

FIRST REGULAR SESSION

HOUSE BILL NO. 564

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 27, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1879L.011

AN ACT

To repeal sections 209.323, 324.077, 329.050, 329.070, 337.030, and 621.045, RSMo, and to enact in lieu thereof six new sections relating to professional registration.

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

Section A. Sections 209.323, 324.077, 329.050, 329.070, 337.030, and 621.045, RSMo,
2 are repealed and six new sections enacted in lieu thereof, to be known as sections 209.323,
3 324.077, 329.050, 329.070, 337.030, and 621.045, to read as follows:

209.323. 1. Applications for licensure as an interpreter shall be submitted to the division
2 on forms prescribed by the division and furnished to the applicant. The application shall contain
3 the applicant's statements showing the applicant's education, certification by either the National
4 Registry of Interpreters for the Deaf, National Association of the Deaf or Missouri Interpreter
5 Certification System and such other information as the division may require. Each application
6 shall contain a statement that it is made under oath or affirmation and that the information
7 contained in the application is true and correct to the best knowledge and belief of the applicant,
8 subject to the penalties, as provided in sections 209.319 to 209.339, for the making of a false
9 affidavit or declaration. Each application shall be accompanied by the required application fee.
10 The application fee must be submitted in a manner as required by the committee and shall not
11 be refundable. The applicant must be eighteen years of age or older.

12 2. Each license issued pursuant to the provisions of sections 209.319 to 209.339 shall
13 expire on the renewal date. The division shall mail a renewal notice to the last known address
14 of each licensee prior to the registration renewal date. The license will expire **and renewal may**
15 **be denied** upon failure **of the licensee** to provide the division with the information required for

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

16 [registration] **renewal, including but not limited to satisfactory evidence of current**
17 **certification issued by the Missouri commission for the deaf, or failure** to pay the required
18 [registration] **renewal** fee within sixty days of the registration renewal date. The license may be
19 reinstated within two years after the registration date, if the applicant applies for reinstatement
20 [and], pays the required registration fee plus a delinquency fee as established by the committee,
21 **and provides evidence of current certification issued by the Missouri commission for the**
22 **deaf.**

23 3. Except as provided in section 209.321, the committee with assistance from the
24 division shall issue or renew a license to each person who files an application and fee as required
25 by the provisions of sections 209.319 to 209.339 and who furnishes satisfactory evidence to the
26 committee that he **or she** has complied with the provisions of subsection 1 or 2 of this section.

27 4. The committee may issue a new license to replace any license which is lost, destroyed
28 or mutilated upon payment of a fee as provided by the committee.

324.077. The division, in collaboration with the board, may issue a limited permit, upon
2 the payment of applicable fees and completion of the required application, to a person who
3 [sufficiently] provides **satisfactory** proof of eligibility to [set] **sit** for the [first available]
4 examination [upon completion of all other necessary requirements for certification by the
5 certifying entity. The limited permit shall allow the person to practice occupational therapy
6 under the supervision of a person currently licensed pursuant to sections 324.050 to 324.089.
7 A limited permit shall only be effective up to but not to exceed the time the results of the second
8 available examination are received by the board unless the person successfully passes the
9 examination in which instance the limited permit shall remain valid for an additional sixty days]
10 **administered by the certifying entity in accordance with the rules promulgated by the**
11 **board.**

329.050. 1. Applicants for examination or licensure pursuant to this chapter shall
2 possess the following qualifications:

3 (1) They must be persons of good moral character, have an education equivalent to the
4 successful completion of the tenth grade and be at least seventeen years of age;

5 (2) If the applicants are apprentices, they shall have served and completed, as an
6 apprentice under the supervision of a licensed cosmetologist, the time and studies required by
7 the board which shall be no less than three thousand hours for cosmetologists, and no less than
8 [seven hundred eighty] **eight hundred** hours for manicurists and no less than fifteen hundred
9 hours for esthetics. However, when the classified occupation of manicurist is apprenticed in
10 conjunction with the classified occupation of cosmetologist, the apprentices shall be required to
11 successfully complete the apprenticeship of no less than a total of three thousand hours;

12 (3) If the applicants are students, they shall have had the required time in a licensed

13 school of no less than one thousand five hundred hours training or the credit hours determined
14 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
15 Regulations, as amended, for the classification of cosmetologist, with the exception of public
16 vocational technical schools in which a student shall complete no less than one thousand two
17 hundred twenty hours training. All students shall complete no less than four hundred hours or
18 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34
19 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students
20 shall complete no less than seven hundred fifty hours or the credit hours determined by the
21 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
22 Regulations, as amended, for the classification of esthetician. However, when the classified
23 occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist,
24 the student shall not be required to serve the extra four hundred hours or the credit hours
25 determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of
26 Federal Regulations, as amended, otherwise required to include manicuring of nails; and

27 (4) They shall have passed an examination to the satisfaction of the board.

28 2. A person may apply to take the examination required by subsection 1 of this section
29 if the person is a graduate of a school of cosmetology or apprentice program in another state or
30 territory of the United States which has substantially the same requirements as an educational
31 establishment licensed pursuant to this chapter.

32 3. Each application shall contain a statement that, subject to the penalties of making a
33 false affidavit or declaration, the application is made under oath or affirmation and that its
34 representations are true and correct to the best knowledge and belief of the person signing the
35 application.

36 4. The sufficiency of the qualifications of applicants shall be determined by the board,
37 but the board may delegate this authority to its executive director subject to such provisions as
38 the board may adopt.

39 5. For the purpose of meeting the minimum requirements for examination, training
40 completed by a student or apprentice shall be recognized by the board for a period of no more
41 than five years from the date it is received.

329.070. 1. Apprentices or students shall be licensed with the board and shall pay a
2 student fee or an apprentice fee prior to beginning their course, and shall be of good moral
3 character and have an education equivalent to the successful completion of the tenth grade.

4 2. An apprentice or student shall not be enrolled in a course of study that shall exceed
5 [eight] **twelve** hours per day or that is less than three hours per day. The course of study shall
6 be no more than [forty-eight] **seventy-two** hours per week and no less than fifteen hours per
7 week.

8 3. Every person desiring to act as an apprentice in any of the classified occupations
9 within this chapter shall file with the board a written application on a form supplied to the
10 applicant, together with the required apprentice fee.

337.030. 1. Each psychologist licensed pursuant to the provisions of sections 337.010
2 to 337.090, who has not filed with the committee a verified statement that the psychologist has
3 retired from or terminated the psychologist's practice of psychology in this state, shall register
4 with the division on or before the registration renewal date. The division shall require a
5 registration fee which shall be submitted together with proof of compliance with the continuing
6 education requirement as provided in section 337.050 and any other information required for
7 such registration. Upon receipt of the required material and of the registration fee, the division
8 shall issue a renewal certificate of registration. The division shall, when issuing an initial license
9 to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and has been
10 approved for licensure by the committee shall grant the applicant, without payment of any further
11 fee, a certificate of registration valid until the next registration renewal date.

12 2. The division shall mail a renewal notice to the last known address of each licensee
13 prior to the registration renewal date. Failure to provide the division with the proof of
14 compliance with the continuing education requirement and other information required for
15 registration, or to pay the registration fee after such notice shall effect a revocation of the license
16 after a period of sixty days from the registration renewal date. The license shall be restored if,
17 within two years of the registration renewal date, the applicant provides written application and
18 the payment of the registration fee and a delinquency fee and proof of compliance with the
19 requirements for continuing education as provided in section 337.050.

20 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
21 subject to the rules of the committee, upon payment of a reasonable fee.

22 4. The committee shall set the amount of the fees authorized by sections 337.010 to
23 337.093 and required by rules and regulations promulgated pursuant to section 536.021, RSMo.
24 The fees shall be set at a level to produce revenue which shall not substantially exceed the cost
25 and expense of administering sections 337.010 to 337.090.

26 **5. The committee may issue an inactive license to any licensee who makes written**
27 **application for such license on a form provided by the board and remits the fee for an**
28 **inactive license established by the committee. An inactive license shall be issued only to a**
29 **person who has previously been issued a license to practice psychology in the state of**
30 **Missouri, who is no longer regularly engaged in such practice, and who does not hold**
31 **himself or herself out to the public as being professionally engaged in such practice in the**
32 **state of Missouri. Each inactive license shall be subject to all provisions of this chapter,**
33 **except as otherwise specifically provided. Each inactive license may be renewed by the**

34 **committee subject to all provisions of this section and all other provisions of this chapter.**
 35 **The inactive licensee shall not be required to submit evidence of completion of continuing**
 36 **education as required by this chapter. An inactive licensee may apply for a license to**
 37 **regularly engage in the practice of psychology upon filing a written application on a form**
 38 **provided by the committee, submitting the reactivation fee established by the committee**
 39 **and submitting proof of current competency as established by the committee.**

621.045. 1. The administrative hearing commission shall conduct hearings and make
 2 findings of fact and conclusions of law in those cases when, under the law, a license issued by
 3 any of the following agencies may be revoked or suspended or when the licensee may be placed
 4 on probation or when an agency refuses to permit an applicant to be examined upon his
 5 qualifications or refuses to issue or renew a license of an applicant who has passed an
 6 examination for licensure or who possesses the qualifications for licensure without examination:

- 7 Missouri State Board of Accountancy
- 8 Missouri Board of Registration for Architects, Professional Engineers [and], Land
- 9 **Surveyors and Landscape Architects**
- 10 Board of Barber Examiners
- 11 Board of Cosmetology
- 12 Board of Chiropody and Podiatry
- 13 Board of Chiropractic Examiners
- 14 Missouri Dental Board
- 15 Board of Embalmers and Funeral Directors
- 16 Board of Registration for the Healing Arts
- 17 Board of Nursing
- 18 **Missouri Board of Occupational Therapy**
- 19 Board of Optometry
- 20 Board of Pharmacy
- 21 Missouri Real Estate Commission
- 22 Missouri Veterinary Medical Board
- 23 Supervisor of Liquor Control
- 24 Department of Health and Senior Services
- 25 Department of Insurance
- 26 Department of Mental Health

27 2. If in the future there are created by law any new or additional administrative agencies
 28 which have the power to issue, revoke, suspend, or place on probation any license, then those
 29 agencies are under the provisions of this law.

30 3. Notwithstanding any other provision of this section to the contrary, after August 28,

31 1995, in order to encourage settlement of disputes between any agency described in subsection
32 1 of this section and its licensees, any such agency shall:

33 (1) Provide the licensee with a written description of the specific conduct for which
34 discipline is sought and a citation to the law and rules allegedly violated, together with copies
35 of any documents which are the basis thereof, or file a contested case against the licensee, at least
36 thirty days prior to offering the licensee a settlement proposal, and provide the licensee with an
37 opportunity to respond to the allegations;

38 (2) If no contested case has been filed against the licensee, allow the licensee at least
39 sixty days, from the date of mailing, during which to consider the agency's initial settlement offer
40 and discuss the terms of such settlement offer with the agency;

41 (3) If no contested case has been filed against the licensee, advise the licensee that the
42 licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen
43 days thereafter, submit the agreement to the administrative hearing commission for determination
44 that the facts agreed to by the parties to the settlement constitute grounds for denying or
45 disciplining the license of the licensee; and

46 (4) In any contact pursuant to this subsection by the agency or its counsel with a licensee
47 who is not represented by counsel, advise the licensee that the licensee has the right to consult
48 an attorney at the licensee's own expense.

49 4. If the licensee desires review by the administrative hearing commission pursuant to
50 subdivision (3) of subsection 3 of this section at any time prior to the settlement becoming final,
51 the licensee may rescind and withdraw from the settlement and any admissions of fact or law in
52 the agreement shall be deemed withdrawn and not admissible for any purposes under the law
53 against the licensee. Any settlement submitted to the administrative hearing commission shall
54 not be effective and final unless and until findings of fact and conclusions of law are entered by
55 the administrative hearing commission that the facts agreed to by the parties to the settlement
56 constitute grounds for denying or disciplining the license of the licensee.

57 5. As to a matter settled prior to August 28, 1995, by consent agreement or agreed
58 settlement, any party to a consent agreement or agreed settlement, other than a state agency, after
59 having received written notice at their last known address known to the agency from the
60 respective licensing agency of a person's rights under this section, shall have six months to file
61 an action in the circuit court of Cole County contesting the authority of any agency described in
62 subsection 1 of this section to enter into such consent agreement or agreed settlement. Any
63 consent agreement or agreed settlement which is not invalidated by the court pursuant to this
64 subsection shall be given full force and effect by all courts and agencies.