than four hours in any two-year period. The board shall give
11 advance notice of one year to all chiropractors licensed in the state before increasing the number
12 of required hours. The educational requirements may be waived by the board upon presentation
13 to it of satisfactory evidence of the illness of the chiropractor or for other good cause. A notice

14 that the renewal fee will be due on the renewal date shall, on or before the first day of the month
15 immediately preceding the renewal date, be mailed to all chiropractors licensed in the state for
16 more than three months. Each practitioner of chiropractic shall display in his or her office, in
17 a conspicuous place, his or her renewal license together with his or her original license showing
18 that such practitioner of chiropractic is lawfully entitled to practice chiropractic. Failure of the
19 licensee to receive the renewal form shall not relieve the licensee of the duty to renew his or her
20 license and pay the fee required by this chapter.

21 2. Any licensee who allows his or her license to lapse by failing to renew the license as
22 provided in sections 331.010 to 331.100 may be reinstated upon satisfactory explanation of such
23 failure to renew his or her license and the payment of a reactivation fee and the current renewal
24 fee. Any delinquent licensee who has been out of active practice for more than three years shall
25 be required to return to an accredited chiropractic college for a semester of additional study in
26 the clinical subjects prior to the board reviewing his or her request for reinstatement, and to pass
27 a practical examination administered by the board.

334.625. 1. There is hereby established an "Advisory Commission for Physical
2 Therapists" which shall guide, advise and make recommendations to the board. The commission
3 shall approve the examination required by section 334.530 and shall assist the board in carrying
4 out the provisions of sections 334.500 to 334.620.

5 2. The commission shall be appointed no later than October 1, 1989, and shall consist
6 of five members appointed by the governor with the advice and consent of the senate. Each
7 member shall be a citizen of the United States and a resident of this state, and shall be licensed
8 as a physical therapist by this state. Members shall be appointed to serve three-year terms,
9 except that the first commission appointed shall consist of one member whose term shall be for
10 one year; two members whose terms shall be for three years; and two members whose terms shall
11 be for two years. The president of the Missouri Physical Therapy Association in office at the
12 time shall, at least ninety days prior to the expiration of the term of a commission member or as
13 soon as feasible after a vacancy on the commission otherwise occurs, submit to the director of
14 the division of professional registration a list of five physical therapists qualified and willing to
15 fill the vacancy in question, with the request and recommendation that the governor appoint one
16 of the five persons so listed, and with the list so submitted, the president of the Missouri Physical
17 Therapy Association shall include in his or her letter of transmittal a description of the method
18 by which the names were chosen by that association.

19 3. [No member of the commission shall be entitled to any compensation for the
20 performance of the member's official duties, but each member shall be reimbursed for necessary
21 and actual expenses incurred in the performance of the member's official duties.]
22 **Notwithstanding any other provision of law to the contrary, any appointed member of the**

23 **commission shall receive as compensation an amount established by the director of the**
24 **division of professional registration not to exceed seventy dollars per day for commission**
25 **business plus actual and necessary expenses. The director of the division of professional**
26 **registration shall establish by rule guidelines for payment.** All staff for the commission shall
27 be provided by the board of healing arts.

28 4. The commission shall hold an annual meeting at which it shall elect from its
29 membership a chairman and secretary. The commission may hold such additional meetings as
30 may be required in the performance of its duties, provided that notice of every meeting must be
31 given to each member at least ten days prior to the date of the meeting. A quorum of the board
32 shall consist of a majority of its members.

334.720. Notwithstanding any other provision of law to the contrary, any appointed
2 **member of the board shall receive as compensation an amount established by the director**
3 **of the division of professional registration not to exceed seventy dollars per day for board**
4 **business plus actual and necessary expenses. The director of the division of professional**
5 **registration shall establish by rule guidelines for payment.**

334.749. 1. There is hereby established an "Advisory Commission for Physician
2 Assistants" which shall guide, advise and make recommendations to the board. The commission
3 shall also be responsible for the ongoing examination of the scope of practice and promoting the
4 continuing role of physician assistants in the delivery of health care services. The commission
5 shall assist the board in carrying out the provisions of sections 334.735 to 334.749.

6 2. The commission shall be appointed no later than October 1, 1996, and shall consist
7 of five members, one member of the board, two licensed physician assistants, one physician and
8 one lay member. The two licensed physician assistant members, the physician member and the
9 lay member shall be appointed by the governor with the advice and consent of the senate. Each
10 licensed physician assistant member shall be a citizen of the United States and a resident of this
11 state, and shall be licensed as a physician assistant by this state. The physician member shall be
12 a United States citizen, a resident of this state, have an active Missouri license to practice
13 medicine in this state and shall be a supervising physician, at the time of appointment, to a
14 licensed physician assistant. The lay member shall be a United States citizen and a resident of
15 this state. The licensed physician assistant members shall be appointed to serve three-year terms,
16 except that the first commission appointed shall consist of one member whose term shall be for
17 one year and one member whose term shall be for two years. The physician member and lay
18 member shall each be appointed to serve a three-year term. No physician assistant member nor
19 the physician member shall be appointed for more than two consecutive three-year terms. The
20 president of the Missouri Academy of Physicians Assistants in office at the time shall, at least
21 ninety days prior to the expiration of a term of a physician assistant member of a commission

22 member or as soon as feasible after such a vacancy on the commission otherwise occurs, submit
23 to the director of the division of professional registration a list of five physician assistants
24 qualified and willing to fill the vacancy in question, with the request and recommendation that
25 the governor appoint one of the five persons so listed, and with the list so submitted, the
26 president of the Missouri Academy of Physicians Assistants shall include in his or her letter of
27 transmittal a description of the method by which the names were chosen by that association.

28 3. [No member of the commission shall be entitled to any compensation for the
29 performance of his or her official duties, but each member shall be reimbursed for necessary and
30 actual expenses incurred in the performance of his or her official duties.] **Notwithstanding any
31 other provision of law to the contrary, any appointed member of the commission shall
32 receive as compensation an amount established by the director of the division of
33 professional registration not to exceed seventy dollars per day for commission business plus
34 actual and necessary expenses. The director of the division of professional registration
35 shall establish by rule guidelines for payment.** All staff for the commission shall be provided
36 by the state board of registration for the healing arts.

37 4. The commission shall hold an open annual meeting at which time it shall elect from
38 its membership a chairman and secretary. The commission may hold such additional meetings
39 as may be required in the performance of its duties, provided that notice of every meeting shall
40 be given to each member at least ten days prior to the date of the meeting. A quorum of the
41 commission shall consist of a majority of its members.

42 5. On August 28, 1998, all members of the advisory commission for registered physician
43 assistants shall become members of the advisory commission for physician assistants and their
44 successor shall be appointed in the same manner and at the time their terms would have expired
45 as members of the advisory commission for registered physician assistants.

334.890. 1. If an applicant submits an application, **pays the required fees** and provides
2 documentation that the [person] **applicant** is enrolled in a nationally accredited respiratory care
3 educational program and the board completes a background check, an applicant may be issued
4 [a temporary] **an educational** permit to practice respiratory care [for a period] during the
5 applicant's course of study and up to a period of [eighteen] **six** months after the date the applicant
6 graduates from the program. If the holder of [a temporary] **an educational** permit issued
7 pursuant to this [subsection] **section** discontinues coursework in the program prior to graduation,
8 such holder's [temporary] **educational** permit shall be automatically revoked.

9 2. **If an applicant graduates from a nationally accredited respiratory care
10 educational program but does not obtain an educational permit during his or her course
11 of study, then upon graduation the applicant may apply to the board for a temporary
12 permit. If an applicant submits an application to the board, pays the required fees and the**

13 **board completes a background check, the board may issue a one-time temporary permit**
14 **to practice respiratory care for a period of six months from the date the applicant**
15 **graduated from a nationally accredited respiratory care educational program. Temporary**
16 **permits issued to applicants pursuant to this section shall automatically expire six months**
17 **after the date the applicant graduated from a nationally accredited respiratory care**
18 **education program or upon issuance or denial of a respiratory care practitioner license by**
19 **the board, whichever first occurs.**

20 **3. If an applicant submits an application to the board, pays the required fees and**
21 **the board completes a background check, the board may issue a one-time temporary permit**
22 **to practice respiratory care for a period of [eighteen] six months from the date the [person**
23 **applies] temporary permit is issued by the board. Such temporary permit shall [terminate]**
24 **automatically expire at the end of the [eighteen-month] six-month period[, or at the time the**
25 **holder of such temporary permit applies for a temporary educational permit issued pursuant to**
26 **subsection 1 of this section] or upon issuance of a denial of a respiratory care practitioner**
27 **license by the board, whichever first occurs. The board may issue the temporary permit**
28 **provided by this [subsection] section if the applicant:**

29 (1) [The applicant submits an application to the board and pays the required fees and:
30 (a)] Is a veteran of the United States military services and such applicant has a minimum
31 of six months respiratory care experience **during the previous eighteen months** as a member
32 of the military and such experience is verified; or

33 [(b) Such applicant has been performing the duties of a respiratory care practitioner in
34 this state, any other state, the District of Columbia or territory of the United States, as defined
35 in section 334.800, for the previous twelve months; or

36 (c) Is a graduate of a nationally accredited respiratory care educational program; and

37 (2) The board completes a background check.

38 **3.] (2) Is duly licensed as a respiratory care practitioner pursuant to the laws of**
39 **another state, the District of Columbia or territory of the United States, and submits an**
40 **application for licensure as a respiratory care practitioner in this state.**

41 **4. The holder of an educational or a temporary permit [as provided by this section to**
42 **practice respiratory care in this state] may only perform and provide such services of a**
43 **respiratory care practitioner, as defined in section 334.800, under the direct clinical supervision**
44 **of a person licensed as a respiratory care practitioner in this state as set forth by rule. The**
45 **holder of a current and valid educational permit or temporary permit[, issued pursuant to this**
46 **section,] may not represent himself or herself as a respiratory care practitioner, use the title**
47 **[or term of] respiratory care practitioner or use the abbreviation [of] "R.C.P.". Any holder of an**
48 **educational permit or a temporary permit [issued pursuant to this section] shall show such**

49 permit upon request.

50 **5. An applicant who completes the requirements of subsections 1 to 3 of this section**
51 **and submits the necessary information for the background check required by this section**
52 **may obtain a conditional permit to practice respiratory care in accordance with the**
53 **provisions of sections 334.800 to 334.910 pending the outcome of the background check**
54 **subject to the following restrictions:**

55 **(1) The conditional permit shall only be issued if the applicant has made a prima**
56 **facie showing that he or she meets all of the requirements for an educational permit or**
57 **temporary permit;**

58 **(2) The conditional permit shall only be effective until the board has had an**
59 **opportunity to investigate the applicant's qualifications to hold a permit pursuant to**
60 **subsection 1 to 3 of this section and to notify the applicant that his or her application for**
61 **an educational or temporary permit has been granted or denied;**

62 **(3) If the applicant provides false or misleading information to the board, the board**
63 **may automatically terminate the conditional permit. If the board automatically terminates**
64 **a conditional permit, the board shall notify the holder of the board's decision by certified**
65 **mail or personal service;**

66 **(4) In no event shall such conditional permit be in effect for more than twelve**
67 **months after the date of its issuance;**

68 **(5) A conditional permit shall not be renewed; and**

69 **(6) No fee shall be charged for issuing a conditional permit.**

337.612. 1. Applications for licensure as a clinical social worker shall be in writing,
2 submitted to the committee on forms prescribed by the committee and furnished to the applicant.
3 The application shall contain the applicant's statements showing the applicant's education,
4 experience, and such other information as the committee may require. Each application shall
5 contain a statement that it is made under oath or affirmation and that the information contained
6 therein is true and correct to the best knowledge and belief of the applicant, subject to the
7 penalties provided for the making of a false affidavit or declaration. Each application shall be
8 accompanied by the fees required by the committee.

9 2. The committee shall mail a renewal notice to the last known address of each licensee
10 prior to the licensure renewal date. Failure to provide the committee with the information
11 required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the
12 license after a period of sixty days from the licensure renewal date. The license shall be restored
13 if, within two years of the licensure date, the applicant provides written application and the
14 payment of the licensure fee and a delinquency fee.

15 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued

16 subject to the rules of the committee, upon payment of a fee.

17 4. The committee shall set the amount of the fees which sections 337.600 to 337.639
18 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo.
19 The fees shall be set at a level to produce revenue which shall not substantially exceed the cost
20 and expense of administering the provisions of sections 337.600 to 337.639. All fees provided
21 for in sections 337.600 to 337.639 shall be collected by the director who shall deposit the same
22 with the state treasurer in a fund to be known as the "Clinical Social Workers Fund".

23 5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
24 this fund shall not be transferred and placed to the credit of general revenue until the amount in
25 the fund at the end of the biennium exceeds two times the amount of the appropriations from the
26 clinical social workers fund for the preceding fiscal year **or, if the committee requires by rule**
27 **renewal less frequently than yearly, then three times the appropriation from the**
28 **committee's fund for the preceding fiscal year.** The amount, if any, in the fund which shall
29 lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations
30 from the clinical social workers fund for the preceding fiscal year.

337.622. 1. There is hereby established the "State Committee for Social Workers",
2 which shall guide, advise, and make recommendations to the division and fulfill other
3 responsibilities designated by sections 337.600 to 337.649. The committee shall approve any
4 examination required by sections 337.600 to 337.649 and shall assist the division in carrying out
5 the provisions of sections 337.600 to 337.649.

6 2. The committee shall consist of seven members, including a public member appointed
7 by the governor with the advice and consent of the senate. Each member of the committee shall
8 be a citizen of the United States and a resident of this state. The committee shall consist of six
9 licensed clinical social workers and one voting public member. At least two committee members
10 shall be involved in the private practice of clinical social work. Any person who is a member
11 of any clinical social worker advisory committee appointed by the director of the division of
12 professional registration shall be eligible for appointment to the state committee for social work
13 on August 28, 1997. The governor shall endeavor to appoint members from different geographic
14 regions of the state and with regard to the pattern of distribution of social workers in the state.
15 The term of office for committee members shall be four years and no committee member shall
16 serve more than ten years. Of the members first appointed, the governor shall appoint two
17 members, one of whom shall be the public member, whose terms shall be four years; two
18 members whose terms shall be three years; two members whose terms shall be two years; and
19 one member whose term shall be one year. The president of the National Association of Social
20 Workers Missouri Chapter in office at the time shall, at least ninety days prior to the expiration
21 of a term of a member of a committee member, other than the public member, or as soon as

22 feasible after a vacancy on the committee otherwise occurs, submit to the director of the division
23 of professional registration a list of five clinical social workers qualified and willing to fill the
24 vacancy in question, with the request and recommendation that the governor appoint one of the
25 five persons so listed, and with the list so submitted, the president of the National Association
26 of Social Workers Missouri Chapter shall include in his or her letter of transmittal a description
27 of the method by which the names were chosen by that association.

28 3. A vacancy in the office of a member shall be filled by appointment by the governor
29 for the remainder of the unexpired term.

30 4. **Notwithstanding any other provision of law to the contrary, any appointed**
31 **member of the committee shall receive as compensation an amount established by the**
32 **director of the division of professional registration not to exceed seventy dollars per day**
33 **for committee business plus** each member of the committee shall be reimbursed for necessary
34 and actual expenses incurred in the performance of the member's official duties. **The director**
35 **of the division of professional registration shall establish by rule guidelines for payment.**
36 All staff for the committee shall be provided by the division.

37 5. The committee shall hold an annual meeting at which it shall elect from its
38 membership a chairperson and a secretary. The committee may hold such additional meetings
39 as may be required in the performance of its duties, provided that notice of every meeting must
40 be given to each member at least three days prior to the date of the meeting. A quorum of the
41 board shall consist of a majority of its members.

42 6. The governor may remove a committee member for misconduct, incompetency or
43 neglect of the member's official duties after giving the committee member written notice of the
44 charges against such member and an opportunity to be heard thereon.

45 7. The public member shall be at the time of such member's appointment a citizen of the
46 United States; a resident of this state for a period of one year and a registered voter; a person who
47 is not and never was a member of any profession licensed or regulated pursuant to sections
48 337.600 to 337.649, or the spouse of such person; and a person who does not have and never has
49 had a material, financial interest in either the providing of the professional services regulated by
50 sections 337.600 to 337.649, or an activity or organization directly related to any profession
51 licensed or regulated pursuant to sections 337.600 to 337.649. The duties of the public member
52 shall not include the determination of the technical requirements to be met for licensure or
53 whether any person meets such technical requirements or of the technical competence or
54 technical judgment of a licensee or a candidate for licensure.

339.090. The commission may prescribe necessary rules and regulations pursuant to
2 chapter 536, RSMo, to provide for the licensure of nonresidents. Such rules shall require the
3 nonresident to pay a fee [equal to the fee a Missouri resident would have to pay in the

4 nonresident's state, for licensure in that state,] and may provide for licensure without examination
5 if such reciprocity is extended to Missouri residents.

345.080. 1. There is hereby established an "Advisory Commission for Speech-Language
2 Pathologists and Audiologists" which shall guide, advise and make recommendations to the
3 board. The commission shall approve the examination required by section 345.050, and shall
4 assist the board in carrying out the provisions of sections 345.010 to 345.075.

5 2. After August 28, 1997, the commission shall consist of seven members, one of whom
6 shall be a voting public member, appointed by the board of registration for the healing arts. Each
7 member shall be a citizen of the United States and a resident of this state. Three members of the
8 commission shall be licensed speech-language pathologists and three members of the
9 commission shall be licensed audiologists. The public member shall be at the time of
10 appointment a citizen of the United States; a resident of this state for a period of one year and
11 a registered voter; a person who is not and never was a member of any profession licensed or
12 regulated pursuant to sections 345.010 to 345.080 or the spouse of such person; and a person
13 who does not have and never has had a material, financial interest in either the providing of the
14 professional services regulated by sections 345.010 to 345.080, or an activity or organization
15 directly related to any profession licensed or regulated pursuant to sections 345.010 to 345.080.
16 Members shall be appointed to serve three-year terms, except as provided in this subsection.
17 Each member of the advisory commission for speech pathologists and clinical audiologists on
18 August 28, 1995, shall become a member of the advisory commission for speech-language
19 pathologists and clinical audiologists and shall continue to serve until the term for which the
20 member was appointed expires. Each member of the advisory commission for speech-language
21 pathologists and clinical audiologists on August 28, 1997, shall become a member of the
22 advisory commission for speech-language pathologists and audiologists and shall continue to
23 serve until the term for which the member was appointed expires. The first public member
24 appointed pursuant to this subsection shall be appointed for a two-year term and the one
25 additional member appointed pursuant to this subsection shall be appointed for a full three-year
26 term. No person shall be eligible for reappointment who has served as a member of the advisory
27 commission for speech pathologists and audiologists or as a member of the commission as
28 established on August 28, 1995, for a total of six years. The membership of the commission
29 shall reflect the differences in levels of education, work experience and geographic residence.
30 The president of the Missouri Speech, Hearing and Language Association in office at the time
31 shall, at least ninety days prior to the expiration of a term of a member of a commission member,
32 other than the public member, or as soon as feasible after a vacancy on the commission otherwise
33 occurs, submit to the director of the division of professional registration a list of five persons
34 qualified and willing to fill the vacancy in question, with the request and recommendation that

35 the board of registration for the healing arts appoint one of the five persons so listed, and with
36 the list so submitted, the president of the Missouri Speech, Hearing and Language Association
37 shall include in his or her letter of transmittal a description of the method by which the names
38 were chosen by that association.

39 3. [No member of the commission shall be entitled to any compensation for the
40 performance of the member's official duties, but each shall be reimbursed for necessary and
41 actual expenses incurred in the performance of the member's official duties.] **Notwithstanding**
42 **any other provision of law to the contrary, any appointed member of the commission shall**
43 **receive as compensation an amount established by the director of the division of**
44 **professional registration not to exceed seventy dollars per day for commission business plus**
45 **actual and necessary expenses. The director of the division of professional registration**
46 **shall establish by rule guidelines for payment.** All staff for the commission shall be provided
47 by the board of registration for the healing arts.

48 4. The commission shall hold an annual meeting at which it shall elect from its
49 membership a chairman and secretary. The commission may hold such additional meetings as
50 may be required in the performance of its duties, provided that notice of every meeting shall be
51 given to each member at least ten days prior to the date of the meeting. A quorum of the
52 commission shall consist of a majority of its members.

53 5. The board of registration for the healing arts may remove a commission member for
54 misconduct, incompetency or neglect of the member's official duties after giving the member
55 written notice of the charges against such member and an opportunity to be heard thereon.

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,
5 agencies and personnel.

6 2. The office of director of the department of business and administration, chapter 35,
7 RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not
8 previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the
9 governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the
10 department of economic development. The department of business and administration is hereby
11 abolished.

12 3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are
13 transferred by type I transfer to the personnel division, office of administration.

14 4. The powers, duties and functions vested in the public service commission, chapters
15 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing

16 commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers,
17 and the state banking board, chapter 361, RSMo, and others, and the savings and loan
18 commission, chapter 369, RSMo, and others, are transferred by type II transfers to the
19 department of economic development. The director of the department is directed to provide and
20 coordinate staff and equipment services to these agencies in the interest of facilitating the work
21 of the bodies and achieving optimum efficiency in staff services common to all the bodies.
22 Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service
23 commission from presenting additional budget requests or from explaining or clarifying its
24 budget requests to the governor or general assembly.

25 5. The powers, duties and functions vested in the office of the public counsel are
26 transferred by type III transfer to the department of economic development. Funding for the
27 general counsel's office shall be by general revenue.

28 6. The public service commission is authorized to employ such staff as it deems
29 necessary for the functions performed by the general counsel other than those powers, duties and
30 functions relating to representation of the public before the public service commission.

31 7. There is hereby created a "Division of Credit Unions" in the department of economic
32 development, to be headed by a director, nominated by the department director and appointed
33 by the governor with the advice and consent of the senate. All the powers, duties and functions
34 vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties
35 relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are
36 transferred to the division of credit unions of the department of economic development, by a type
37 II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the
38 director of the division of credit unions shall be set by the director of the department within the
39 limits of the appropriations therefor. The director of the division shall assume all the duties and
40 functions of the state supervisor of credit unions and the commissioner of finance only where the
41 director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

42 8. The powers, duties and functions vested in the division of finance, chapters 361, 362,
43 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department
44 of economic development. There shall be a director of the division who shall be nominated by
45 the department director and appointed by the governor with the advice and consent of the senate.

46 9. All the powers, duties and functions vested in the director of the division of savings
47 and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other
48 provision of law are transferred to the division of finance of the department of economic
49 development by a type I transfer. The position of the director of the division of savings and loan
50 supervision is hereby abolished. The director of the division of finance shall assume all the
51 duties and functions of the director of the division of savings and loan supervision as provided

52 in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law.
53 The division of savings and loan is hereby abolished. The powers of the savings and loan
54 commission are hereby limited to hearing appeals from decisions of the director of the division
55 of finance approving or denying applications to incorporate savings and loan associations or to
56 establish branches of savings and loan associations and approving regulations pertaining to
57 savings and loan associations. Any appeals shall be held in accordance with section 369.319,
58 RSMo.

59 10. On and after August 28, 1990, the status of the division is modified under a specific
60 type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The status of
61 the division is modified from that of a division transferred to the department of economic
62 development pursuant to a type II transfer, as provided for in this section, to that of an agency
63 possessing the characteristics of a division transferred pursuant to a type III transfer; provided,
64 however, that the division will remain within the department of economic development. The
65 division of insurance shall be assigned to the department of economic development as a type III
66 division, and the director of the department of economic development shall have no supervision,
67 authority or control over the actions or decisions of the director of the division. All authority,
68 records, property, personnel, powers, duties, functions, matter pending and all other pertinent
69 vestiges pertaining thereto shall be retained by the division except as modified by this section.
70 If the division of insurance becomes a department by operation of a constitutional amendment,
71 the department of economic development shall continue until December 31, 1991, to provide at
72 least the same assistance as was provided in previous fiscal years for personnel, data processing
73 support and other benefits from appropriations.

74 11. All the powers, duties and functions of the commerce and industrial development
75 division and the industrial development commission, chapters 184 and 255, RSMo, and others,
76 not otherwise transferred, are transferred by type I transfer to the department of economic
77 development, and the industrial development commission is abolished. All powers, duties and
78 functions of the division of commerce and industrial development and the division of community
79 development are transferred by a type I transfer to the department of economic development, and
80 the division of commerce and industrial development and the division of community
81 development are abolished.

82 12. All the powers, duties and functions vested in the tourism commission, chapter 258,
83 RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type
84 III transfer.

85 13. All the powers, duties and functions of the department of community affairs, chapter
86 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the
87 department of economic development, and the department of community affairs is abolished.

88 The director of the department of economic development may assume all the duties of the
89 director of community affairs or may establish within the department such subunits and advisory
90 committees as may be required to administer the programs so transferred. The director of the
91 department shall appoint all members of such committees and heads of subunits.

92 14. (1) There is hereby established a "Division of Professional Registration" assigned
93 to the department of economic development as a type III division, headed by a director appointed
94 by the [director of the department] **governor** with the advice and consent of the senate.

95 (2) The director of the division of professional registration shall promulgate rules and
96 regulations which designate for each board or commission assigned to the division the renewal
97 date for licenses or certificates. After the initial establishment of renewal dates, no director of
98 the division shall promulgate a rule or regulation which would change the renewal date for
99 licenses or certificates if such change in renewal date would occur prior to the date on which the
100 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
101 commission shall by rule or regulation establish licensing periods of one, two, or three years.
102 Registration fees set by a board or commission shall be effective for the entire licensing period
103 involved, and shall not be increased during any current licensing period. Persons who are
104 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
105 for the remainder of the period remaining at the time the fees are paid. Each board or
106 commission shall provide the necessary forms for initial registration, and thereafter the director
107 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
108 shall by rule and regulation require each applicant to provide the information which is required
109 to keep the board's records current. Each board or commission shall issue the original license
110 or certificate.

111 (3) The division shall provide clerical and other staff services relating to the issuance and
112 renewal of licenses for all the professional licensing and regulating boards and commissions
113 assigned to the division. The division shall perform the financial management and clerical
114 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
115 renewal of licenses and certificates" means the ministerial function of preparing and delivering
116 licenses or certificates, and obtaining material and information for the board or commission in
117 connection with the renewal thereof. It does not include any discretionary authority with regard
118 to the original review of an applicant's qualifications for licensure or certification, or the
119 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
120 contemplated against the licensee or certificate holder. The division may develop and implement
121 microfilming systems and automated or manual management information systems.

122 (4) The director of the division shall establish a system of accounting and budgeting, in
123 cooperation with the director of the department, the office of administration, and the state

124 auditor's office, to ensure proper charges are made to the various boards for services rendered
125 to them. The general assembly shall appropriate to the division and other state agencies from
126 each board's funds, moneys sufficient to reimburse the division and other state agencies for all
127 services rendered and all facilities and supplies furnished to that board.

128 (5) For accounting purposes, the appropriation to the division and to the office of
129 administration for the payment of rent for quarters provided for the division shall be made from
130 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
131 the purpose defined in subdivision (4) of subsection 14 of this section. The fund shall consist
132 of moneys deposited into it from each board's fund. Each board shall contribute a prorated
133 amount necessary to fund the division for services rendered and rent based upon the system of
134 accounting and budgeting established by the director of the division as provided in subdivision
135 (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made
136 by each board on July first of each year; provided, however, that the director of the division may
137 establish an alternative date or dates of transfers at the request of any board. Such transfers shall
138 be made until they equal the prorated amount for services rendered and rent by the division. The
139 provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall
140 not be transferred and placed to the credit of general revenue.

141 (6) The director of the division shall be responsible for collecting and accounting for all
142 moneys received by the division or its component agencies. Any money received by a board or
143 commission shall be promptly given, identified by type and source, to the director. The director
144 shall keep a record by board and state accounting system classification of the amount of revenue
145 the director receives. The director shall promptly transmit all receipts to the department of
146 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
147 provide each board with all relevant financial information in a timely fashion. Each board shall
148 cooperate with the director by providing necessary information.

149 (7) All educational transcripts, test scores, complaints, investigatory reports, and
150 information pertaining to any person who is an applicant or licensee of any agency assigned to
151 the division of professional registration by statute or by the department of economic development
152 are confidential and may not be disclosed to the public or any member of the public, except with
153 the written consent of the person whose records are involved. The agency which possesses the
154 records or information shall disclose the records or information if the person whose records or
155 information is involved has consented to the disclosure. Each agency is entitled to the
156 attorney-client privilege and work-product privilege to the same extent as any other person.
157 Provided, however, that any board may disclose confidential information without the consent of
158 the person involved in the course of voluntary interstate exchange of information, or in the
159 course of any litigation concerning that person, or pursuant to a lawful request, or to other

160 administrative or law enforcement agencies acting within the scope of their statutory authority.
161 Information regarding identity, including names and addresses, registration, and currency of the
162 license of the persons possessing licenses to engage in a professional occupation and the names
163 and addresses of applicants for such licenses is not confidential information.

164 15. (1) The division of registration and examination, department of education, within
165 chapter 161, RSMo, and others, is abolished and the following boards and commissions are
166 transferred by specific type transfers to the division of professional registration, department of
167 economic development: state board of accountancy, chapter 326, RSMo; state board of barber
168 examiners, chapter 328, RSMo; state board of registration for architects, professional engineers
169 and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331,
170 RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334,
171 RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral
172 directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of
173 nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry,
174 chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri
175 veterinary medical board chapter 340, RSMo. The governor shall appoint members of these
176 boards by and with the advice and consent of the senate from nominees submitted by the director
177 of the department.

178 (2) The boards and commissions assigned to the division shall exercise all their
179 respective statutory duties and powers, except those clerical and other staff services involving
180 collecting and accounting for moneys and financial management relating to the issuance and
181 renewal of licenses, which services shall be provided by the division, within the appropriation
182 therefor.

183

184 All clerical and other staff services relating to the issuance and renewal of licenses of the
185 individual boards and commissions are abolished. All clerical and other staff services pertaining
186 to collecting and accounting for moneys and to financial management relative to the issuance and
187 renewal of licenses of the individual boards and commissions are abolished. Nothing herein
188 shall prohibit employment of professional examining or testing services from professional
189 associations or others as required by the boards or commissions on contract. Nothing herein
190 shall be construed to affect the power of a board or commission to expend its funds as
191 appropriated. However, the division shall review the expense vouchers of each board. The
192 results of such review shall be submitted to the board reviewed and to the house and senate
193 appropriations committees annually.

194 (3) Notwithstanding any other provisions of law, the director of the division shall
195 exercise only those management functions of the boards and commissions specifically provided

196 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
197 personnel other than board personnel, and equipment.

198 (4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331,
199 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and
200 responsibilities are in areas not related to the clerical duties involving the issuance and renewal
201 of licenses, to the collecting and accounting for moneys, or to financial management relating to
202 issuance and renewal of licenses; specifically included are executive secretaries (or comparable
203 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these
204 positions; and such other positions as are established and authorized by statute for a particular
205 board or commission. Boards and commissions may employ legal counsel, if authorized by law,
206 and temporary personnel if the board is unable to meet its responsibilities with the employees
207 authorized above. Any board or commission which hires temporary employees shall annually
208 provide the division director and the appropriation committees of the general assembly with a
209 complete list of all persons employed in the previous year, the length of their employment, the
210 amount of their remuneration and a description of their responsibilities.

211 (5) Board personnel for each board or commission shall be employed by and serve at the
212 pleasure of the board or commission, shall be supervised as the board or commission designates,
213 and shall have their duties and compensation prescribed by the board or commission, within
214 appropriations for that purpose, except that compensation for board personnel shall not exceed
215 that established for comparable positions as determined by the board or commission pursuant
216 to the job and pay plan of the department of economic development. Nothing herein shall be
217 construed to permit salaries for any board personnel to be lowered except by board action.

218 (6) Each board or commission shall receive complaints concerning its licensees' business
219 or professional practices. Each board or commission shall establish by rule a procedure for the
220 handling of such complaints prior to the filing of formal complaints before the administrative
221 hearing commission. The rule shall provide, at a minimum, for the logging of each complaint
222 received, the recording of the licensee's name, the name of the complaining party, the date of the
223 complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall
224 provide for informing the complaining party of the progress of the investigation, the dismissal
225 of the charges or the filing of a complaint before the administrative hearing commission.

226 16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo,
227 and others, are transferred by type I transfer to the division of professional registration. The
228 athletic commission is abolished.

229 17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type
230 II transfer to the department of economic development, and the members of the council shall be
231 appointed by the director of the department.

18. The Missouri housing development commission, chapter 215, RSMo, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

19. All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Job Development and Training", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

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

[324.083. 1. The division, in collaboration with the board, may refuse to issue or renew, suspend or revoke a license or permit, or place a license or permit holder on probation or otherwise reprimand a licensee or permit holder, when the licensee, permit holder or applicant has been found guilty of unprofessional conduct which has endangered, or is likely to endanger, the health, welfare or safety of any person, as provided in sections 324.050 to 324.089 or by any rule or regulation promulgated by the division, in collaboration with the board.

2. If the division, in collaboration with the board, refuses to issue or renew a license or permit, the person shall be notified in writing of the reasons for such refusal and shall advise the person of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621, RSMo.

3. The division, in collaboration with the board, may cause a complaint to be filed concerning a person who is the holder of a license or permit issued pursuant to sections 324.050 to 324.089 or any complaint regarding any professional practice regulated by sections 324.050 to 324.089 shall be recorded as received and the date received. The division, in collaboration with the board:

(1) Shall investigate all complaints concerning alleged violations of the

18 provisions of sections 324.050 to 324.089. Division investigators shall investigate
19 complaints and make inspections and any inquiries as, in the judgment of the
20 division, are appropriate to enforce the provisions of sections 324.050 to 324.089;

21 (2) May, if the evidence supports such action, cause a complaint to be filed
22 with the administrative hearing commission as provided in chapter 621, RSMo,
23 against any holder of any license or permit issued pursuant to sections 324.050 to
24 324.089.]

2 [326.011. 1. As used in sections 326.011 to 326.230, the following words
mean:

3 (1) "Attestation", the opinion of a certified public accountant or public
4 accountant as to the reliability or fairness of information which is used for guidance
5 in financial transactions or for accounting for or assessing the status or performance
6 of commercial and noncommercial enterprises, whether public or private, following
7 the completion of an audit, in accordance with generally accepted accounting and
8 auditing standards;

9 (2) "Board", the Missouri state board of accountancy;

10 (3) "Live permit", a permit issued pursuant to section 326.210 which has not
11 expired or been revoked or suspended;

12 (4) "State", the term "state" when used herein includes any state, territory or
13 insular possession of the United States or the District of Columbia.

14 2. Masculine terms when used herein shall also include the feminine.]

[326.012. Nothing contained in sections 326.011 to 326.230 shall prohibit:

2 (1) A certified public accountant of another state, or any accountant who
3 holds a certificate, degree or license in a foreign country, constituting a recognized
4 qualification for the practice of public accountancy in such country, from temporarily
5 practicing in this state on professional business incident to his regular practice
6 outside this state; except that, such temporary practice shall be conducted in
7 conformity with the laws of Missouri and the regulations and rules of professional
8 conduct promulgated by the board;

9 (2) Any person from signing, delivering or issuing financial, accounting or
10 related statements or reports thereon prepared by him, or under his supervision, if he
11 in no way indicates, or implies, that he is attesting to such statements or reports; or
12 from preparation of tax returns and schedules relative thereto and representation
13 before appropriate governmental agencies with respect to the tax returns, including
14 the preparation of any schedules required for the representation before such agencies;

15 (3) Any person not a certified public accountant or public accountant from
16 serving as an employee of, or an assistant to, a certified public accountant or public
17 accountant or partnership or corporation composed of certified public accountants or
18 public accountants holding a permit to practice issued under section 326.210;
19 provided that such employee or assistant shall not issue any accounting or financial
20 statement over his name;

21 (4) Any trustee, executor, administrator, referee or commissioner from
22 signing and certifying financial reports incident to his duties in such capacity;

(5) Any attorney at law, or partnership of attorneys at law, or professional corporation of attorneys at law from signing a financial, accounting or related statement, or report thereon, prepared by him, or them, as an incident to the practice of law;

(6) A person who holds a certificate as a certified public accountant, then in full force and effect, issued under the laws of this or any other state or foreign country, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title "certified public accountant" or abbreviation "C.P.A.", or in the case of a foreign accountant, the title under which he is generally known in his country;

(7) Any director or officer of a corporation, partner of a partnership, sole proprietor of a business enterprise, member of a joint venture, member of a committee appointed by stockholders, creditors or the courts, or an employee of any of the foregoing, in his capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon, relating to such corporation, partnership, business enterprise, joint venture or committee, provided such capacity is so designated on such statement or report;

(8) A person who holds a certificate as a certified public accountant, then in force and effect, issued under the laws of this or any other state or foreign country and who is regularly employed by, or is a director or officer of, a corporation, partnership, association, or business trust, in his capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association, or business trust provided such capacity is so designated thereon, and provided in the signature line the title "C.P.A.", or "certified public accountant" is not designated thereon.]

[326.021. 1. No person shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under section 326.060, holds a live permit issued under section 326.210, and all of such person's offices in this state for the practice of public accounting are maintained and registered as required under section 326.055; provided, however, that a foreign accountant who holds a live permit issued under section 326.210 may use the title under which he is generally known in his country, followed by the name of the country from which he received his certificate, license or degree.

2. No partnership or corporation shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership or corporation is composed of certified public accountants unless such partnership or corporation is registered as a partnership or corporation of certified public accountants under section 326.040 or 326.050, holds a live permit issued under section 326.210, and all offices of such partnership or corporation in

19 this state for the practice of public accounting are maintained and registered as
20 required under section 326.055.

21 3. No person shall assume or use the title or designation "public accountant"
22 or any other title, designation, words, letters, abbreviation, sign, card or device
23 tending to indicate that such person is a public accountant, unless such person has
24 received a certificate as a certified public accountant under section 326.060 and holds
25 a live permit issued under section 326.210, and all of such person's offices in this
26 state for the practice of public accounting are maintained and registered as required
27 under section 326.055; provided, however, persons who, on September 28, 1977,
28 held public accountant certificates theretofore issued under the laws of this state and
29 who shall hold a live permit shall not be prohibited from using such title or
30 designation.

31 4. No partnership or corporation shall assume or use the title or designation
32 "public accountant" or any other title, designation, words, letters, abbreviation, sign,
33 card or device tending to indicate that such partnership or corporation is composed
34 of public accountants, unless such partnership or corporation is registered as a
35 partnership or corporation of public accountants or certified public accountants under
36 section 326.040 or 326.050 and holds a live permit issued under section 326.210, and
37 all offices of such partnership or corporation in this state for the practice of public
38 accounting are maintained and registered as required under section 326.055.

39 5. No person, partnership or corporation shall assume or use the title or
40 designation "certified accountant", or "public accountant", or any other title or
41 designation likely to be confused with "certified public accountant" or "public
42 accountant", or the abbreviations "C.P.A." or "P.A." or similar abbreviations likely
43 to be confused with "C.P.A." or "P.A."; except any one who holds a live permit
44 issued under section 326.210 and all of whose offices in this state for the practice of
45 public accounting are maintained and registered as required under section 326.055
46 and provided further that a foreign accountant who holds a live permit issued under
47 section 326.210 and all of whose offices in this state for the practice of public
48 accounting are maintained and registered as required under section 326.055, may use
49 the title under which he is generally known in his country, followed by the name of
50 the country from which he received his certificate, license or degree.

51 6. No person shall sign or affix his name or any trade or assumed name used
52 by him in his profession or business with any wording indicating that he is a certified
53 public accountant or public accountant, or with any wording indicating that he has
54 expert knowledge in accounting or auditing, to any opinion or certificate attesting in
55 any way to the reliability of any representation or estimate in regard to any person or
56 organization embracing (1) financial information or (2) facts respecting compliance
57 with conditions established by law or contract, including but not limited to statutes,
58 ordinances, regulations, grants, loans and appropriations, unless he holds a live
59 permit issued under section 326.210 and all of his offices in this state for the practice
60 of public accounting are maintained and registered under section 326.055; provided,
61 however, that the provisions of this subsection shall not prohibit any officer,

employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the affairs of said organization with any wording designating the position, title or office which he holds in said organization; nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

7. No person shall sign or affix a partnership or corporate name with any wording indicating that it is a partnership or corporation composed of certified public accountants, public accountants or persons having expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless the partnership or corporation holds a live permit issued under section 326.210 and all of its offices in this state for the practice of public accounting are maintained and registered as required under section 326.055.

8. No person or partnership or corporation not holding a live permit issued under section 326.210 shall hold himself or itself out to the public as a "certified public accountant" or "public accountant" by use of any such words on any sign, card, letterhead or in any advertisement or directory, without indicating thereon or therein, prominently displayed, that such person, partnership or corporation does not hold such a permit; provided, that this subsection shall not prohibit any officer, employee, partner or principal of any organization from describing himself by the position, title or office he holds in such organization; nor shall this subsection prohibit any act of public official or public employee in the performance of his duties as such.

9. No person shall assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership or corporation, or in conjunction with the designation "and company", "and Co." or "and associates" or a similar designation if, in any such case, there is in fact no bona fide partnership or corporation registered under section 326.040 or 326.050; provided that a sole proprietor or partnership lawfully using such title or designation in conjunction with such names or designation on September 28, 1977, may continue to do so if he or it otherwise complies with the provisions of sections 326.011 to 326.230.]

[326.022. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the

health, safety or welfare of any resident of this state or client of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought under this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.]

[326.040. 1. The board shall authorize the registration, as certified public accountants, of firms and partnerships, provided it be shown to the board that:

(1) Each member or partner of the firm or partnership, resident, or engaged in the practice of public accountancy in the United States is in good standing as a certified public accountant in one or more states; and

(2) Either:

(a) Each resident or local member or partner is the holder of a valid certificate and live permit as a certified public accountant issued under the laws of this state; or

(b) If there be no resident or local member or partner, each resident or local manager is the holder of a valid certificate and live permit as a certified public accountant issued under the laws of this state.

2. After the registration of a firm or partnership with the board, and the obtention of a permit, and not otherwise, the firm or partnership shall be entitled to use the designation "certified public accountant" in connection with the firm or partnership name. When firms or partnerships so registered shall secure permits, the name of the firm or partnership shall be listed in the register, together with the names of the members and managers thereof, who are local or resident in this state, with the designation "C.P.A." after each name; and the names of nonresident members who hold valid certificates issued under the laws of this state may also be listed.

3. The board shall authorize the registration, as public accountants, of firms or partnerships, and issue to them permits to practice as such; provided, the resident or local partner or partners, or, if there be no resident or local partner, the resident or local manager or managers hold a valid certificate and live permit as a public accountant or as a certified public accountant issued under the laws of this state. After the registration of the firm or partnership with the board, and the obtention of a permit, and not otherwise, the firm shall be entitled to use the designation "public accountant" in connection with the firm or partnership name. When firms or partnerships so registered secure permits, the name of the firm or partnership shall be listed in the register, together with the names of the partners or managers thereof, local or resident in this state, with the appropriate title or initials representing their respective capacities under this chapter. The names of nonresident partners who hold valid certificates issued under the laws of this state may also be listed.

4. The term "local", as used herein, is intended to denote persons engaged in practicing public accountancy in this state, who spend all or the greater part of their time during business hours in this state, but reside in another state.]

[326.050. 1. No corporation, whether organized under the laws of this, or

2 any other state, shall be entitled to registration as a certified public accountant, except
3 a corporation formed pursuant to the professional corporation law of Missouri, or
4 pursuant to the laws of another jurisdiction authorized to practice accounting in such
5 jurisdiction and qualified to do business in this state under the professional
6 corporation law of this state, and which conforms to such corporate practice rules as
7 the board may promulgate, provided further that the president or other managing
8 officer is the holder of a valid certificate and live permit as a certified public
9 accountant in this state.

10 2. The board is authorized to register corporations as public accountants, and
11 to issue to them permits to practice as such, provided, that such corporations on
12 September 28, 1977, were legally organized under the laws of this state, and are
13 entitled under their articles of incorporation and in accordance with the laws of this
14 state, to practice public accountancy, within the meaning of sections 326.011 to
15 326.230; and provided further, that the president or other managing officer is the
16 holder of a valid certificate as a certified public accountant or as a public accountant,
17 and an unexpired permit to practice as such.

18 3. A corporation referred to in subsection 2 of this section, when duly
19 registered and holding a valid and effective permit, may use the designation "public
20 accountants" in connection with its corporate name and a corporation registered
21 pursuant to subsection 1 of this section may use the designation "certified public
22 accountant"; provided, however, that whenever the corporate name is used with one
23 of such designation, save in directory listings, the names of the president, secretary
24 and manager of its public accounting department shall also be stated or signed.

25 4. It is further provided that agricultural nonprofit associations which, on the
26 twenty-third day of November, 1943, were engaged in rendering accounting services
27 to members of their association, to other agricultural or farmers' associations, or to
28 agricultural cooperative associations, shall be registered by the board as a public
29 accountant, under the provisions of sections 326.011 to 326.230, and issued a permit
30 to practice as such; provided, however, such registration and permit shall not
31 authorize such associations to render accounting services to others than its members,
32 other agricultural or farmers' associations, and agricultural cooperative associations.]

[326.055. 1. Each office established and maintained in this state for the
2 practice of public accounting in this state by a certified public accountant or
3 partnership or corporation of certified public accountants, or by a public accountant
4 or a partnership or corporation of public accountants shall be registered under
5 sections 326.011 to 326.230 with the board but no fee shall be charged for such
6 registration. Each such office shall be under the direct supervision of a resident
7 manager who may be either a principal shareholder or a staff employee holding a
8 certificate as a certified public accountant under section 326.060 and a live permit
9 under section 326.210.

10 2. As a condition of registering an office under this section the board may,
11 after November 30, 1982, and after a hearing with the licensee in accordance with
12 section 326.132, for those licensees who have issued reports on financial statements,

13 during the preceding five-year period, which the board has determined to have been
14 substandard, require such licensee applying for registration, to submit to a review and
15 evaluation of the system of quality control (peer review) of the accounting and
16 auditing practice of the licensee. Such reviews shall be made by committees or other
17 certified public accountant firms nominated by the Missouri Society of Certified
18 Public Accountants and accredited by the board in accordance with regulations
19 promulgated by the board. The board shall accept peer review reports filed with
20 federal regulatory agencies, other state boards or professional associations to meet
21 such review requirement if the report on such review conforms to board regulations.
22 However, an addendum to such peer review reports may be required by the board to
23 include any Missouri office of a multistate firm which has issued financial reports or
24 financial statements described in this section.]

[326.060. 1. The certificate of "certified public accountant" shall be granted
2 by the board to any person:

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

5 (2) Who has attained the age of twenty-one years;

6 (3) Who is of good moral character;

7 (4) Who either:

8 (a) Applies for the initial examination referred to in subdivision (5) of this
9 subsection prior to June 30, 1999, and holds a baccalaureate degree conferred by an
10 accredited college or university recognized by the board, with a concentration in
11 accounting, or what the board determines to be substantially the equivalent of a
12 concentration in accounting; or

13 (b) Applies for the initial examination referred to in subdivision (5) of this
14 subsection on or after June 30, 1999, and has at least one hundred fifty semester
15 hours of college education including a baccalaureate or higher degree conferred by
16 an accredited college or university recognized by the board, the total educational
17 program to include an accounting concentration or equivalent as determined by board
18 rule to be appropriate; and

19 (5) Who shall have passed a written examination in accounting, auditing, and
20 such other related subjects as the board shall determine to be appropriate.

21 2. The board shall by regulation prescribe the terms and conditions, which
22 shall be substantially the same as any established in subsection 3 of this section,
23 under which credit will be granted to a candidate for the candidate's satisfactory
24 completion of a written examination in any one or more of the subjects specified in
25 subdivision (5) of subsection 1 of this section, given by the licensing authority in any
26 other state; provided that when the candidate took such examination in such other
27 state the candidate was not a resident in this state, had no place of business in this
28 state, or, as an employee, was not regularly employed in this state. Such regulations
29 shall include such requirements as the board shall determine to be appropriate in
30 order that any examination approved as a basis for any such credit shall, in the
31 judgment of the board, be at least as thorough as the most recent examination given

by the board at the time of the granting of such credit.

3. The board shall by regulation prescribe the terms and conditions under which a candidate who passes the examination in one or more of the subjects indicated in subdivision (5) of subsection 1 of this section, may be reexamined in only the remaining subjects, with credit for the subjects previously passed. A candidate shall be entitled to any number of reexaminations pursuant to subdivision (5) of subsection 1 of this section. A candidate who fails to pass any section or sections of the examination may pay the fee and take such sections of the examination as the board by rule prescribes again at any regularly scheduled examination.

4. The board shall charge each candidate a fee, as prescribed in section 326.200. Fees for reexamination pursuant to subdivision (5) of subsection 1 of this section shall also be charged by the board as prescribed in section 326.200. The applicable fee shall be paid by the candidate at the time the candidate applies for examination or reexamination.

5. Any person who has received from the board a certificate as a certified public accountant and who holds a permit issued pursuant to section 326.210, which is in full force and effect, shall be styled and known as a "certified public accountant" and may also use the abbreviation "C.P.A.". Any certified public accountant may also be known as a "public accountant".

6. Persons who, on September 28, 1977, held certified public accountant certificates or public accountant certificates theretofore issued pursuant to the laws of this state shall not be required to obtain additional certificates pursuant to sections 326.011 to 326.230, but shall otherwise be subject to all provisions of sections 326.011 to 326.230; and such certificates theretofore issued shall, for all purposes, be considered certificates issued pursuant to sections 326.011 to 326.230 and subject to the provisions of sections 326.011 to 326.230.

7. The board shall waive the examination pursuant to subdivision (5) of subsection 1 of this section, and shall issue a certificate as a "certified public accountant" to any person paying a fee equal to the total examination fee as provided in section 326.200 and possessing the qualifications specified in subdivisions (1), (2), and (3) of subsection 1 of this section and what the board determines to be substantially the equivalent of the applicable qualifications pursuant to subdivision (4) of subsection 1 of this section who is either the holder of a:

(1) Certificate as a certified public accountant, then in full force and effect, issued under the laws of any state; or

(2) Designation in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect; provided that:

(a) The foreign authority which granted the designation makes similar provisions to allow a person who holds a valid certificate and permit to practice issued by this state to obtain such foreign authority's comparable designation and the foreign designation:

75 a. Was duly issued by a foreign authority that regulates the practice of public
76 accountancy and the foreign designation has not expired or been revoked or
77 suspended;

78 b. Entitles the holder to issue reports upon financial statements; and

79 c. Was issued upon the basis of educational and examination requirements
80 established by the foreign authority or by law; and

81 (b) The applicant:

82 a. Received the designation, based on educational and examination standards
83 substantially equivalent to those in effect in this state, at the time the foreign
84 designation was granted; and

85 b. Passed a uniform qualifying examination in national standards acceptable
86 to the board;

87 (3) An applicant pursuant to subdivision (1) or (2) of this subsection shall,
88 in the application, list all jurisdictions, foreign and domestic, in which the applicant
89 has applied for, or holds a designation to practice public accounting, and each holder
90 of a certificate issued pursuant to this subsection shall notify the board in writing,
91 within thirty days after its occurrence, of any issuance, denial, revocation or
92 suspension of a designation or commencement of a disciplinary or enforcement
93 action by any jurisdiction.

94 8. Upon application, the board shall issue a temporary permit and certificate
95 to an applicant pursuant to this subsection for a certificate as a certified public
96 accountant who has made a prima facie showing that the applicant meets all of the
97 requirements for such a certificate and possesses the experience required for issuance
98 of a permit. The temporary permit and certificate shall be effective only until the
99 board shall have had the opportunity to investigate the applicant's qualifications for
100 licensure pursuant to subsection 1 of this section and to notify the applicant that the
101 applicant's application for a certificate and permit has been either granted or rejected.
102 In no event shall such temporary certificate and temporary permit be in effect for
103 more than twelve months after the date of issuance nor shall a temporary certificate
104 or temporary permit be reissued to the same applicant. No fee shall be charged for
105 such temporary certificate or temporary permit. The holder of a temporary certificate
106 and temporary permit which has not expired, or been suspended or revoked, shall be
107 deemed to be the holder of a certificate issued pursuant to this section and the holder
108 of a permit issued pursuant to section 326.210 until such temporary certificate and
109 temporary permit expires, is terminated, or is suspended or revoked.

110 9. A candidate submitting an application for a certificate by examination who
111 has met the educational requirements of subdivision (4) of subsection 1 of this
112 section or who reasonably expects to meet the requirement within sixty days after the
113 examination shall be eligible for examination pursuant to subdivision (5) of
114 subsection 1 of this section if the candidate also meets the requirements of
115 subdivisions (1), (2), and (3) of subsection 1 of this section. In the case of a
116 candidate admitted to examination on the reasonable expectation that the candidate
117 will meet the educational requirements within sixty days, no certificate shall be

118 issued, nor credit for the examination or any part thereof given unless the educational
119 requirement is in fact met within the sixty-day period.】

2 【326.100. All statements, records, schedules and memoranda, commonly
3 known as working papers, made by a certified public accountant or a public
4 accountant, or by an employee of either, incident to or in the course of professional
5 service to clients, except reports delivered to a client, shall be and remain the
6 property of such certified public accountant or public accountant, in the absence of
a written agreement between the accountant and the client to the contrary.】

2 【326.110. 1. The board shall prescribe rules and regulations consistent with
3 the provisions of sections 326.011 to 326.230; provided, however, nothing herein
4 contained shall be construed as conferring upon the board the authority to issue rules
5 or regulations on any subject affecting the practice of public accountancy by a person
6 previously licensed as a certified public accountant unless specifically authorized by
the general assembly. Such rules and regulations may include:

7 (1) Rules of procedure for governing the conduct of matters before the board;

8 (2) Rules of professional conduct for establishing and maintaining high
9 standards of competence and integrity in the profession of public accountancy;

10 (3) Regulations governing educational requirements for issuance of the
11 certificate of "certified public accountant" and prescribing further educational
12 requirements, known as "requirements of continuing education", to be met from time
13 to time by the holders of such certificates and by the holders of public accountant
14 certificates, in order to maintain their professional knowledge and competence, as a
15 condition to continuing in the practice of public accountancy;

16 (4) Regulations governing corporations practicing public accounting,
17 including but not limited to rules concerning their style, name, title, and affiliation
18 with any other organization; and establishing reasonable standards with respect to
19 professional liability insurance and unimpaired capital, and prescribing joint and
20 several liability for torts relating to professional services for shareholders of any such
21 corporation failing to comply with such standards;

22 (5) Regulations governing peer review committee accreditation and
23 requirements for registration of an office and issuance of permits;

24 (6) Regulations prohibiting competitive bidding which is declared to be
25 contrary to the public interest for professional engagement of certified public
26 accountants or public accountants which regulations are not in conflict with other
27 provisions of law.

28 2. No rule or portion of a rule promulgated under the authority of this chapter
29 shall become effective unless it has been promulgated pursuant to the provisions of
30 section 536.024, RSMo.

31 3. In promulgating rules and regulations in respect to the requirements of
32 continuing education as authorized by the provisions of subdivision (3) of subsection
33 1 of this section, the board:

34 (1) May, among other things, use and rely upon guidelines and
35 pronouncements of recognized educational and professional associations;

- 36 (2) May prescribe for content, duration and organization of courses;
37 (3) Shall take into account the accessibility to applicants of such continuing
38 education as the board may require, and any impediments to the interstate practice
39 of public accountancy which may result from differences in such requirements in
40 states;
41 (4) May provide for relaxation or suspension of such requirements for
42 instances of individual hardship;
43 (5) Shall not, in establishing requirements for continuing education, require
44 in excess of one hundred twenty hours of continuing education in any three-year
45 period, not more than one-third of which shall be required in any one year, and such
46 requirements of continuing education must be susceptible of being fulfilled in
47 programs or courses reasonably available to certificate holders within the state.
- 48 4. The board may by rule require such reports concerning continuing
49 education as it deems necessary from holders of permits granted under the provisions
50 of section 326.210.]
- 2 [326.120. Any person who violates any provision of section 326.021 shall be
3 guilty of a class A misdemeanor. Whenever the board has reason to believe that any
4 person is liable to punishment under this section it may certify the facts to the
attorney general of this state or bring other appropriate proceedings.]
- 2 [326.121. The display or uttering by a person of a card, sign, advertisement
3 or other printed, engraved or written instrument or device bearing a person's name
4 in conjunction with the words "certified public accountant" or any abbreviation
5 thereof, or "public accountant" or any abbreviation thereof, shall be prima facie
6 evidence in any action brought under section 326.022 or section 326.120 that the
7 person whose name is so displayed, caused or procured the display or uttering of such
8 card, sign, advertisement or other printed, engraved or written instrument or device
9 and that such person is holding himself out to be a certified public accountant or a
10 public accountant holding a permit to practice under section 326.210. In any such
11 action evidence of the commission of a single act prohibited by sections 326.011 to
12 326.230 shall be sufficient to justify an injunction or a conviction without evidence
of a general course of conduct.]
- 2 [326.125. At all proceedings for the enforcement of these or any other
3 provisions of this chapter the board shall, as it deems necessary, select, in its
4 discretion, either (1) the attorney general or one of his assistants designated by him
5 or (2) other legal counsel to appear and represent the board at each stage of such
proceeding or trial until its conclusion.]
- 2 [326.130. 1. The board may refuse to issue any certificate of registration or
3 authority, permit or license required pursuant to this chapter for one or any
4 combination of causes stated in subsection 2 of this section. The board shall notify
5 the applicant in writing of the reasons for the refusal and shall advise the applicant
6 of the applicant's right to file a complaint with the administrative hearing commission
7 as provided by chapter 621, RSMo.
2. The board may cause a complaint to be filed with the administrative

8 hearing commission as provided by chapter 621, RSMo, against any holder of any
9 certificate of registration or authority, permit or license required by this chapter or
10 any person who has failed to renew or has surrendered the person's certificate of
11 registration or authority, permit or license for any one or any combination of the
12 following causes:

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

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

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

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

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

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

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

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

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

43 (10) Assisting or enabling any person to practice or offer to practice any
44 profession licensed or regulated by this chapter who is not registered and currently
45 eligible to practice pursuant to this chapter;

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

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

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

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

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

2 [326.131. After notice and hearings as provided in chapter 621, RSMo, the
3 board shall revoke the registration and permit to practice of a partnership or
4 corporation if at any time it does not have all the qualifications prescribed by sections
5 326.040 and 326.050. After notice and hearings as provided in chapter 621, RSMo,
6 the board may revoke or suspend the registration of a partnership or corporation or
7 may revoke or suspend its permit under section 326.210 to practice or may censure
the holder of any such permit for any of the causes enumerated in section 326.130.]

2 [326.133. Upon application in writing and after hearing pursuant to notice,
3 the board may issue a new certificate to a certified public accountant whose
4 certificate shall have been revoked, or may permit the reregistration of anyone whose
5 registration has been revoked or may reissue or modify the suspension of any permit
to practice public accounting which has been revoked or suspended.]

2 [326.134. 1. In order to assure a free flow of information for peer review
3 pursuant to section 326.055, or proceedings before the board pursuant to section
4 326.132, all complaint files, investigation files, and all other investigation reports and
5 other investigative information in the possession of the board or peer review
6 committee or firm, acting under the authority of section 326.055 or 326.132, or its
7 employees or agents, which relate to such hearings or review shall be privileged and
8 confidential, and shall not be subject to discovery, subpoena, or other means of legal
9 compulsion for their release to any person, other than the permit or certificate holder
10 and the board or peer review committee or firm or their employees and agents
11 involved in such proceedings, or be admissible in evidence in any judicial or
12 administrative proceeding, other than the proceeding for which such material was
13 prepared or assembled. A final written decision and finding of fact of the board,
pursuant to section 326.132, shall be a public record.

14 2. A person shall not be civilly liable as a result of his or her acts, omissions,
15 or decisions in good faith as a member of the board, a peer review committee or firm,
16 or as an employee or agent thereof, in connection with such person's duties.

17 3. A person shall not be civilly liable as a result of filing a report or
18 complaint with the board or a peer review committee, or for the disclosure to the
19 board or a peer review committee or its agents or employees, whether or not pursuant
20 to a subpoena, of records, documents, testimony or other forms of information which
21 constitute privileged matter in connection with proceedings of a peer review

22 committee, or other board proceedings pursuant to section 326.132. However, such
23 immunity from civil liability shall not apply if such act is done with malice.]

2 [326.151. A certified public accountant or a public accountant shall not be
3 examined by judicial process or proceedings without the consent of his client as to
4 any communication made by the client to him in person or through the media of
5 books of account and financial records, or his advice, reports or working papers given
6 or made thereon in the course of professional employment, nor shall a secretary,
7 stenographer, clerk or assistant of a certified public accountant, or a public
8 accountant, be examined, without the consent of the client concerned, concerning any
9 fact the knowledge of which he has acquired in his capacity. This privilege shall
10 exist in all cases except when material to the defense of an action against an
accountant.]

2 [326.160. 1. The "Missouri State Board of Accountancy" shall consist of
3 seven members, one of whom shall be a voting public member, appointed by the
4 governor, by and with the advice and consent of the senate, and shall have the
5 functions, powers and duties prescribed in this chapter.

6 2. Each member of the board, except the public member, shall be the holder
7 of a certificate as a certified public accountant, issued pursuant to and pursuant to the
8 laws of this state, and shall at the time of his or her appointment be a citizen of the
9 United States and a resident of this state for a period of at least one year, and have
10 practiced continuously as and under the designation of a certified public accountant,
11 or as a public accountant, for a period of at least five years immediately preceding his
12 or her appointment. The public member shall be at the time of his or her
13 appointment a citizen of the United States; a resident of this state for a period of one
14 year and a registered voter; a person who is not and never was a member of any
15 profession licensed or regulated pursuant to this chapter or the spouse of such person;
16 and a person who does not have and never has had a material, financial interest in
17 either the providing of the professional services regulated by this chapter, or an
18 activity or organization directly related to any profession licensed or regulated
19 pursuant to this chapter. The president of the Missouri Society for Certified Public
20 Accountants in office at the time shall, at least ninety days prior to the expiration of
21 the term of a board member, other than the public member, or as soon as feasible
22 after a vacancy on the board otherwise occurs, submit to the director of the division
23 of professional registration a list of five certified public accountants qualified and
24 willing to fill the vacancy in question, with the request and recommendation that the
25 governor appoint one of the five persons so listed, and with the list so submitted, the
26 president of the Missouri Society for Certified Public Accountants shall include in
27 his or her letter of transmittal a description of the method by which the names were
28 chosen by that association. All members, including public members, shall be chosen
29 from lists submitted by the director of the division of professional registration. The
30 duties of the public member shall not include the determination of the technical
31 requirements to be met for licensure or whether any person meets such technical
requirements or of the technical competence or technical judgment of a licensee or

32 a candidate for licensure.

33 3. The term of office of each member appointed shall be five years.
34 Vacancies shall be filled by the governor for the unexpired term. Every member
35 shall, however, hold office until his or her successor is appointed and qualified. No
36 member whose term shall have expired, or been terminated for any reason, shall be
37 eligible for reappointment until the lapse of one year. Appointment to fill an
38 unexpired term shall not be considered as a complete term.

39 4. To every member appointed by the governor there shall be issued a
40 commission or certificate of appointment; and every appointee, before entering upon
41 the member's duties, shall take the oath of office required by the constitution of all
42 officers under the authority of this state.

43 5. Any member of the board may be removed by the governor for
44 misconduct, incompetency or neglect of duty; provided, the member shall first be
45 given an opportunity to be heard in his or her own behalf.]

[326.170. 1. The Missouri state board of accountancy shall have power to
2 adopt and use a seal; to make and amend all rules deemed necessary for the proper
3 administration of this chapter; conduct examinations; to administer oaths and hear
4 testimony regarding disciplinary actions as provided by section 621.110, RSMo, or
5 preparatory to the filing of a complaint pursuant to section 621.045, RSMo; to
6 require, by summons or subpoena, the attendance and testimony of witnesses, and the
7 production of books, papers and documents with respect to such testimony; and to
8 do and perform all other acts and things herein committed to their charge and
9 administration, or incidental thereto.

10 2. Said board shall maintain its office in Jefferson City, Missouri.]

[326.180. 1. The board hereby created shall annually elect one of its
2 members as president, another as vice president, another as secretary, and another as
3 treasurer. It shall make an annual report to the governor. It shall file and preserve
4 all written applications, petitions, complaints, charges or requests made or presented
5 to it, and all affidavits and other verified documents; and shall cause to be kept
6 accurate records and minutes of its proceedings. A copy of any entry in the register,
7 or of any records or minutes of the board, certified by the president or secretary of the
8 board under its seal, shall constitute and be received in evidence with like effect as
9 the original. The board may employ legal counsel and such board personnel as
10 defined in subdivision (4) of subsection 16 of section 620.010, RSMo, and incur such
11 travel and other expense, as, in its judgment, shall be necessary for the effectual
12 administration of this law.

13 2. The board may also appoint a continuing education committee of not less
14 than five members consisting of certified public accountants of this state holding a
15 live permit who need not be members of the board. This committee shall:

16 (1) Evaluate continuing education programs to determine if they meet
17 continuing education regulations adopted by the board;

18 (2) Consider applications for exceptions to continuing education regulations
19 adopted pursuant to the provisions of section 326.110; and

(3) Consider such other matters regarding continuing education as may be assigned to it by the board.]

[326.190. 1. The board may by rule prescribe the dates and places for holding regular meetings; as well as regulate the call, notice and holding of special meetings. Three members of the board shall constitute a quorum at any regular meeting; and at any special meeting of which due notice has been given.

2. Examination of applicants shall be held at least once in each year at such times and places as the board shall determine. Notice of the time and place for holding any such examination shall be published at least once, not less than sixty days before the date of examination, in a newspaper published and circulating in St. Louis, a newspaper published and circulating in Kansas City, and in such other newspapers, and in such other manner, as shall, in the opinion of the board, be necessary to notify those desirous of applying for examination. The board may require, by general rule or special order, any or all applicants to appear in person before the board, and to answer questions touching their qualifications; and may, in its discretion, require evidence in support of the statements of the applicant.]

[326.200. 1. Every application for the granting of a certified public accountant certificate, or of a public accountant registration certificate, shall be made on a form furnished to the applicant, contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration, and be accompanied by an examination fee for each subject upon which the person is to be examined. For each subsequent sitting, the applicant shall pay a fee, as determined by the board, for each subject upon which the applicant is to be examined, not to exceed the original examination fee. For the issue of each certified public accountant certificate, the grantee shall pay a certificate fee.

2. An individual permit fee shall be charged for the issuance of each permit to practice public accountancy issued to any holder of a certified public accountant certificate or of a public accountant certificate whether the holder is in practice as an individual, or as a partner or firm member or as an employee of a corporation, firm or partnership, and a corporate permit fee shall be charged for the issuance of each permit to practice accountancy issued to any registered corporation. All fees payable pursuant to the provisions of this chapter shall be collected by the division of professional registration, who shall transmit them to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "State Board of Accountancy Fund".

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

appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties. All claims for compensation and expenses shall be presented and allowed in open meetings of the board. No compensation or expenses of members of the board, its officers or employees shall be charged against the general funds of the state, but shall be paid out of the state board of accountancy fund.

5. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.]

[326.210. 1. Permits to engage in the practice of public accounting in this state shall be issued by the board, upon payment of the fee as prescribed pursuant to section 326.200, to holders of the certificates of certified public accountants issued pursuant to section 326.060, and to holders of public accountant certificates, who shall have furnished evidence satisfactory to the board of compliance with the requirements of subsection 2 of this section, and to firms, partnerships and corporations registered pursuant to section 326.040 or 326.050. All permits shall expire on the permit renewal date and may be renewed for each licensing period upon payment of the renewal fee as prescribed pursuant to section 326.200. A permit holder whose permit has expired and who has not renewed the person's permit within two months of the permit renewal date may renew the person's permit upon payment of the permit fee together with a delinquent fee. No permit shall be renewed more than two years after expiration. Permits to engage in the practice of public accounting shall not be issued to the holder of a certificate issued by this state pursuant to section 326.060 until such person shall have had:

(1) Two years' experience acceptable to the board in the practice of public accounting under the supervision of a certified public accountant holding a certificate and live permit from this or another state, which experience shall include, but not be limited to, two years' experience in the practice of public accounting under the supervision of the state auditor who is a certified public accountant holding a certificate and live permit from this or another state; or

(2) At least two years of satisfactory experience acceptable to the board as a certified public accountant in the legal practice of public accounting in another state while holding a live permit to practice from the other state; or

(3) Four years' experience acceptable to the board in the practice of governmental accounting, budgeting or auditing, including auditing of tax returns, as an employee of the state of Missouri, a political subdivision of this state, or the United States government, under the supervision of a certified public accountant acceptable to the board holding a certificate and live permit from this or another state,

30 who is the head of the department, division or unit in which such person is employed.
31 Only one year of public accounting experience shall be required of an internal
32 revenue agent who has been issued a certificate by this state pursuant to section
33 326.060 and who has had at least four years' experience as an employee of the federal
34 government as an internal revenue agent in the Internal Revenue Service, of which
35 at least two years is certified by a district director of Internal Revenue Service as
36 having been of field agent experience at the journeyman level, grade GS-512-11 or
37 above, as specified in the United States Civil Service Commission's qualification
38 standard as of December 1, 1975; or

39 (4) Four years' experience acceptable to the board in the practice of
40 accounting for a corporation, partnership or other business entity, other than a
41 governmental entity described in subdivision (3) of this subsection, under the
42 supervision of a certified public accountant, acceptable to the board, holding a
43 certificate and live permit from this or another state and who is head of the
44 department, division or unit in which such person is employed; or

45 (5) Experience substantially equivalent to the experience requirement of this
46 state as the holder of a certificate, license or degree in a foreign country constituting
47 a recognized qualification for the practice of public accounting in such country.

48 2. After the expiration of the three-year period immediately following the
49 effective date of board regulations establishing requirements of continuing education,
50 every application for renewal of an annual permit to practice by any person who has
51 held a certificate as a certified public accountant for three years or more shall be
52 accompanied or supported by such evidence, as the board shall prescribe, of
53 satisfaction of such requirements during the last three years preceding the application.
54 Failure by an applicant for renewal of an annual permit to furnish such evidence shall
55 constitute grounds for revocation, suspension or refusal to renew such permit in a
56 proceeding pursuant to section 326.130, unless the board, in its discretion, shall
57 determine such failure to have been due to reasonable cause or excusable neglect.
58 The board, in its discretion, may renew an annual permit to practice despite failure
59 to furnish evidence of satisfaction of requirements of continuing education upon
60 condition that the applicant follow a particular program or schedule of continuing
61 education.

62 3. The attestation or opinion concerning the presentation of financial or other
63 quantitative data shall be restricted to those holding a live permit pursuant to this
64 section.

65 4. Refusal by the resident manager of an office, registered pursuant to section
66 326.055, to submit such office to peer review, if required by the board, shall
67 constitute grounds for revocation, suspension or refusal to renew the manager's
68 permit in a proceeding pursuant to section 326.130.]

2 [326.230. If any provision of sections 326.011 to 326.230 or the application
3 thereof to anyone or to any circumstances is held invalid, the remainder of those
4 sections and the application of such provision to others or other circumstances shall
not be affected thereby.]

2 [327.605. 1. There is hereby created within the division of professional
3 registration a council to be known as the "Landscape Architectural Council". The
4 council shall consist of four landscape architects and one public member appointed
5 by the director of the division. Council members shall serve for a term of four years,
6 except that the first council appointed shall consist of one member whose initial term
7 shall be four years, one member whose initial term shall be for three years, one
8 member whose initial term shall be for two years and one member whose initial term
9 shall be for one year. No member of the council shall serve more than two
consecutive four-year terms.

10 2. Each council member, other than the public member, shall be a citizen of
11 the United States, a resident of the state of Missouri for at least one year, no younger
12 than thirty years of age, have at least ten years of active experience in the professional
13 practice of landscape architecture as his or her principal livelihood and, except for
14 the first council appointed, be registered as a landscape architect. The president of
15 the Missouri Association of Landscape Architects in office at the time shall, at least
16 ninety days prior to the expiration of the term of a board member, other than the
17 public member, or as soon as feasible after a vacancy on the board otherwise occurs,
18 submit to the director of the division of professional registration a list of five
19 landscape architects qualified and willing to fill the vacancy in question, with the
20 request and recommendation that the director appoint one of the five persons so
21 listed, and with the list so submitted, the president of the Missouri Association of
22 Landscape Architects shall include in his or her letter of transmittal a description of
23 the method by which the names were chosen by that association.

24 3. The public member shall be, at the time of his or her appointment, a
25 citizen of the United States, a resident of this state for a period of one year, a
26 registered voter, a person who is not and never was a member of the profession
27 regulated pursuant to sections 327.600 to 327.635 or the spouse of such person, and
28 a person who does not have and never has had a material financial interest in either
29 the providing of the professional services regulated by sections 327.600 to 327.635
30 or an activity or organization directly related to the profession regulated pursuant to
31 sections 327.600 to 327.635. The duties of the public member shall not include the
32 determination of the technical requirements to be met for certification. The public
33 member is subject to the provisions of section 620.132, RSMo.

34 4. Members of the council may be removed from office for cause. Upon the
35 death, resignation or removal from office of any member of the council, the
36 appointment to fill the vacancy shall be for the unexpired portion of the term so
37 vacated and shall be made within sixty days after the vacancy occurs. Any such
38 vacancy shall be filled by the director of the division of professional registration.

39 5. Each member of the council may receive as compensation an amount set
40 by the division not to exceed fifty dollars per day for each day devoted to council
41 affairs and shall be reimbursed for their reasonable and necessary expenses incurred
42 in the performance of their duties.

43 6. The council shall meet with the division at least twice each year and advise

the division on matters within the scope of sections 327.600 to 327.635. The organization of the council shall be established by the members of the council.

7. The council may sue and be sued as the landscape architecture council, and its members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members, nor shall any council member be personally liable for any costs which accrue in any action by or against the council.]

[327.609. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 327.600 to 327.635 to the appropriate prosecuting or circuit attorney;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the provisions of sections 327.600 to 327.635;

(3) Exercise all budgeting, purchasing, reporting and other related management functions;

(4) Promulgate, in collaboration with the council, such rules and regulations as are necessary to administer the provisions of sections 327.600 to 327.635. These rules and regulations shall be filed in the office of the secretary of state in accordance with chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[327.625. 1. The division shall set the amount of the fees which sections 327.600 to 327.635 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 327.600 to 327.635. All fees provided for in this section shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the fund to be known as the "Landscape Architectural Council Fund" which is hereby created.

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

[327.627. One year after August 28, 1989, it shall be unlawful for any person to advertise or indicate to the public that he is a landscape architect in this state, unless he has been registered as a landscape architect by the division and is in good standing on its records.]