

FIRST REGULAR SESSION

HOUSE BILL NO. 568

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1st time January 29, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1483L.011

AN ACT

To repeal sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.177, 324.243, 334.625, 334.749, 334.890, 337.622 and 345.080, RSMo 2000, relating to professional registration, and to enact in lieu thereof fourteen new sections relating to the same subject.

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214.276, 214.367, 214.392, 256.459, 324.177, 324.243, 334.625, 334.749, 334.890, 337.622 and 345.080, RSMo 2000, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.177, 324.243, 331.032, 334.625, 334.720, 334.749, 334.890, 337.622 and 345.080, to read as follows:

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

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

3. [The division shall grant or deny each application for a certificate of authority pursuant to this section within thirty days after it is filed, and no prosecution of any person who has filed an application for such certificate shall be initiated unless it is shown that such

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

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

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

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

44 7. Within thirty days after the sale or transfer of ownership or control of a
45 cemetery, the transferor shall return his or her license to the division. A prospective
46 purchaser or transferee of a cemetery shall file an application for a license at least thirty
47 days prior to the sale or transfer of ownership or control of a cemetery and shall be in

48 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.**

324.177. 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.

324.243. 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.

**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.

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 courseware 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 subsections 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.

337.622. 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.

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.