

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 564**  
**92ND GENERAL ASSEMBLY**

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Taken up for Perfection April 16, 2003. House Substitute for House Committee Substitute for House Bill No. 564 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1879L.04P

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**AN ACT**

To repeal sections 209.309, 209.321, 209.322, 324.200, 324.203, 324.205, 324.210, 324.215, 209.323, 324.077, 324.409, 327.401, 327.411, 328.080, 329.050, 329.070, 332.071, 332.171, 332.181, 332.261, 332.321, 332.327, 332.341, 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, 334.670, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 337.030, 337.600, 337.633, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 436.200, 436.205, 436.209, 436.212, and 621.045, RSMo, and to enact in lieu thereof one hundred five new sections relating to professional registration, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

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

Section A. Sections 209.309, 209.321, 209.322, 324.200, 324.203, 324.205, 324.210,  
2 324.215, 209.323, 324.077, 324.409, 327.401, 327.411, 328.080, 329.050, 329.070, 332.071,  
3 332.171, 332.181, 332.261, 332.321, 332.327, 332.341, 334.530, 334.540, 334.550, 334.560,  
4 334.655, 334.660, 334.665, 334.670, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712,  
5 334.715, 334.717, 337.030, 337.600, 337.633, 339.010, 339.020, 339.030, 339.040, 339.060,

**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.

6 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603,  
7 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760,  
8 339.780, 339.800, 436.200, 436.205, 436.209, 436.212, and 621.045, RSMo, are repealed and  
9 one hundred five new sections enacted in lieu thereof, to be known as sections 209.309, 209.321,  
10 209.322, 209.323, 324.077, 324.200, 324.203, 324.205, 324.210, 324.215, 324.216, 324.409,  
11 324.526, 324.1200, 324.1203, 324.1206, 324.1209, 324.1212, 324.1215, 324.1218, 324.1221,  
12 324.1224, 324.1227, 324.1230, 324.1233, 324.1236, 324.1239, 324.1242, 324.1245, 324.1248,  
13 324.1251, 324.1254, 324.1257, 327.172, 327.401, 327.411, 328.075, 328.080, 329.050, 329.070,  
14 332.069, 332.071, 332.171, 332.181, 332.261, 332.321, 332.327, 334.109, 334.400, 334.402,  
15 334.404, 334.406, 334.408, 334.410, 334.412, 334.414, 334.416, 334.418, 334.420, 334.422,  
16 334.424, 334.426, 334.428, 334.430, 334.530, 334.535, 334.540, 334.550, 334.560, 334.655,  
17 334.660, 334.665, 334.670, 334.672, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712,  
18 334.715, 334.717, 337.030, 337.600, 337.604, 337.633, 339.010, 339.020, 339.030, 339.040,  
19 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.710,  
20 339.760, 339.780, 339.800, 621.045, and 1, to read as follows:

209.309. **1.** The board may offer provisional certification to interpreters achieving a  
2 minimal level of certification established by the board. A provisional certification is limited to  
3 one year; during such year the interpreter must be reevaluated and achieve the next higher level  
4 of certification. If an evaluation slot is not available during the term of the provisional license,  
5 the interpreter may be granted an extension. A holder of a provisional certification may only be  
6 granted one extension. **A person nominated by a local public school district in Missouri**  
7 **shall be granted a provisional public school certificate when all of the following conditions**  
8 **are met:**

9 **(1) The local school district certifies that it was unable to locate an interpreter**  
10 **certified and licensed pursuant to sections 209.319 to 209.339, and otherwise acceptable to**  
11 **the local school district for employment, to accept the position;**

12 **(2) The local school district certifies that the person has demonstrated the skills**  
13 **necessary for the assignment to the satisfaction of the local school district;**

14 **(3) The local school district certifies that failure to employ the person would, to the**  
15 **best of their knowledge, result in noncompliance with applicable state or federal statutes**  
16 **or regulations; and**

17 **(4) The person nominated certifies that they will begin the application process for**  
18 **the certification and licensure requisite pursuant to sections 209.319 to 209.339 within**  
19 **ninety days.**

20 **2. Provisional public school certificates shall be issued within seventy-two hours of**  
21 **application containing the above certifications, and shall remain valid for eighteen months**

22 **or until the person obtains the certification and licensure otherwise required by sections**  
23 **209.319 to 209.339.**

24 **3. Provisional public school certificates may be revoked when the person ends their**  
25 **employment with the school district or if the person commits any of the actions listed in**  
26 **subsections 1 to 5 of section 209.317.**

209.321. 1. No person shall represent himself or herself as an interpreter or engage in  
2 the practice of interpreting as defined in section 209.285, **except as provided in subsection 6**  
3 **of this section**, in the state of Missouri unless such person is licensed as required by the  
4 provisions of sections 209.319 to 209.339.

5 2. A person registered, certified or licensed by this state, another state or any recognized  
6 national certification agent, acceptable to the committee that allows that person to practice any  
7 other occupation or profession in this state, is not considered to be interpreting if he or she is in  
8 performance of the occupation or profession for which he or she is registered, certified or  
9 licensed. The professions referred to in this subsection include, but are not limited to,  
10 physicians, psychologists, nurses, certified public accountants, architects and attorneys.

11 3. A licensed interpreter shall limit his or her practice to demonstrated areas of  
12 competence as documented by relevant professional education, training, experience and  
13 certification. An interpreter not trained in an area shall not practice in that area without obtaining  
14 additional relevant professional education, training and experience through an acceptable  
15 program as defined by rule by the Missouri commission for the deaf and hard of hearing.

16 4. A person is not considered to be interpreting pursuant to the provisions of this section  
17 if, in a casual setting and as defined by rule, a person is acting as an interpreter gratuitously or  
18 is engaged in interpreting incidental to traveling.

19 5. A person is not considered to be interpreting pursuant to the provisions of this section  
20 if a person is engaged as a telecommunications operator providing deaf relay service or operator  
21 services for the deaf.

22 **6. A person granted a provisional certificate to interpret in a public school shall not**  
23 **be subject to the regular certification or licensure requirements of sections 209.319 to**  
24 **209.339.**

209.322. The board shall recognize the following certificates:

2 (1) National Registry of Interpreters for the Deaf (NRID) certificates, which include  
3 Comprehensive Skills Certificate (CSC), Certificate of Interpreting/Certificate of Transliteration  
4 (CI/CT) and Certified Deaf Interpreter (CDI); [and]

5 (2) National Association of the Deaf (NAD) certificate levels 3, 4 and 5; **and**

6 **(3) A provisional public school certificate.**

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

2 324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the  
2 "Dietitian Practice Act".

3 2. As used in sections 324.200 to 324.225, the following terms shall mean:

4 (1) ["Committee", the state committee of dietitians;

5 (2) "Dietitian", a health care professional engaged in the practice of medical nutrition  
6 therapy;

7 (3) "Director", the director of the division of professional registration in the department  
8 of economic development;

9 (4) "Division", the division of professional registration of the department of economic  
10 development;

11 (5) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections  
12 324.200 to 324.225 to engage in the practice of medical nutrition therapy;

13 (6) "Medical nutrition therapy", specific medical nutrition therapies and treatment  
14 modalities based on clinical scientific research and practice that are used to treat illness,  
15 conditions and injuries and are referred by a person licensed in this state to prescribe medical  
16 nutrition therapies and modalities. Medical nutrition therapy includes clinical nutrition  
17 assessment, diet modification and intensive intervention and administration of specialized  
18 nutrition therapies.] **"Commission on Accreditation for Dietetics Education (CADE)", the**  
19 **American Dietetic Association's accrediting agency for education programs preparing**  
20 **students for professions as registered dietitians;**

21 (2) **"Committee", the state committee of dietitians established in section 324.203;**

22 (3) **"Dietetics Practice", the application of principles derived from integrating**  
23 **knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and**  
24 **social science to achieve and maintain the health of people by providing nutrition**  
25 **assessment and nutrition care services. The primary function of dietetic practice is the**  
26 **provision of nutrition care services that shall include, but not be limited to:**

27 (a) **Assessing the nutrition needs of individuals and groups and determining**  
28 **resources and constraints in the practice setting;**

29 (b) **Establishing priorities, goals, and objectives that meet nutrition needs and are**  
30 **consistent with available resources and constraints;**

31 (c) **Providing nutrition counseling or education in health and disease;**

32 (d) **Developing, implementing, and managing nutrition care systems;**

33 (e) **Evaluating, making changes in, and maintaining appropriate standards of**  
34 **quality and safety in food and in nutrition services;**

- 35 (f) Engaged in medical nutritional therapy as defined in subsection 8 of this section;  
36 (4) "Dietitian", one engaged in dietetic practice as defined in subsection 3 of this  
37 section;
- 38 (5) "Director", the director of the division of professional registration in the  
39 department of economic development;
- 40 (6) "Division", the division of professional registration of economic development;
- 41 (7) "Licensed dietitian", a person who is licensed pursuant to the provisions of  
42 sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition  
43 therapy;
- 44 (8) "Medical nutrition therapy", nutritional diagnostic, therapy, and counseling  
45 services which are furnished by a registered dietitian;
- 46 (9) "Registered dietitian", a person who:
- 47 (a) Has completed a minimum of a baccalaureate degree granted by a United States  
48 regionally accredited college or university or foreign equivalent;
- 49 (b) Completed the academic requirements of a didactic program in dietetics, as  
50 approved by CADE;
- 51 (c) Successfully completed the registration examination for dietitians; and
- 52 (d) Accrued seventy-five hours of approved continuing professional units every five  
53 years;
- 54
- 55 as determined by the committee on dietetic registration.

324.203. 1. There is hereby [established] **created within the division of professional**  
2 **registration, a committee to be known as** the "State Committee of Dietitians" [which shall  
3 guide, advise and make recommendations to the division and fulfill other responsibilities  
4 designated by sections 324.200 to 324.225. The committee shall approve the examination  
5 required by section 324.210 and shall assist the division in carrying out the provisions of sections  
6 324.200 to 324.225]. **The committee shall assist the division in administering and enforcing**  
7 **the provisions of sections 324.200 to 324.225, adopt, publish, and enforce such rules and**  
8 **regulations within the scope and purview of the provisions of sections 324.200 to 324.225**  
9 **as may be considered to be necessary or proper for the effective administration and**  
10 **interpretation of the provisions of sections 324.200 to 324.225, and for the conduct of its**  
11 **business and management of its internal affairs.**

12 2. **The committee shall approve the examination required by section 324.210.**

13 3. The committee shall consist of six members including one public member, appointed  
14 by the governor with the advice and consent of the senate. Each member of the committee shall  
15 be a citizen of the United States and a resident of this state, and, except as provided in this

16 section and except for the first members appointed, shall be licensed as a dietitian by this state.  
17 Beginning with the first appointments made after August 28, 1998, two members shall be  
18 appointed for four years, two members shall be appointed for three years and two members shall  
19 be appointed for two years. Thereafter, all members shall be appointed to serve four-year terms.  
20 No person shall be eligible for reappointment who has served as a member of the committee for  
21 a total of eight years. The membership of the committee shall reflect the differences in levels  
22 of education and work experience with consideration being given to race, gender, and ethnic  
23 origins. No more than three members shall be from the same political party. The membership  
24 shall be representative of the various geographic regions of the state.

25 [3.] 4. A vacancy in the office of a member shall be filled by appointment by the  
26 governor for the remainder of the unexpired term.

27 [4.] 5. Each member of the committee shall receive as compensation an amount set by  
28 the division not to exceed fifty dollars, and shall be reimbursed for necessary and actual expenses  
29 incurred in the performance of the member's official duties. The director, in collaboration with  
30 the department of economic development, shall establish by rule, guidelines for payment. All  
31 staff for the committee shall be provided by the division.

32 [5.] 6. The committee shall hold an annual meeting at which it shall elect from its  
33 membership a chairperson and secretary. The committee may hold such additional meetings as  
34 may be required in the performance of its duties, provided that notice of every meeting shall be  
35 given to each member at least three days prior to the date of the meeting. A quorum of the  
36 committee shall consist of a majority of its members.

37 [6.] 7. The governor may remove a committee member for misconduct, incompetency,  
38 neglect of the member's official duties, or for cause.

39 [7.] 8. The public member shall be at the time of the person's appointment a citizen of  
40 the United States; a resident of this state for a period of one year and a registered voter; a person  
41 who is not and never was a member of any profession licensed or regulated by sections 324.200  
42 to 324.225, or the spouse of such a person; and a person who does not have and never has had  
43 a material financial interest in either the providing of the professional services regulated by  
44 sections 324.200 to 324.225, or an activity or organization directly related to any profession  
45 licensed or regulated by sections 324.200 to 324.225. The duties of the public member shall not  
46 include the determination of the technical requirements to be met for licensure or whether any  
47 person meets such technical requirements or of the technical competence or technical judgment  
48 of a licensee or a candidate for licensure.

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.] **Any person who holds a license to practice dietetics in this state may use the title**  
5 **"Dietitian" or the abbreviation "L.D.". No other person may use the title "Dietitian" or**  
6 **the abbreviation "L.D.". No other person shall assume any title or use any title or use any**  
7 **abbreviation or any other words, letters, signs, or devices to indicate that the person using**  
8 **the same is a licensed dietitian.**

9       **2. No person shall practice or offer to practice dietetics in this state for**  
10 **compensation or use any title, sign, abbreviation, card, or device to indicate that such**  
11 **person is practicing dietetics unless he or she has been duly licensed pursuant to the**  
12 **provisions of sections 324.200 to 324.225.**

13       **3. Any person who violates the provisions of subsection 1 of this section is guilty of**  
14 **a class A misdemeanor.**

324.210. 1. An applicant for licensure as a dietitian shall be at least twenty-one years  
2 of age.

3       2. Each applicant shall furnish evidence to the committee that:

4       (1) The applicant has completed a didactic program in dietetics which is approved or  
5 accredited by the commission on [accreditation/approval for dietetic education] **accreditation**  
6 **for dietetics education** and a minimum of a baccalaureate degree from an acceptable  
7 educational institution accredited by a regional accrediting body or accredited by an accrediting  
8 body which has been approved by the United States Department of Education. Applicants who  
9 have obtained their education outside of the United States and its territories must have their  
10 academic degrees validated as equivalent to the baccalaureate or master's degree conferred by  
11 a regionally accredited college or university in the United States. Validation of a foreign degree  
12 does not eliminate the need for a verification statement of completion of a didactic program in  
13 dietetics;

14       (2) The applicant has completed a supervised practice requirement from an institution  
15 that is certified by a nationally recognized professional organization as having a dietetics  
16 specialty or who meets criteria for dietetics education established by the committee. The  
17 committee may specify those professional organization certifications which are to be recognized  
18 and may set standards for education training and experience required for those without such  
19 specialty certification to become dietitians.

20       3. The applicant shall successfully pass an examination as determined by the committee.  
21 The committee may waive the examination requirement and grant licensure to an applicant for  
22 a license as a dietitian who presents satisfactory evidence to the committee of current registration  
23 as a dietitian with the commission on dietetic registration.

24       4. Prior to July 1, 2000, a person may apply for licensure without examination and shall  
25 be exempt from the academic requirements of this section if the committee is satisfied that the



26 applicant has a bachelor's degree in a program approved by the committee and has work  
27 experience approved by the committee.

28 5. The committee may determine the type of documentation needed to verify that an  
29 applicant meets the qualifications provided in subsection 3 of this section.

324.215. 1. The committee shall issue a license to each candidate who files an  
2 application and pays the fee as required by the provisions of sections 324.200 to 324.225 and  
3 who furnishes evidence satisfactory to the committee that the candidate has complied with the  
4 provisions of section 324.210 or with the provisions of subsection 2 of this section.

5 2. The committee may issue a license to any dietitian who has a valid current license to  
6 practice **dietetics** or medical nutrition therapy in any jurisdiction, provided that such person is  
7 licensed in a jurisdiction whose requirements for licensure are substantially equal to, or greater  
8 than, the requirements for licensure of dietitians in Missouri at the time the applicant applies for  
9 licensure.

10 3. The committee may not allow any person to sit for the examination for licensure as  
11 a dietitian in this state who has failed the examination as approved by the committee three times,  
12 until the applicant submits evidence of satisfactory completion of additional course work or  
13 experience and has been approved by the committee for reexamination.

**324.216. 1. A licensed dietitian may choose not to renew his or her license and  
2 thereby allow such license to lapse, or may ask to be put on inactive status, provided such  
3 person does not practice dietetics during such period that the license is lapsed or the  
4 practitioner is on inactive status. If a person with a lapsed license desires to resume the  
5 practice of dietetics, the person shall apply for licensure pursuant to the licensing  
6 requirements in effect at the time the person applies to resume the practice of dietetics and  
7 pay the required fee as established by the committee. If the person desires to maintain  
8 such license on an inactive status and in order to avoid lapsing of such license, the person  
9 shall pay the required fee as established by the committee for maintaining an inactive  
10 license. An inactive license shall be renewed biennially. An inactive license may be  
11 reactivated by the committee as provided by rule.**

12 **2. Any person who practices as a dietitian during the time his or her license is  
13 inactive or lapsed shall be considered an illegal practitioner and shall be subject to the  
14 penalties for violation of the dietitian practice act.**

324.409. 1. To be a registered commercial interior designer, a person:

2 (1) Shall take and pass or have passed the examination administered by the National  
3 Council for Interior Design Qualification or an equivalent examination approved by the council.  
4 In addition to proof of passage of the examination, the application shall provide substantial  
5 evidence to the council that the applicant:

6 (a) Is a graduate of a five-year or four-year interior design program from an accredited  
7 institution and has completed at least two years of diversified and appropriate interior design  
8 experience; or

9 (b) Has completed at least three years of an interior design curriculum from an accredited  
10 institution and has completed at least three years of diversified and appropriate interior design  
11 experience; or

12 (c) Is a graduate of a two-year interior design program from an accredited institution and  
13 has completed at least four years of diversified and appropriate interior design experience; **or**

14 (2) [Within twenty-four months of August 28, 1998, a person may qualify for registration  
15 by providing substantial evidence to the council that the applicant:

16 (a) Has passed the full examination administered by the National Council for Interior  
17 Design Qualification or an equivalent state examination approved by the council and has a  
18 minimum of six years of interior design experience acceptable to the council;

19 (b) Has passed or intends to take and pass within the next twelve months the building  
20 and barrier-free portion of the examination administered by the National Council for Interior  
21 Design Qualification or an equivalent state codes examination approved by the council and has  
22 provided satisfactory evidence of having used or been identified by the title, interior designer,  
23 and has diversified and appropriate experience totaling a minimum of ten years; or

24 (c) Has taken and passed the building and barrier-free portion of the examination  
25 administered by the National Council for Interior Design Qualification or an equivalent state  
26 codes examination approved by the council, and has passed the American Institute of Interior  
27 Designers accreditation examination; or

28 (3)] May qualify who is currently registered pursuant to sections 327.091 to 327.171,  
29 RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and registered with  
30 the council. Such applicant shall give authorization to the council in order to verify current  
31 registration with sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining  
32 to the practice of architecture.

33 2. Verification of experience required pursuant to this section shall be based on a  
34 minimum of five client references, business or employment verification and five industry  
35 references, submitted to the council.

36 3. The council shall verify if an applicant has complied with the provisions of this  
37 section and has paid the required fees, then the council shall recommend such applicant be  
38 registered as a registered commercial interior designer by the council.

**324.526. 1. Notwithstanding any provision of the law to the contrary, the director  
2 of the division of professional registration shall issue a temporary license to practice  
3 tattooing, body piercing, or branding under the following requirements:**

4           (1) The applicant for temporary licensure is entering the state of Missouri for the  
5 sole purpose of participating in a state or national convention wherein the applicant will  
6 be practicing the profession of tattooing, body piercing, or branding;

7           (2) The applicant files a completed application with the division at least two days  
8 prior to the start of the convention and tenders a fee of twenty-five dollars; and

9           (3) The applicant is otherwise qualified for licensure pursuant to sections 324.520  
10 to 324.526, and the rules and regulations promulgated thereunder.

11           2. A temporary license to practice tattooing, body piercing, or branding issued  
12 pursuant to this section shall be valid for a period not to exceed fourteen days and shall not  
13 be renewable.

14           3. Notwithstanding the requirements of sections 620.127 and 620.145, RSMo, an  
15 applicant for temporary licensure pursuant to this section shall not be required to provide  
16 a Social Security number if the application is submitted by a citizen of a foreign country  
17 who has not been issued a Social Security number and who previously has not been  
18 licensed by any other state, United States territory, or federal agency.

          324.1200. Sections 324.1200 to 324.1257 may be cited as the "Uniform Athlete  
2 Agents Act".

          324.1203. As used in sections 324.1200 to 324.1257, the following terms shall mean:

2           (1) "Agency contract", an agreement in which a student-athlete authorizes a person  
3 to negotiate or solicit on behalf of the student-athlete a professional-sports-services  
4 contract or an endorsement contract;

5           (2) "Athlete agent", an individual who enters into an agency contract with a  
6 student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into  
7 an agency contract. The term does not include a spouse, parent, sibling, grandparent, or  
8 guardian of the student-athlete or an individual acting solely on behalf of a professional  
9 sports team or professional sports organization. The term includes an individual who  
10 represents to the public that the individual is an athlete agent;

11           (3) "Athletic director", an individual responsible for administering the overall  
12 athletic program of an educational institution or, if an educational institution has  
13 separately administered athletic programs for male students and female students, the  
14 athletic program for males or the athletic program for females, as appropriate;

15           (4) "Contact", a communication, direct or indirect, between an athlete agent and  
16 a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;

17           (5) "Director", the director of the division of professional registration;

18           (6) "Division", the division of professional registration;

19           (7) "Endorsement contract", an agreement under which a student-athlete is

20 employed or receives consideration to use on behalf of the other party any value that the  
21 student-athlete may have because of publicity, reputation, following, or fame obtained  
22 because of athletic ability or performance;

23 (8) "Intercollegiate sport", a sport played at the collegiate level for which eligibility  
24 requirements for participation by a student-athlete are established by a national  
25 association for the promotion or regulation of collegiate athletics;

26 (9) "Person", an individual, corporation, business trust, estate, trust, partnership,  
27 limited liability company, association, joint venture, government; governmental  
28 subdivision, agency, or instrumentality; public corporation, or any other legal or  
29 commercial entity;

30 (10) "Professional-sports-services contract", an agreement under which an  
31 individual is employed or agrees to render services as a player on a professional sports  
32 team, with a professional sports organization, or as a professional athlete;

33 (11) "Record", information that is inscribed on a tangible medium or that is stored  
34 in an electronic or other medium and is retrievable in perceivable form;

35 (12) "Registration", registration as an athlete agent pursuant to sections 324.1200  
36 to 324.1257;

37 (13) "State", a state of the United States, the District of Columbia, Puerto Rico, the  
38 United States Virgin Islands, or any territory or insular possession subject to the  
39 jurisdiction of the United States;

40 (14) "Student-athlete", an individual who engages in, is eligible to engage in, or  
41 may be eligible in the future to engage in, any intercollegiate sport. If an individual is  
42 permanently ineligible to participate in a particular intercollegiate sport, the individual is  
43 not a student-athlete for purposes of that sport.

324.1206. 1. The director of the division of professional registration shall  
2 administer the provisions of sections 324.1200 to 324.1257.

3 2. By engaging in the business of an athlete agent in this state, a nonresident  
4 individual appoints the director as the individual's agent to accept service of process in any  
5 civil action related to the individual's business as an athlete agent in this state.

6 3. The director may subpoena witnesses, issue subpoenas duces tecum and require  
7 production of documents and records. Subpoenas, including subpoenas duces tecum, shall  
8 be served by a person authorized to serve subpoenas of courts of record. In lieu of  
9 requiring attendance of a person to produce original documents in response to a subpoena  
10 duces tecum, the board may require sworn copies of such documents to be filed with it or  
11 delivered to its designated representative.

12 4. The director may enforce its subpoenas, including subpoena duces tecum, by

13 applying to a circuit court of Cole County, the county of the investigation, hearing or  
14 proceeding, or any county where the person resides or may be found, for an order upon  
15 any person who shall fail to obey a subpoena to show cause why such subpoena should not  
16 be enforced, which such order and a copy of the application therefore shall be served upon  
17 the person in the same manner as a summons in a civil action, and if the circuit court shall,  
18 after a hearing, determine that the subpoena should be sustained and enforced, such court  
19 shall proceed to enforce the subpoena in the same manner as though the subpoena had  
20 been issued in a civil case in the circuit court.

324.1209. 1. Except as otherwise provided in subsection 2 of this section, an  
2 individual may not act as an athlete agent in this state before being issued a certificate of  
3 registration pursuant to section 324.1215 or 324.1221.

4 2. An individual with a temporary license pursuant to section 324.1221, may act as  
5 an athlete agent before being issued a certificate of registration for all purposes except  
6 signing an agency contract if:

7 (1) A student-athlete or another acting on behalf of the student-athlete initiates  
8 communication with the individual; and

9 (2) Within seven days after an initial act as an athlete agent, the individual submits  
10 an application to register as an athlete agent in this state.

11 3. An agency contract resulting from conduct in violation of this section is void.  
12 The athlete agent shall return any consideration received under the contract.

324.1212. 1. An applicant for registration shall submit an application for  
2 registration to the director in a form prescribed by the director. The application must be  
3 in the name of an individual and signed by the applicant under penalty of perjury and  
4 must state or contain:

5 (1) The name of the applicant and the address of the applicant's principal place of  
6 business;

7 (2) The name of the applicant's business or employer, if applicable;

8 (3) Any business or occupation engaged in by the applicant for the five years next  
9 preceding the date of submission of the application;

10 (4) A description of the applicant's:

11 (a) Formal training as an athlete agent;

12 (b) Practical experience as an athlete agent; and

13 (c) Educational background relating to the applicant's activities as an athlete agent;

14 (5) The names and addresses of three individuals not related to the applicant who  
15 are willing to serve as references;

16 (6) The name, sport, and last known team for each individual for whom the

17 applicant provided services as an athlete agent during the five years next preceding the  
18 date of submission of the application;

19 (7) The names and addresses of all persons who are:

20 (a) With respect to the athlete agent's business if it is not a corporation, the  
21 partners, officers, associates, or profit-sharers; and

22 (b) With respect to a corporation employing the athlete agent, the officers,  
23 directors, and any shareholder of the corporation with a five percent or greater interest;

24 (8) Whether the applicant or any other person named pursuant to subdivision (7)  
25 of this subsection has been convicted of a crime that, if committed in this state, would be  
26 a felony or other crime involving moral turpitude, and identify the crime;

27 (9) Whether there has been any administrative or judicial determination that the  
28 applicant or any other person named pursuant to subdivision (7) of this subsection has  
29 made a false, misleading, deceptive, or fraudulent representation;

30 (10) Any instance in which the prior conduct of the applicant or any other person  
31 named pursuant to subdivision (7) of this subsection resulted in the imposition of a  
32 sanction, suspension, or declaration of ineligibility to participate in an interscholastic or  
33 intercollegiate athletic event on a student-athlete or educational institution;

34 (11) Any sanction, suspension, or disciplinary action taken against the applicant  
35 or any other person named pursuant to subdivision (7) of this subsection arising out of  
36 occupational or professional conduct; and

37 (12) Whether there has been any denial of an application for, suspension or  
38 revocation of, or refusal to renew, the registration or licensure of the applicant or any other  
39 person named pursuant to subdivision (7) of this subsection as an athlete agent in any state.

324.1215. 1. Except as otherwise provided in subsection 2 of this section, the  
2 director shall issue a certificate of registration to an individual who complies with  
3 subsection 1 of section 324.1212.

4 2. The director may refuse to issue a certificate of registration if the director  
5 determines that the applicant has engaged in conduct that has a significant adverse effect  
6 on the applicant's fitness to serve as an athlete agent. In making the determination, the  
7 director may consider whether the applicant has:

8 (1) Been convicted of a crime that, if committed in this state, would be a felony or  
9 other crime involving moral turpitude;

10 (2) Made a materially false, misleading, deceptive, or fraudulent representation as  
11 an athlete agent or in the application;

12 (3) Engaged in conduct that would disqualify the applicant from serving in a  
13 fiduciary capacity;

- 14           **(4) Engaged in conduct prohibited by section 324.1239;**
- 15           **(5) Had a registration or licensure as an athlete agent suspended, revoked, or**  
16 **denied or been refused renewal of registration or licensure in any state;**
- 17           **(6) Engaged in conduct or failed to engage in conduct the consequence of which was**  
18 **that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic**  
19 **or intercollegiate athletic event was imposed on a student-athlete or educational institution;**  
20 **or**
- 21           **(7) Engaged in conduct that significantly adversely reflects on the applicant's**  
22 **credibility, honesty, or integrity.**

23           **4. In making a determination pursuant to subsection 3 of this section, the director**  
24 **shall consider:**

- 25           **(1) How recently the conduct occurred;**
- 26           **(2) The nature of the conduct and the context in which it occurred; and**
- 27           **(3) Any other relevant conduct of the applicant.**

28           **5. An athlete agent may apply to renew a registration by submitting an application**  
29 **for renewal in a form prescribed by the director. The application for renewal must be**  
30 **signed by the applicant under penalty of perjury under section 575.040, RSMo, and must**  
31 **contain current information on all matters required in an original registration.**

32           **6. A certificate of registration or a renewal of a registration is valid for two years.**

**324.1218. 1. The director may revoke, suspend, or refuse to renew any certificate**  
2 **of registration required pursuant to this chapter for one or any combination of causes**  
3 **stated in subsection 2 of this section. The director shall notify the applicant in writing of**  
4 **the reasons for the refusal and shall advise the applicant of the applicant's right to file a**  
5 **complaint with the administrative hearing commission as provided by chapter 621, RSMo.**

6           **2. The director 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 required by this chapter or any person who has failed to renew or has**  
9 **surrendered the person's certificate of registration 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**  
12 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**  
13 **United States, for any offense reasonably related to the qualifications, functions or duties**  
14 **pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty,**  
15 **or an act of violence, or for any offense involving moral turpitude, whether or not sentence**  
16 **is imposed;**
- 17           **(2) Use of fraud, deception, misrepresentation, or bribery in securing any certificate**

18 of registration pursuant to this chapter;

19 (3) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or  
20 unprofessional conduct in the performance of the functions regulated by this chapter,  
21 including, but not limited to, the following:

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

24 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or  
25 deception, to obtain consultation;

26 (c) Failure to comply with any subpoena or subpoena duces tecum from the  
27 director;

28 (d) Failing to inform the director of the athlete agent's current residence and  
29 business address;

30 (4) Violation of, or attempting to violate, directly or indirectly, or assisting or  
31 enabling any person to violate any provision of this chapter, or of any lawful rule or  
32 regulation adopted pursuant to this chapter;

33 (5) Impersonation of any person holding a certificate of registration or allowing any  
34 person to use his or her certificate of registration;

35 (6) Violation of the drug laws or rules and regulations of this state, any other state  
36 or the federal government;

37 (7) Knowingly making, or causing to be made, or aiding, or abetting in the making  
38 of, a false statement in any birth or other certificate or document executed in connection  
39 with the transaction;

40 (8) Soliciting patronage in person or by agents or representatives, or by any other  
41 means or manner, under the person's own name or under the name of another person or  
42 concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the  
43 public;

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

46 3. After the filing of such complaint before the administrative hearing commission,  
47 the proceedings shall be conducted in accordance with the provisions of chapter 621,  
48 RSMo. Upon a finding by the administrative hearing commission that the grounds,  
49 provided in subsection 2 of this section, for disciplinary action are met, the director may,  
50 singly or in combination, warn, censure or place the person named in the complaint on  
51 probation on such terms and conditions as the director deems appropriate for a period not  
52 to exceed six months, or may suspend the person's certificate of registration period not to  
53 exceed one year, or restrict or limit the person's certificate of registration for an indefinite



54 period of time, or revoke the person's certificate of registration.

55 4. In any order of revocation, the director may provide that the person may not  
56 apply for reinstatement of the person's certificate of registration for a period of time  
57 ranging from two to seven years following the date of the order of revocation. All stay  
58 orders shall toll this time period.

324.1221. The director may issue a temporary certificate of registration while an  
2 application for registration or renewal is pending.

324.1224. 1. An application for registration or renewal of registration shall be  
2 accompanied by a fee which shall be determined by the director and established by rule.  
3 All fees payable pursuant to the provisions of this section shall be collected by the division  
4 of professional registration and transmitted to the department of revenue for deposit in the  
5 state treasury to the credit of the fund to be known as the "Athlete Agent Fund" which is  
6 hereby established. The provisions of section 33.080, RSMo, to the contrary  
7 notwithstanding, money in the athlete agent fund shall not be transferred and placed to the  
8 credit of general revenue until the amount in the athlete agent fund at the end of the  
9 biennium exceeds two times the amount of the appropriations from such fund for the  
10 preceding fiscal year or, if the director allows renewal of registration less frequently than  
11 yearly, then three times the appropriations from such fund for the preceding fiscal year;  
12 provided that no amount from such fund may be transferred to the credit of general  
13 revenue earlier than two years following the effective date of this section. The amount, if  
14 any, which may be transferred to the credit of general revenue after two years following  
15 the effective date of this section is that amount in the athlete agent fund which exceeds the  
16 appropriate multiple of the appropriations from such fund for the preceding fiscal year.

17 2. The director may promulgate rules to authorize and file "athlete agent"  
18 documents as that term is defined in section 536.010, RSMo, that is created under the  
19 authority delegated in this section shall become effective only if it complies with and is  
20 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
21 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
22 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
23 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
24 then the grant of rulemaking authority and any rule proposed or adopted after August 28,  
25 2003, shall be invalid and void.

324.1227. 1. An agency contract must be in a record, signed by the parties.

2 2. An agency contract must state or contain:

3 (1) The amount and method of calculating the consideration to be paid by the  
4 student-athlete for services to be provided by the athlete agent under the contract and any

5 other consideration the athlete agent has received or will receive from any other source for  
6 entering into the contract or for providing the services;

7 (2) The name of any person not listed in the application for registration or renewal  
8 who will be compensated because the student-athlete signed the agency contract;

9 (3) A description of any expenses that the student-athlete agrees to reimburse;

10 (4) A description of the services to be provided to the student-athlete;

11 (5) The duration of the contract; and

12 (6) The date of execution.

13 3. An agency contract must contain, in close proximity to the signature of the  
14 student-athlete, a conspicuous notice in boldface type in capital letters stating:

15 "WARNING TO STUDENT-ATHLETE

16 IF YOU SIGN THIS CONTRACT:

17 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A  
18 STUDENT-ATHLETE IN YOUR SPORT;

19 (2) BOTH YOU AND YOUR ATHLETE AGENT ARE  
20 REQUIRED TO TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE  
21 AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING  
22 INTO AN AGENCY CONTRACT; AND

23 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS  
24 AFTER SIGNING IT. CANCELLATION OF THE CONTRACT MAY  
25 NOT REINSTATE YOUR ELIGIBILITY."

26 4. An agency contract that does not conform to this section is voidable by the  
27 student-athlete.

28 5. The athlete agent shall give a copy of the signed agency contract to the student-  
29 athlete at the time of signing.

324.1230. 1. Within seventy-two hours after entering into an agency contract or  
2 before the next scheduled athletic event in which the student-athlete may participate,  
3 whichever occurs first, the athlete agent shall give notice in writing of the existence of the  
4 contract to the athletic director of the educational institution at which the student-athlete  
5 is enrolled or the athlete agent has reasonable grounds to believe the student-athlete  
6 intends to enroll.

7 2. Within seventy-two hours after entering into an agency contract or before the  
8 next athletic event in which the student-athlete may participate, whichever occurs first, the  
9 student-athlete shall in writing inform the athletic director of the educational institution  
10 at which the student-athlete is enrolled that he or she has entered into an agency contract.

11 324.1233. 1. A student-athlete may cancel an agency contract by giving notice in

12 **writing to the athlete agent of the cancellation within fourteen days after the contract is**  
13 **signed.**

14 **2. A student-athlete may not waive the right to cancel an agency contract.**

15 **3. If a student-athlete cancels an agency contract within fourteen days of signing**  
16 **the contract, the student-athlete is not required to pay any consideration under the contract**  
17 **or to return any consideration received from the agent to induce the student-athlete to**  
18 **enter into the contract.**

**324.1236. 1. An athlete agent shall retain the following records for a period of five**  
2 **years:**

3 **(1) The name and address of each individual represented by the athlete agent;**

4 **(2) Any agency contract entered into by the athlete agent; and**

5 **(3) Any direct costs incurred by the athlete agent in the recruitment or solicitation**  
6 **of a student-athlete.**

7 **2. Records required by subsection 1 of this section to be retained are open to**  
8 **inspection by the director during normal business hours.**

**324.1239. 1. An athlete agent may not do any of the following with the intent to**  
2 **induce a student-athlete to enter into an agency contract:**

3 **(1) Give any materially false or misleading information or make a materially false**  
4 **promise or representation;**

5 **(2) Furnish anything of value to a student-athlete before the student-athlete enters**  
6 **into the agency contract; or**

7 **(3) Furnish anything of value to any individual other than the student-athlete or**  
8 **another registered athlete agent.**

9 **2. An athlete agent may not intentionally:**

10 **(1) Initiate contact with a student-athlete unless registered pursuant to sections**  
11 **324.1200 to 324.1257;**

12 **(2) Refuse or willfully fail to retain or permit inspection of the records required by**  
13 **section 436.251;**

14 **(3) Violate section 324.1209 by failing to register;**

15 **(4) Provide materially false or misleading information in an application for**  
16 **registration or renewal of registration;**

17 **(5) Predate or postdate an agency contract; or**

18 **(6) Fail to notify a student-athlete prior to the student athlete's signing an agency**  
19 **contract for a particular sport that the signing by the student-athlete may make the**  
20 **student-athlete ineligible to participate as a student-athlete in that sport.**

**324.1242. The commission of any act prohibited by section 324.1239 by an athlete**

2 agent is a class B misdemeanor.

324.1245. 1. An educational institution has a right of action against an athlete agent  
2 or a former student-athlete for damages caused by a violation of sections 324.1200 to  
3 324.1257. In an action under this section, the court may award to the prevailing party costs  
4 and reasonable attorney's fees.

5 2. Damages of an educational institution under subsection 1 of this section include  
6 losses and expenses incurred because, as a result of the activities of an athlete agent or  
7 former student-athlete, the educational institution was injured by a violation of sections  
8 324.1200 to 324.1257 or was penalized, disqualified, or suspended from participation in  
9 athletics by a national association for the promotion and regulation of athletics, by an  
10 athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate  
11 sanctions.

12 3. A right of action under this section does not accrue until the educational  
13 institution discovers or by the exercise of reasonable diligence would have discovered the  
14 violation by the athlete agent or former student-athlete.

15 4. Any liability of the athlete agent or the former student-athlete under this section  
16 is several and not joint.

17 5. Sections 324.1200 to 324.1257 do not restrict rights, remedies, or defenses of any  
18 person under law or equity.

324.1248. Any person who violates any provisions of sections 324.1200 to 324.1257  
2 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a class A  
3 misdemeanor.

324.1251. In applying and construing sections 324.1200 to 324.1257, consideration  
2 must be given to the need to promote uniformity of the law with respect to the subject  
3 matter of sections 324.1200 to 324.1257 among states that enact it.

324.1254. If any provision of sections 324.1200 to 324.1257 or its application to any  
2 person or circumstance is held invalid, the invalidity does not affect other provisions or  
3 applications of sections 324.1200 to 324.1257 which can be given effect without the invalid  
4 provision or application, and to this end the provisions of sections 324.1200 to 324.1257 are  
5 severable.

324.1257. Any moneys collected by the director pursuant to section 324.1248 shall  
2 immediately be transferred to the department of revenue for deposit in the state treasury  
3 to the credit of general revenue.

327.172. 1. An architect licensed in this state may apply to the board for inactive  
2 license status on a form furnished by the board. Upon receipt of the completed inactive  
3 status application form and the board's determination that the licensee meets the

4 **requirements established by rule, the board shall declare the licensee inactive and shall**  
5 **place the licensee on an inactive status list. A person whose license is inactive shall not**  
6 **offer or practice architecture within this state, but may continue to use the title architect.**

7 **2. If a licensee is granted inactive status, the licensee may return to active status by**  
8 **notifying the board in advance of such intention, by paying appropriate fees as determined**  
9 **by the board, and by meeting all established requirements of the board including the**  
10 **demonstration of current knowledge, competency, and skill in the practice of architecture**  
11 **as a condition of reinstatement.**

12 **3. In the event an inactive licensee does not maintain a current license in any state**  
13 **for a five-year period immediately prior to requesting reinstatement, such person may be**  
14 **required to take an examination as the board deems necessary to determine such person's**  
15 **qualifications. Such examination shall cover areas designed to demonstrate the proficiency**  
16 **in current methods of architecture.**

327.401. 1. The right to practice as an architect [or to practice as a], professional  
2 engineer [or to practice as a], professional land surveyor, **or landscape architect** shall be  
3 deemed a personal right, based upon the qualifications of the individual, evidenced by such  
4 individual's professional license and shall not be transferable; but any architect [or], any  
5 professional engineer [or], any professional land surveyor, **or any landscape architect** may  
6 practice his or her profession through the medium of, or as a member or as an employee of, a  
7 partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other  
8 like documents or instruments of the partnership or corporation are signed and stamped with the  
9 personal seal of the architect, professional engineer [or], professional land surveyor, **or**  
10 **landscape architect** by whom or under whose immediate personal supervision the same were  
11 prepared and provided that the architect [or], professional engineer [or], professional land  
12 surveyor, **or landscape architect** who affixes his or her signature and personal seal to any such  
13 plans, specifications, estimates, plats, reports or other documents or instruments shall be  
14 personally and professionally responsible therefor.

15 **2. Any domestic corporation formed under the corporation law of this state, or any**  
16 **foreign corporation, now or hereafter organized and having as one of its purposes the practicing**  
17 **of architecture [or], professional engineering [or], professional land surveying, or landscape**  
18 **architecture and any existing corporation which amends its charter to propose to practice**  
19 **architecture [or], professional engineering [or], professional land surveying, or landscape**  
20 **architecture shall obtain a certificate of authority for each profession named in the articles of**  
21 **incorporation or articles of organization from the board which shall be renewed in accordance**  
22 **with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and**  
23 **after the date of such certificate of authority and while the authority or a renewal thereof is in**

24 effect, may offer and render architectural [or], professional engineering [or], professional land  
25 surveying, **or landscape architectural** services in this state if:

26 (1) At all times during the authorization or any renewal thereof the directors of the  
27 corporation shall have assigned responsibility for the proper conduct of all its architectural [or],  
28 professional engineering [or], professional land surveying, **or any landscape architectural**  
29 activities in this state to an architect licensed and authorized to practice architecture in this state  
30 or to a professional engineer licensed and authorized to practice engineering in this state or to  
31 a professional land surveyor licensed and authorized to practice professional land surveying in  
32 this state, **or to a landscape architect licensed and authorized to practice landscape**  
33 **architecture in this state**, as the case may be; and

34 (2) The person or persons who is or are personally in charge and supervises or supervise  
35 the architectural [or], professional engineering [or], professional land surveying, **or landscape**  
36 **architectural** activities, as the case may be, of any such corporation in this state shall be licensed  
37 and authorized to practice architecture [or], professional engineering [or], professional land  
38 surveying, **or landscape architecture**, as the case may be, as provided in this chapter; and

39 (3) The corporation pays such fees for the certificate of authority, renewals or  
40 reinstatements thereof as are required.

327.411. 1. Each architect and each professional engineer and each professional land  
2 surveyor **and each landscape architect** shall have a personal seal in a form prescribed by the  
3 board, and he or she shall affix the seal to all final documents including, but not limited to, plans,  
4 specifications, estimates, plats, reports, surveys, proposals and other documents or instruments  
5 prepared by the licensee, or under such licensee's immediate personal supervision, and such  
6 licensee shall be held personally responsible for the contents of all such documents sealed by  
7 such licensee.

8 2. The personal seal of an architect [or], professional engineer [or], professional land  
9 surveyor, **or landscape architect** shall be the legal equivalent of the licensee's signature  
10 whenever and wherever used, and the owner of the seal shall be responsible for the architectural,  
11 engineering [or], surveying, **or landscape architectural** documents, as the case may be, when  
12 the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports,  
13 surveys or other documents or instruments for, or to be used in connection with, any architectural  
14 [or], engineering project [or], survey, **or landscape architectural project**.

15 3. Any architect, professional engineer [or], professional land surveyor, **or landscape**  
16 **architect** may, but is not required to, attach a statement over his or her signature, authenticated  
17 by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys  
18 or other documents or instruments, or portions thereof, intended to be authenticated by the seal,  
19 and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other

20 documents or instruments relating to or intended to be used for any part or parts of the  
21 architectural [or], engineering project [or], survey, **or landscape architect.**

22 4. Nothing in this section, or any rule or regulation of the board shall require any  
23 professional to seal preliminary or incomplete documents.

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

5 **2. Any person desiring to act as an apprentice supervisor for barbering in this state  
6 shall first possess a certificate of registration to practice the occupation of barbering, apply  
7 to the board, complete an eight-hour apprentice supervision instruction course certified by  
8 the board, and be issued a license as barber apprentice supervisor prior to supervising  
9 barber apprentices. Barber apprentice supervisors shall supervise no more than two  
10 apprentices at one time.**

328.080. 1. Any person desiring to practice barbering in this state shall make application  
2 for a certificate to the board and shall pay the required barber examination fee. He **or she** shall  
3 be present at the next regular meeting of the board for the examination of applicants.

4 2. The board shall examine the applicant and, upon successful completion of the  
5 examination and payment of the required registration fee, shall issue to him **or her** a certificate  
6 of registration authorizing him **or her** to practice the trade in this state and enter his name in the  
7 register herein provided for, if it finds that he **or she**:

8 (1) Is [seventeen years of age or older and of] **at least sixteen years of age, applicants  
9 shall be a person of good moral character;**

10 (2) Is free of contagious or infectious diseases;

11 (3) Has studied for at least one thousand hours in a period of not less than six months in  
12 a properly appointed and conducted barber school under the direct supervision of a licensed  
13 instructor; **or, if the applicant is an apprentice, the applicant shall have served and  
14 completed no less than two thousand hours under the direct supervision of a licensed  
15 barber apprentice supervisor;**

16 (4) Is possessed of requisite skill in the trade of barbering to properly perform the duties  
17 thereof, including the preparation of tools, shaving, haircutting and all the duties and services  
18 incident thereto; **and**

19 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the  
20 aggravation and spread thereof in the practice of barbering.

21 3. The board shall be the judge of whether the barber school or college is properly  
22 appointed and conducted under proper instruction to give sufficient training in the trade.

23           **4. The sufficiency of the qualifications of applicants shall be determined by the**  
24 **board.**

25           **5. For the purposes of meeting the minimum requirements for examination, the**  
26 **apprentice training shall be recognized by the board for a period not to exceed five years.**

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 Regulations,  
22 as amended, for the classification of esthetician. However, when the classified occupation of  
23 manicurist is taken in conjunction with the classified occupation of cosmetologist, the student  
24 shall not be required to serve the extra four hundred hours or the credit hours determined by the  
25 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations,  
26 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.

**332.069. 1. Any person not registered as a licensed dentist in Missouri shall not  
2 engage in the practice of dentistry, as defined in section 332.171, across state lines, except  
3 as provided in this section.**

4 **2. For the purposes of this chapter, the "practice of dentistry across state lines"  
5 shall mean:**

6 **(1) The rendering of a written or otherwise documented dental opinion concerning  
7 the diagnosis or treatment of a patient within this state by a dentist located outside this  
8 state as a result of transmission of individual patient data by electronic, telephonic or other  
9 means from within this state or any other state to such dentist or dentist's agent; or**

10 **(2) The rendering of treatment to a patient within this state by a dentist located  
11 outside this state as a result of transmission of individual patient data by electronic,  
12 telephonic or other means from within this state or any other state to such dentist or  
13 dentist's agent.**

14 **3. A dentist located outside of this state shall not be required to obtain a license  
15 when:**

16 **(1) Consultation is requested by a duly licensed dentist in this state who retains the  
17 ultimate authority and responsibility for the diagnosis or treatment in the care of the**

18 **patient located within this state; and**

19 **(2) The consultation request is not due to a contractual agreement to authorize or**  
20 **request consultations from a person or entity not licensed to practice dentistry in Missouri;**

21 **or**

22 **(3) Evaluating a patient or rendering an oral, written or otherwise documented**  
23 **dental opinion when providing testimony or records for the purpose of any civil or criminal**  
24 **action before any judicial or administrative proceeding of this state or other forum in this**  
25 **state.**

332.071. A person or other entity "practices dentistry" within the meaning of this chapter  
2 who:

3 (1) Undertakes to do or perform dental work or dental services or dental operations or  
4 oral surgery, by any means or methods, **including the use of lasers**, gratuitously or for a salary  
5 or fee or other reward, paid directly or indirectly to the person or to any other person or entity;

6 (2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats  
7 or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of  
8 human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions  
9 of the oral regions;

10 (3) Attempts to or does replace or restore a part or portion of a human tooth;

11 (4) Attempts to or does extract human teeth or attempts to or does correct malformations  
12 of human teeth or jaws;

13 (5) Attempts to or does adjust an appliance or appliances for use in or used in connection  
14 with malposed teeth in the human mouth;

15 (6) Interprets or professes to interpret or read dental radiographs;

16 (7) Administers an anesthetic in connection with dental services or dental operations or  
17 dental surgery;

18 (8) Undertakes to or does remove hard and soft deposits from or polishes natural and  
19 restored surfaces of teeth;

20 (9) Uses or permits to be used for the person's benefit or for the benefit of any other  
21 person or other entity the following titles or words in connection with the person's name:  
22 "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or  
23 descriptive matter which directly or indirectly indicate or imply that the person is willing or able  
24 to perform any type of dental service for any person or persons, or uses or permits the use of for  
25 the person's benefit or for the benefit of any other person or other entity any card, directory,  
26 poster, sign or any other means by which the person indicates or implies or represents that the  
27 person is willing or able to perform any type of dental services or operation for any person;

28 (10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an

29 office or establishment of any kind in which dental services or dental operations of any kind are  
30 performed for any purpose; but this section shall not be construed to prevent owners or lessees  
31 of real estate from lawfully leasing premises to those who are qualified to practice dentistry  
32 within the meaning of this chapter;

33 (11) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial  
34 restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except  
35 when one, not a registered and licensed dentist, does so pursuant to a written uniform laboratory  
36 work order, in the form to be prescribed by the board and copies of which shall be retained by  
37 the nondentist for two years, of a dentist registered and currently licensed in Missouri and which  
38 the substitute in this subdivision described is constructed upon or by use of casts or models made  
39 from an impression furnished by a dentist registered and currently licensed in Missouri;

40 (12) Attempts to or does place any substitute described in subdivision (11) of this section  
41 in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute  
42 to any person other than the dentist upon whose order the work in producing the substitute was  
43 performed;

44 (13) Advertises, solicits, or offers to or does sell or deliver any substitute described in  
45 subdivision (11) of this section or offers to or does sell the person's services in constructing,  
46 reproducing, supplying or repairing the substitute to any person other than a registered and  
47 licensed dentist in Missouri; **or**

48 (14) Undertakes to do or perform any physical evaluation of a patient in the person's  
49 office or in a hospital, clinic, or other medical or dental facility prior to or incident to the  
50 performance of any dental services, dental operations, or dental surgery.

332.171. 1. The board shall upon application [and without examination] issue a  
2 specialist's [certificate] **license** to any [registered and] currently licensed dentist in Missouri who  
3 has been certified in any specialty by an [American] **examining** board recognized by the  
4 American Dental Association[; but any]. **Any** such application shall be accompanied by the  
5 required [specialty] fee.

6 2. Any [registered and] currently licensed dentist in Missouri who **has completed a**  
7 **dental speciality program accredited by the Council on Dental Accreditation but** is not  
8 eligible [to apply] **for speciality licensure** under subsection 1 [above] **of this section**, may apply  
9 to the board for [certification] **speciality licensure** in one of the [special] **specialty** areas  
10 [approved] **recognized** by the American Dental Association [for specialty practice]. Each such  
11 application shall be accompanied by the required [specialty] fee. The board shall establish by  
12 rule the minimum requirements for specialty [certification] **licensure** under this subsection. **The**  
13 **board shall issue a speciality licensure to an applicant pursuant to this subsection so long**  
14 **as the applicant meets the requirements of this subsection.**

15           3. [An examination committee, appointed by the board, consisting of three dentists who  
16 have been certified by an American board approved by the American Dental Association as  
17 having met the standards set by that association for the specialty for which application is made,  
18 shall examine each applicant for a specialty at the time and place fixed by the board in a manner  
19 to thoroughly test his qualifications in the specialty applied for, and report to the board as to  
20 whether the applicant is qualified in the specialty.

21           4. In the event any applicant fails to pass the examination and is reported by the  
22 examining committee as not qualified, he may upon application to the board be reexamined by  
23 the committee at such time and place as the board may specify, but any such applicant shall pay  
24 a reexamination fee equivalent to the specialty fee.] **The board shall grant a license in one of**  
25 **the specialty areas recognized by the American Dental Association to a dentist who has**  
26 **been so certified or licensed and is practicing in another state, province, or territory if the**  
27 **applicant meets the following requirements and the application is accompanied by the**  
28 **required fee:**

29           (1) **The applicant currently holds a Missouri license to practice dentistry or obtains**  
30 **one through the provisions of such license pursuant to sections 332.131 and 332.181 or**  
31 **section 332.211.**

32           (2) **The applicant meets the educational requirements for specialty licensure**  
33 **required of original applicants for specialty licensure in the state of Missouri as required**  
34 **in subsection 1 or 2 of this section.**

35           (3) **The applicant meets such other minimum requirements as may be established**  
36 **by rule of the board for specialty licensure under this subsection.**

37           4. **The board may establish a committee for each American Dental Association**  
38 **recognized specialty applied for to be comprised of at least two dentists appointed by the**  
39 **board who hold Missouri specialty licenses in the recognized specialty and who are current**  
40 **diplomats of an American specialty board recognized by the American Dental Association.**  
41 **Each committee shall assist the board in evaluating an applicant for specialty licensure in**  
42 **the recognized specialty for which that committee was established and assume such other**  
43 **duties as shall be established by rule of the board.**

44           5. Each member of [each examining] **a specialty** committee appointed by the board as  
45 provided in this section shall receive [as] compensation **in** an amount set by the board, not to  
46 exceed fifty dollars[,] for each day spent in the performance of his **or her** duties on the  
47 committee, and each member shall be reimbursed for all actual and necessary expenses incurred  
48 in the performance of his **or her** duties.

49           6. [The board shall issue to each applicant who has been recommended as qualified by  
50 the examining committee, as provided in subsection 3 of this section, a certificate of registration

51 to practice dentistry in the specialty in which he has been so recommended.] **All speciality**  
52 **licenses shall be subject to discipline for cause as set forth in section 332.321 and each**  
53 **specialty license holder shall renew his or her specialty license or licenses as provided in**  
54 **section 332.181 and shall pay the required renewal fee.**

55 7. [The board may also grant without examination a certificate of registration and a  
56 license in one of the specialty areas recognized by the American Dental Association to a dentist  
57 who has been so certified and/or licensed in another state, if the applicant meets the following  
58 requirements:

59 (1) Applicant must either currently hold a Missouri license to practice dentistry or obtain  
60 one through the provisions of sections 332.131 and 332.181, or through the provisions of section  
61 332.211;

62 (2) Applicant must have taken and passed an examination equivalent to that given in  
63 Missouri and have been granted a specialty license in another state. It is the obligation of the  
64 applicant to provide proper documentation which must include the content and grades received  
65 in each portion of the examination and be certified by the state which administered the  
66 examination. Determination as to whether an examination taken in another state is equivalent  
67 to that given in Missouri will be made by the current Missouri specialty examining committee  
68 in the appropriate specialty area;

69 (3) Applicant must have met the same educational requirements for certification and  
70 licensure under this subsection as required of original applicants in the state of Missouri, as  
71 established by rule by the board.

72 8. All such certificates shall be subject to revocation and suspension for the causes set  
73 forth in section 332.321 and each certificate holder shall renew his regular license as provided  
74 in section 332.181 and shall pay the regular renewal fee provided therefor and shall also renew  
75 his specialty license and shall pay a specialty renewal fee.] **The board shall issue to each**  
76 **applicant who has been recommended as qualified by the speciality committee, as provided**  
77 **in subsection 4 of this section, a license to practice dentistry in the specialty in which he or**  
78 **she has been so recommended.**

332.181. 1. No person shall engage in the practice of dentistry in Missouri without  
2 having first secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dentistry in Missouri shall **pay the required**  
4 **fee and** make application to the board on a form prescribed by the board pursuant to section  
5 332.141. An application for licensure shall be active for one year after the date it is received by  
6 the board. The application becomes void if not completed within such one-year period.

7 3. All persons once licensed to practice dentistry in Missouri shall renew his or her  
8 license to practice dentistry in Missouri on or before the license renewal date and shall display

9 his or her license for each current licensing period in the office in which he or she practices or  
10 offers to practice dentistry.

11 4. Effective with the licensing period beginning on December 1, 2002, a license shall be  
12 renewed every two years. [The board shall not renew the license of any dentist unless the  
13 licensee provides satisfactory evidence that he or she has completed fifty hours of continuing  
14 education within a two-year period.] **To renew a license, each dentist shall submit satisfactory**  
15 **evidence of completion of fifty hours of continuing education during the two-year period**  
16 **immediately preceding the renewal period. Each dentist shall maintain documentation of**  
17 **completion of the required continuing education hours as provided by rule. Failure to**  
18 **obtain the required continuing education hours, submit satisfactory evidence, or maintain**  
19 **documentation is a violation of section 332.321 and may subject the licensee to discipline.**  
20 **As provided by rule,** the board may **waive or** extend the time requirements for completion of  
21 continuing education [up to six months] for reasons related to health, military service, foreign  
22 residency or for other good cause. All requests for **waivers or** extensions of time shall be made  
23 in writing and submitted to the board before the renewal date. [The board may waive the  
24 requirements for continuing education for retired or disabled dentists or for other good cause.]

25 5. Any licensed dentist who fails to renew his or her license on or before the renewal date  
26 may apply to the board for renewal of his or her license within four years subsequent to the date  
27 of the license expiration[, provided that any such applicant shall pay a reinstatement fee for the  
28 license] **upon payment of the reinstatement fee and presentation of satisfactory evidence**  
29 **that he or she has completed the continuing education requirements the same as if the**  
30 **license had remained active. The license of any dentist who fails to renew within four years**  
31 **of the time his or her license has expired shall be void. The dentist may reapply for a**  
32 **license, provided that, unless application is made pursuant to section 332.211, he or she**  
33 **shall pay the same fees and be examined in the same manner as an original applicant for**  
34 **licensure as a dentist.**

35 [6. The license of any dentist who fails to renew within four years of the time his or her  
36 license has expired shall be void. The dentist may reapply for a license, provided that, unless  
37 application is made pursuant to section 332.211, he or she shall pay the same fees and be  
38 examined in the same manner as an original applicant for licensure as a dentist. A currently  
39 licensed dentist in Missouri may apply to the board to be placed on an inactive list of dentists,  
40 and during the time his or her name remains on the inactive list, he or she shall not practice  
41 dentistry. If a dentist wishes to be removed from the inactive list, unless he or she applies  
42 pursuant to section 332.211, he or she shall apply for a current license and pay the license fees  
43 for the years between the date of the entry of his or her name on the inactive list and the date of  
44 issuance of his current license. If the dentist has been on the inactive list for more than four

45 years, he or she shall be examined in the same manner as an original applicant for licensure as  
46 a dentist.

47 7. A currently licensed dentist in Missouri who does not maintain a practice in this state  
48 or does not reside in this state may apply to the board to be placed on an out-of-state licensee list  
49 of dentists. Any dentist applying to be so licensed shall accompany his or her application with  
50 a fee not greater than the licensure fee for a licensee who maintains a practice in this state or who  
51 resides in this state. The required fee shall be established by the board, by rule, as with other  
52 licensing fees.]

332.261. 1. No person shall engage in the practice of dental hygiene without having first  
2 secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dental hygiene in Missouri shall **pay the**  
4 **required fee and** make application to the board on a form prescribed by the board pursuant to  
5 section 332.241. An application for licensure shall be active for one year after the date it is  
6 received by the board. The application becomes void if not completed within such one-year  
7 period.

8 3. All persons once licensed to practice as a dental hygienist in Missouri shall renew his  
9 or her license to practice on or before the renewal date and shall display his or her license for  
10 each current licensing period in the office in which he or she practices or offers to practice as a  
11 dental hygienist.

12 4. Effective with the licensing period beginning on December 1, 2002, a license shall be  
13 renewed every two years. [The board shall not renew the license of any hygienist unless the  
14 licensee provides satisfactory evidence that he or she has completed thirty hours of continuing  
15 education within a two-year period.] **To renew a license, each dental hygienist shall submit**  
16 **satisfactory evidence of completion of thirty hours of continuing education during the two-**  
17 **year period immediately preceding the renewal period. Each dental hygienist shall**  
18 **maintain documentation of completion of the required continuing education hours as**  
19 **provided by rule. Failure to obtain the required continuing education hours, submit**  
20 **satisfactory evidence, or maintain documentation is a violation of section 332.321, and may**  
21 **subject the licensee to discipline. As provided by rule, the board may waive or extend the**  
22 time requirements for completion of the continuing education [up to six months] for reasons  
23 related to health, military service, foreign residency or for other good cause. All requests for  
24 **waivers or extensions of time shall be made in writing and submitted to the board before the**  
25 renewal date. [The board may waive the requirements for continuing education for retired or  
26 disabled hygienists or for other good cause.]

27 5. Any licensed dental hygienist who fails to renew his or her license on or before the  
28 renewal date may apply to the board for renewal of his or her license within four years

29 subsequent to the date of the license expiration[, provided that any such applicant shall pay a  
30 reinstatement fee for the license] **upon payment of the reinstatement fee and presentation of**  
31 **satisfactory evidence that he or she has completed the continuing education requirements**  
32 **the same as if the license had remained active. The license of any dental hygienist who fails**  
33 **to renew within four years of the time his or her license has expired shall be void. The**  
34 **dental hygienist may reapply for a license; provided that, unless application is made**  
35 **pursuant to section 332.281, he or she shall pay the same fees and be examined in the same**  
36 **manner as an original applicant for licensure as a dental hygienist.**

37 [6. The license of any dental hygienist who fails to renew within four years of the time  
38 that his or her license expired shall be void. The dental hygienist may apply for a new license,  
39 provided that, unless application is made pursuant to section 332.281, he or she shall pay the  
40 same fees and be examined in the same manner as an original applicant for licensure as a dental  
41 hygienist. A currently licensed dental hygienist in Missouri may apply to the board to be placed  
42 on an inactive list of dental hygienists, and during the time his or her name remains on the  
43 inactive list, he or she shall not practice as a dental hygienist. If a dental hygienist wishes to be  
44 removed from the inactive list, unless he or she applies pursuant to section 332.281, he or she  
45 shall apply for a current license and pay the license fees for the years between the date of the  
46 entry of his or her name on the inactive list and the date of issuance of his or her current license.  
47 If the dental hygienist has been on the inactive list for more than four years, he or she shall be  
48 examined in the same manner as an original applicant for licensure as a dental hygienist.

49 7. A currently licensed dental hygienist in Missouri who does not practice in this state  
50 or who does not reside in this state may apply to the board to be placed on an out-of-state  
51 registration list of dental hygienists. Any dental hygienist applying to be so licensed shall  
52 accompany his or her application with a fee not greater than the license fee for a licensee who  
53 practices in this state or resides in this state. The required fee shall be established by the board,  
54 by rule, as with other licensing fees.]

332.321. 1. The board may refuse to issue or renew a permit or license required pursuant  
2 to this chapter for one or any combination of causes stated in subsection 2 of this section or the  
3 board may, as a condition to issuing or renewing any such permit or license, require a person to  
4 submit himself or herself for identification, intervention, treatment or rehabilitation by the  
5 well-being committee as provided in section 332.327. The board shall notify the applicant in  
6 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a  
7 complaint with the administrative hearing commission as provided by chapter 621, RSMo.

8 2. The board may cause a complaint to be filed with the administrative hearing  
9 commission as provided by chapter 621, RSMo, against any holder of any permit or license  
10 required by this chapter or any person who has failed to renew or has surrendered his or her



11 permit or license for any one or any 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 this chapter;

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 this chapter, for any offense an essential element of  
19 which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude,  
20 whether or not sentence is imposed;

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

24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
25 fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party  
26 payment program; or for repeated irregularities in billing a third party for services rendered to  
27 a patient. For the purposes of this subdivision, irregularities in billing shall include:

28 (a) Reporting charges for the purpose of obtaining a total payment in excess of that  
29 usually received by the dentist for the services rendered;

30 (b) Reporting incorrect treatment dates for the purpose of obtaining payment;

31 (c) Reporting charges for services not rendered;

32 (d) Incorrectly reporting services rendered for the purpose of obtaining payment that is  
33 greater than that to which the person is entitled;

34 (e) Abrogating the co-payment or deductible provisions of a third-party payment  
35 contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction  
36 of charges provided under an agreement between the licensee and an insurance company, health  
37 service corporation or health maintenance organization licensed pursuant to the laws of this state;  
38 or governmental third-party payment program; or self-insurance program organized, managed  
39 or funded by a business entity for its own employees or labor organization for its members;

40 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
41 in the performance of, or relating to one's ability to perform, the functions or duties of any  
42 profession licensed or regulated by this chapter;

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

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

47 (8) Disciplinary action against the holder of a license or other right to practice any  
48 profession regulated by this chapter imposed by another state, province, territory, federal agency  
49 or country upon grounds for which discipline is authorized in this state;

50 (9) A person is finally adjudicated incapacitated or disabled by a court of competent  
51 jurisdiction;

52 (10) Assisting or enabling any person to practice or offer to practice, by lack of  
53 supervision or in any other manner, any profession licensed or regulated by this chapter who is  
54 not registered and currently eligible to practice pursuant to this chapter;

55 (11) Issuance of a permit or license based upon a material mistake of fact;

56 (12) Failure to display a valid certificate, permit or license if so required by this chapter  
57 or by any rule promulgated hereunder;

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

59 (14) Use of any advertisement or solicitation that is false, misleading or deceptive to the  
60 general public or persons to whom the advertisement or solicitation is primarily directed. False,  
61 misleading or deceptive advertisements or solicitations shall include, but not be limited to:

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

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

67 (c) Any misleading or deceptive claims of patient cure, relief or improved condition;  
68 superiority in service, treatment or materials; new or improved service, treatment or material; or  
69 reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use  
70 any such claim if it is readily verifiable by existing documentation, data or other substantial  
71 evidence. Any claim that exceeds or exaggerates the scope of its supporting documentation, data  
72 or evidence is misleading or deceptive;

73 (d) Any announced fee for a specified service where that fee does not include the charges  
74 for necessary related or incidental services, or where the actual fee charged for that specified  
75 service may exceed the announced fee, but it shall not be unlawful to announce only the  
76 maximum fee that can be charged for the specified service, including all related or incidental  
77 services, modified by the term "up to" if desired;

78 (e) Any announcement in any form including the term "specialist" or the phrase "limited  
79 to the specialty of" unless each person named in conjunction with the term or phrase, or  
80 responsible for the announcement, holds a valid Missouri certificate and license evidencing that  
81 the person is a specialist in that area;

82 (f) Any announcement containing any of the terms denoting recognized specialties, or

83 other descriptive terms carrying the same meaning, unless the announcement clearly designates  
84 by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the  
85 announcement, or employed by the entity sponsoring the announcement, after the following  
86 clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not  
87 licensed in Missouri as specialists in the advertised dental specialty(s) of .....";

88 (g) Any announcement containing any terms denoting or implying specialty areas that  
89 are not recognized by the American Dental Association;

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

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

94 (17) Failing to maintain his or her office or offices, laboratory, equipment and  
95 instruments in a safe and sanitary condition;

96 (18) Accepting, tendering or paying "rebates" to or "splitting fees" with any other person;  
97 provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist  
98 practicing in a partnership or as a corporation organized pursuant to the provisions of chapter  
99 356, RSMo, to distribute profits in accordance with his or her stated agreement;

100 (19) Administering, or causing or permitting to be administered, nitrous oxide gas in any  
101 amount to himself or herself, or to another unless as an adjunctive measure to patient  
102 management;

103 (20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and  
104 safety to patients by reasons of professional incompetency, or because of illness, drunkenness,  
105 excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition.  
106 In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of  
107 probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the  
108 purpose of establishing his or her competency to practice as a dentist, specialist or hygienist,  
109 which reexamination shall be conducted in accordance with rules adopted for this purpose by the  
110 board, including rules to allow the examination of the dentist's, specialist's or hygienist's  
111 professional competence by at least three dentists or fellow specialists, or to submit to a mental  
112 or physical examination or combination thereof by at least three physicians. One examiner shall  
113 be selected by the dentist, specialist or hygienist compelled to take examination, one selected by  
114 the board, and one shall be selected by the two examiners so selected. Notice of the physical or  
115 mental examination shall be given by personal service or registered mail. Failure of the dentist,  
116 specialist or hygienist to submit to the examination when directed shall constitute an admission  
117 of the allegations against him or her, unless the failure was due to circumstances beyond his or  
118 her control. A dentist, specialist or hygienist whose right to practice has been affected pursuant

119 to this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that  
120 he or she can resume competent practice with reasonable skill and safety to patients.

121 (a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor  
122 the orders entered by the board shall be used against a dentist, specialist or hygienist in any other  
123 proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without  
124 the filing of a complaint with the administrative hearing commission;

125 (b) When the board finds any person unqualified because of any of the grounds set forth  
126 in this subdivision, it may enter an order imposing one or more of the following: denying his or  
127 her application for a license; permanently withholding issuance of a license; administering a  
128 public or private reprimand; placing on probation, suspending or limiting or restricting his or her  
129 license to practice as a dentist, specialist or hygienist for a period of not more than five years;  
130 revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her  
131 to submit to the care, counseling or treatment of physicians designated by the dentist, specialist  
132 or hygienist compelled to be treated; or requiring such person to submit to identification,  
133 intervention, treatment or rehabilitation by the well-being committee as provided in section  
134 332.327. For the purpose of this subdivision, "license" includes the certificate of registration,  
135 or license, or both, issued by the board.

136 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
137 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing  
138 commission that the grounds, provided in subsection 2, for disciplinary action are met, the board  
139 may, singly or in combination:

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

142 (2) Suspend the license, certificate or permit for a period not to exceed three years; or

143 (3) Revoke the license, certificate, or permit. In any order of revocation, the board may  
144 provide that the person shall not apply for licensure for a period of not less than one year  
145 following the date of the order of revocation; or

146 (4) Cause the person or firm named in the complaint to make restitution to any patient,  
147 or any insurer or third-party payer who shall have paid in whole or in part a claim or payment for  
148 which they should be reimbursed, where restitution would be an appropriate remedy, including  
149 the reasonable cost of follow-up care to correct or complete a procedure performed or one that  
150 was to be performed by the person or firm named in the complaint; or

151 (5) Request the attorney general to bring an action in the circuit court of competent  
152 jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the  
153 court.

154 **4. If the board concludes that a dentist or dental hygienist has committed an act or**

155 is engaging in a course of conduct that would be grounds for disciplinary action and  
156 constitutes a clear and present danger to the public health and safety, the board may file  
157 a complaint before the administrative hearing commission requesting an expedited hearing  
158 and specifying the conduct that gives rise to the danger and the nature of the proposed  
159 restriction or suspension of the dentist's or dental hygienist's license. Within fifteen days  
160 after service of the complaint on the dentist or dental hygienist, the administrative hearing  
161 commission shall conduct a preliminary hearing to determine whether the alleged conduct  
162 of the dentist or the dental hygienist appears to constitute a clear and present danger to the  
163 public health and safety that justifies that the dentist's or dental hygienist's license be  
164 immediately restricted or suspended. The burden of proving that a dentist or dental  
165 hygienist is a clear and present danger to the public health and safety shall be upon the  
166 Missouri dental board. The administrative hearing commission shall issue its decision  
167 immediately after the hearing and shall either grant to the board the authority to suspend  
168 or restrict the license or dismiss the action.

169       **5. If the administrative hearing commission grants temporary authority to the**  
170 **board to restrict or suspend a dentist's or dental hygienist's license, the dentist or dental**  
171 **hygienist named in the complaint may request a full hearing before the administrative**  
172 **hearing commission. A request for a full hearing shall be made within thirty days after the**  
173 **administrative hearing commission issues its decision. The administrative hearing**  
174 **commission shall, if requested by the dentist or dental hygienist named in the complaint,**  
175 **set a date to hold a full hearing under the provisions of chapter 621, RSMo, regarding the**  
176 **activities alleged in the initial complaint filed by the board. The administrative hearing**  
177 **commission shall set the date for full hearing within ninety days from the date its decision**  
178 **was issued. Either party may request continuances, which shall be granted by the**  
179 **administrative hearing commission upon a showing of good cause by either party or**  
180 **consent of both parties. If a request for a full hearing is not made within thirty days, the**  
181 **authority to impose discipline shall become final and the board shall set the matter for**  
182 **hearing in accordance with section 621.110, RSMo.**

183       **6. If the administrative hearing commission dismisses without prejudice the**  
184 **complaint filed by the board pursuant to subsection 4 of this section or dismisses the action**  
185 **based on a finding that the board did not meet its burden of proof establishing a clear and**  
186 **present danger, such dismissal shall not bar the board from initiating a subsequent action**  
187 **on the same grounds in accordance with this chapter and chapters 536 and 621, RSMo.**

188       **7. Notwithstanding any other provisions of section 332.071 or of this section, a currently**  
189 **licensed dentist in Missouri may enter into an agreement with individuals and organizations to**  
190 **provide dental health care, provided such agreement does not permit or compel practices that**

191 violate any provision of this chapter.

192 [5.] 8. At all proceedings for the enforcement of these or any other provisions of this  
193 chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general  
194 or one of the attorney general's assistants designated by the attorney general or other legal  
195 counsel to appear and represent the board at each stage of such proceeding or trial until its  
196 conclusion.

197 [6.] 9. If at any time when any discipline has been imposed pursuant to this section or  
198 pursuant to any provision of this chapter, the licensee removes himself or herself from the state  
199 of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to  
200 keep the Missouri dental board advised of his or her current place of business and residence, the  
201 time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed  
202 or taken as any part of the time of discipline so imposed.

332.327. 1. The board may establish an impaired dentist or dental hygienist committee,  
2 to be designated as the well-being committee, to promote the early identification, intervention,  
3 treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of  
4 illness, substance abuse, or as a result of any physical or mental condition. The board may enter  
5 into a contractual agreement with a nonprofit corporation or a dental association for the purpose  
6 of creating, supporting and maintaining a committee to be designated as the well-being  
7 committee. The board may promulgate administrative rules subject to the provisions of this  
8 section and chapter 536, RSMo, to effectuate and implement any committee formed pursuant to  
9 this section. The board may expend appropriated funds necessary to provide for operational  
10 expenses of the committee formed pursuant to this section. Any member of the well-being  
11 committee, as well as any administrator, staff member, consultant, agent or employee of the  
12 committee, acting within the scope of his or her duties and without actual malice and, all other  
13 persons who furnish information to the committee in good faith and without actual malice, shall  
14 not be liable for any claim of damages as a result of any statement, decision, opinion,  
15 investigation or action taken by the committee, or by any individual member of the committee.

16 2. All information, interviews, reports, statements, memoranda or other documents  
17 furnished to or produced by the well-being committee, as well as communications to or from the  
18 committee, any findings, conclusions, interventions, treatment, rehabilitation or other  
19 proceedings of the committee which in any way pertain to a licensee who may be, or who  
20 actually is, impaired shall be privileged and confidential.

21 3. All records and proceedings of the well-being committee which pertain or refer to a  
22 licensee who may be, or who actually is, impaired shall be privileged and confidential and shall  
23 be used by the committee and its members only in the exercise of the proper function of the  
24 committee and shall not be considered public records pursuant to chapter 610, RSMo, and shall

25 not be subject to court subpoena or subject to discovery or introduction as evidence in any civil,  
26 criminal or administrative proceedings except as provided in subsection 4 of this section.

27 4. The well-being committee may disclose information relative to an impaired licensee  
28 only when:

29 (1) It is essential to disclose the information to further the intervention, treatment or  
30 rehabilitation needs of the impaired licensee and only to those persons or organization with a  
31 need to know;

32 (2) Its release is authorized in writing by the impaired licensee;

33 (3) The committee is required to make a report to the board; or

34 (4) The information is subject to a court order.

35 5. In lieu of pursuing discipline against a dentist or dental hygienist for violating one or  
36 more causes stated in subsection 2 of section 332.321, the board may enter into a diversion  
37 agreement with a dentist or dental hygienist to refer the licensee to the dental well-being  
38 committee under such terms and conditions as are agreed to by the board and licensee for a  
39 period not to exceed five years. The board shall enter into no more than two diversion  
40 agreements with any individual licensee. If the licensee violates a term or condition of a  
41 diversion agreement entered into pursuant to this section, the board may elect to pursue discipline  
42 against the licensee pursuant to chapter 621, RSMo, for the original conduct that resulted in the  
43 diversion agreement, or for any subsequent violation of subsection 2 of section 332.321. While  
44 the licensee participates in the well-being committee, the time limitations of section 620.154,  
45 RSMo, shall toll pursuant to subsection 7 of section 620.154, RSMo. All records pertaining to  
46 diversion agreements are confidential and may only be released pursuant to subdivision (7) of  
47 subsection 14 of section 620.010, RSMo.

48 **6. The board may disclose information and records to the well-being committee to**  
49 **assist the committee in the identification, intervention, treatment, and rehabilitation of**  
50 **dentists or dental hygienists who may be impaired by reason of illness, substance abuse,**  
51 **or as the result of any physical or mental condition. The well-being committee shall keep**  
52 **all information and records provided by the board confidential to the extent the board is**  
53 **required to treat the information and records as closed to the public pursuant to chapter**  
54 **620, RSMo.**

**334.109. 1. A physician licensed pursuant to this chapter may collaborate and**  
2 **share responsibilities with a qualified person practicing independent of the physician and**  
3 **licensed as a health professional under the laws of this state with respect to preoperative**  
4 **and postoperative care for surgical patients, provided the patient agrees to having a**  
5 **portion of his or her preoperative and postoperative surgical care delivered by a health**  
6 **professional who is not the operating surgeon after having been fully informed about and**

7 **acknowledging in writing all aspects of the arrangement, including but not limited to the**  
8 **respective licensure and qualifications of each provider, the financial arrangements**  
9 **regarding division of fees, who will be responsible for each aspect of care, and the patient's**  
10 **right to accept or decline to participate in the arrangement.**

11 **2. A division of fees between providers sharing surgical care responsibilities must**  
12 **be based solely on the relative value of services provided to the patient which are**  
13 **reasonable and necessary for the patient's care.**

14 **3. A physician licensed pursuant to this chapter or another licensed health**  
15 **professional violates this section if such physician or professional does any of the following:**

16 **(1) Demands to manage preoperative and postoperative care in return for making**  
17 **a surgical referral;**

18 **(2) Threatens to withhold referrals to a surgeon who does not agree to participate**  
19 **in a collaboration arrangement;**

20 **(3) Offers to delegate preoperative or postoperative care to a licensed health**  
21 **professional practicing independent of the surgeon in return for receiving a surgical**  
22 **referral; or**

23 **(4) Initiates a collaboration arrangement with another licensed health professional**  
24 **when the patient otherwise would have been released from further care following surgery.**

**334.400. As used in sections 334.400 to 334.430, the following terms shall mean:**

2 **(1) "Anesthesiologist", a physician who has completed a residency in anesthesiology**  
3 **approved by the American Board of Anesthesiology or the American Osteopathic Board**  
4 **of Anesthesiology;**

5 **(2) "Anesthesiologist assistant", a person who meets each of the following**  
6 **conditions:**

7 **(a) Has graduated from an anesthesiologist assistant program accredited by the**  
8 **American Medical Association's Committee on Allied Health Education and Accreditation**  
9 **or by its successor agency. The faculty of any anesthesiologist assistant program**  
10 **established in the state of Missouri shall be comprised solely of board certified or board**  
11 **eligible anesthesiologists;**

12 **(b) Has passed the certifying examination administered by the National**  
13 **Commission on Certification of Anesthesiologist Assistants;**

14 **(c) Has active certification by the National Commission on Certification of**  
15 **Anesthesiologist Assistants; and**

16 **(d) Provides health care services delegated by a licensed anesthesiologist;**

17 **(3) "Anesthesiologist assistant supervision agreement", a written agreement, jointly**  
18 **agreed upon protocols or standing order between a supervising anesthesiologist and an**



19 **anesthesiologist assistant, which provides for the delegation of health care services from**  
20 **a supervising anesthesiologist to an anesthesiologist assistant and the review of such**  
21 **services;**

22 **(4) "Applicant", any individual who seeks to become licensed as an anesthesiologist**  
23 **assistant;**

24 **(5) "Continuing education", the offering of instruction or information to license**  
25 **holders for the purpose of maintaining or increasing skills necessary for the safe and**  
26 **competent practice of anesthetic care;**

27 **(6) "Department", the department of economic development or a designated agency**  
28 **thereof;**

29 **(7) "Immediately available", in the same physical location or facility in which the**  
30 **services are provided;**

31 **(8) "Physician", an individual licensed pursuant to this chapter, to practice**  
32 **medicine and surgery or osteopathic medicine and surgery;**

33 **(9) "Supervision", control exercised over an anesthesiologist assistant working**  
34 **within the same facility of the supervising anesthesiologist.**

**334.402. 1. An anesthesiologist assistant may assist the supervising anesthesiologist**  
2 **in developing and implementing an anesthesia care plan for a patient. In providing**  
3 **assistance to the supervising anesthesiologist, an anesthesiologist assistant shall have the**  
4 **authority to:**

5 **(1) Obtain a comprehensive patient history, perform relevant elements of a physical**  
6 **exam and present the history to the supervising anesthesiologist;**

7 **(2) Pretest and calibrate anesthesia delivery systems and obtain and interpret**  
8 **information from the systems and monitors, in consultation with an anesthesiologist;**

9 **(3) Assist the supervising anesthesiologist with the implementation of medically**  
10 **accepted monitoring techniques;**

11 **(4) Establish basic and advanced airway interventions, including intubation of the**  
12 **trachea and performing ventilatory support;**

13 **(5) Administer intermittent vasoactive drugs and start and adjust vasoactive**  
14 **infusions;**

15 **(6) Administer anesthetic drugs, adjuvant drugs, and accessory drugs;**

16 **(7) Assist the supervising anesthesiologist with the performance of epidural**  
17 **anesthetic procedures, spinal anesthetic procedures, and other regional anesthetic**  
18 **techniques;**

19 **(8) Administer blood, blood products, and supportive fluids;**

20 **(9) Provide assistance to a cardiopulmonary resuscitation team in response to a**

21 **life-threatening situation;**

22 **(10) Participate in administrative, research, and clinical teaching activities as**  
23 **authorized by the supervising anesthesiologist; or**

24 **(11) Perform such other tasks not prohibited by law under the supervision of a**  
25 **licensed anesthesiologist that an anesthesiologist assistant has been trained and is proficient**  
26 **to perform.**

27 **2. An anesthesiologist shall at all times accept and be responsible for the oversight**  
28 **of the health care services rendered by the anesthesiologist assistant.**

29 **3. Anesthesiologist assistants are prohibited from the following:**

30 **(1) An anesthesiologist assistant shall not prescribe any medications or controlled**  
31 **substances;**

32 **(2) An anesthesiologist assistant shall not administer any drugs, medicines, devices,**  
33 **or therapies the supervising anesthesiologist is not qualified or authorized to prescribe;**

34 **(3) An anesthesiologist assistant shall not practice or attempt to practice without**  
35 **the supervision of a licensed anesthesiologist or in any location where the supervising**  
36 **anesthesiologist is not immediately available for consultation, assistance, and intervention;**  
37 **and**

38 **(4) An anesthesiologist assistant shall not bill a patient independently or directly**  
39 **for any services or procedures provided by the anesthesiologist assistant.**

40 **4. An anesthesiologist assistant shall be clearly identified as an anesthesiologist**  
41 **assistant and shall not use or permit to be used in the anesthesiologist assistant's behalf the**  
42 **terms "doctor", "Dr.", or "doc" or in any way be identified as a physician or surgeon. An**  
43 **anesthesiologist assistant shall not refer to a certificate of registration or authority, permit,**  
44 **or license as "board-certified" or use any other terminology that may imply that the**  
45 **anesthesiologist assistant is a physician or surgeon.**

46 **5. A student in any anesthesiologist assistant training program shall be identified**  
47 **as a student anesthesiologist assistant or an anesthesiologist assistant student. Under no**  
48 **circumstances shall such a student use or permit to be used on the student's behalf, the**  
49 **terms "intern", "resident", or "fellow" or be identified in any way as a physician or**  
50 **surgeon.**

**334.404. 1. Each person desiring a license pursuant to sections 334.400 to 334.430**  
2 **shall make application to the board upon such forms and in such manner as may be**  
3 **prescribed by the board and shall pay the required application fee as set by the board. The**  
4 **application fee shall cover the cost of issuing the license and shall not be refundable. Each**  
5 **application shall contain a statement that it is made under oath or affirmation and that its**  
6 **representations are true and correct to the best knowledge and belief of the person signing**

7 the application, subject to the penalties of making a false declaration or affidavit. Such  
8 application shall include proof of certification from the National Commission on  
9 Certification of Anesthesiologist Assistants or its successor, date of the certification, any  
10 identification numbers, and any other information necessary for the board to verify the  
11 certification.

12 2. The board, upon approval of the application from an applicant, shall issue a  
13 license to such applicant.

14 3. A license is valid for two years from the date it is issued and may be renewed  
15 biennially by filing an application for renewal with the board and paying the required  
16 renewal fee as set by the board.

17 4. A blank form for application for renewal of licensure shall be mailed to each  
18 person licensed in this state at his or her last known office or residence address.

19 5. A new license to replace any license lost, destroyed, or mutilated may be issued  
20 to any applicant, subject to rules and regulations issued by the board upon the payment  
21 of a reasonable fee.

334.406. Notwithstanding any of the provisions of sections 334.400 to 334.430, the  
2 board may issue a temporary license to practice as an anesthesiologist assistant to an  
3 applicant that has taken the examination and is awaiting the results. A temporary license  
4 may be granted upon the payment of a temporary license fee, the submission of all required  
5 documents, and the applicant meeting the necessary qualifications, as defined by board  
6 rule. The temporary license shall be valid until the results of the examination are  
7 announced. The temporary license may be renewed at the discretion of the board and  
8 upon payment of the temporary license fee.

334.408. 1. Notwithstanding any law to the contrary, any person licensed pursuant  
2 to sections 334.400 to 334.430 may apply to the board for an inactive license status on a  
3 form furnished by the board. Upon receipt of the completed inactive status application  
4 form and a determination by the board that the licensee meets the requirements defined  
5 by board rule, the board shall declare the licensee inactive and shall place the licensee on  
6 an inactive status list. A person that has an inactive license or has discontinued the  
7 practice of an anesthesiologist assistant because of retirement shall not practice as an  
8 anesthesiologist assistant within this state.

9 2. During the period of inactive status, the licensee shall not be required to comply  
10 with the board's minimum requirements for continuing education.

11 3. If a licensee is granted inactive status, the licensee may return to active status by  
12 notifying the board of the intention to resume the practice of an anesthesiologist assistant,  
13 paying the appropriate fees, and meeting all established licensure requirements of the

14 board, as a condition of reinstatement.

15       4. Any licensee that allows the license to become inactive for a period of five years  
16 or less may return the license to active status by notifying the board in advance of such  
17 intention, paying the appropriate fees, and meeting all established licensure requirements  
18 of the board, excluding the licensing examination, as a condition of reinstatement.

**334.410.** Any person licensed to practice as an anesthesiologist assistant in this state  
2 who retires from such practice shall file with the board an affidavit, on a form to be  
3 furnished by the board, which states the date of retirement and such other facts to verify  
4 the retirement as defined by board rule. Registration with the board must be renewed  
5 pursuant to section 334.414 for any person that wants to resume the practice of an  
6 anesthesiologist assistant.

**334.412. 1.** Upon the applicant paying a fee equivalent to the required licensing fee  
2 and furnishing the board with all locations of previous practice and licensure in  
3 chronological order, the board may, subject to the prescribed rules and regulations, license,  
4 without examination or additional certification, any qualified applicant that meets the  
5 requirements of this state including any person that is licensed in any state or territory of  
6 the United States or the District of Columbia with the authority to practice in the same  
7 manner and to the same extent as anesthesiologist assistant is authorized to practice  
8 pursuant to sections 334.400 to 334.430. Pursuant to sections 334.400 to 334.430, the board  
9 shall have the authority to negotiate reciprocal compacts with licensing boards of other  
10 states for the admission of licensed anesthesiologist assistants from Missouri to practice in  
11 other states.

12       2. The board shall issue a license to any anesthesiologist assistant, who is licensed  
13 in another jurisdiction and who has had no violations, suspensions, or revocations of a  
14 license, to practice as an anesthesiologist assistant in any jurisdiction, provided that, such  
15 person is licensed in a jurisdiction whose requirements are substantially equal to, or  
16 greater than, the requirements for licensure of anesthesiologist assistants in Missouri at the  
17 time the applicant applies for licensure.

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

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

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

7       (2) Accepting certification by the National Commission on Certification of  
8 Anesthesiologist Assistants or its successor in lieu of examinations for applicants for

9 registration pursuant to sections 334.400 to 334.430;

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

12 (4) Setting the amount of the fees for registration, licensure, and renewal pursuant  
13 to sections 334.400 to 334.430. The fees shall be set at a level to produce revenue which  
14 shall not substantially exceed the cost and expense of administering the provisions of  
15 sections 334.400 to 334.430;

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

18

19 No rule or portion of a rule promulgated pursuant to the authority of sections 334.400 to  
20 334.430 shall become effective unless it has been promulgated pursuant to chapter 536,  
21 RSMo.

22 3. The board shall have the authority to:

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

25 (2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400  
26 to 334.430.

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

33 5. The board may cause a complaint to be filed with the administrative hearing  
34 commission as provided by chapter 621, RSMo, against any holder of any certificate of  
35 registration or authority, permit, or license required pursuant to sections 334.400 to  
36 334.430 or against any person who has failed to renew or has surrendered a certificate of  
37 registration or authority, permit, or license for any one or any combination of the following  
38 causes:

39 (1) Use or unlawful possession of any controlled substance, as defined in chapter  
40 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to  
41 perform the work of an anesthesiologist assistant;

42 (2) The person has been finally adjudicated and found guilty, or entered a plea of  
43 guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the  
44 United States, for any offense reasonably related to the qualifications, functions or duties

45 of an anesthesiologist assistant, for any offense for which an essential element is fraud,  
46 dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or  
47 not sentence is imposed;

48 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate  
49 of registration or authority, permit or license issued pursuant to sections 334.400 to 334.430  
50 or in obtaining permission to take any examination given or required pursuant to sections  
51 334.400 to 334.430;

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

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

56 (6) Violation of, or assisting or enabling any person to violate any provision of  
57 sections 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections  
58 334.400 to 334.430;

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

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

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

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

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

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

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

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

77 6. After the filing of such complaint, the proceedings shall be conducted in  
78 accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
79 administrative hearing commission that the grounds, provided in subsection 5 of this  
80 section for disciplinary action are met, the board may, singly or in combination, censure

81 or place the person named in the complaint on probation with such terms and conditions  
82 as the board deems appropriate for a period not to exceed ten years, or suspend his or her  
83 license for a period not to exceed seven years, or revoke his or her license, certificate, or  
84 permit.

85 7. An individual whose license has been revoked shall wait at least one year from  
86 the date of revocation to apply for relicensure and shall not be eligible for a temporary  
87 license. Relicensure shall be at the discretion of the board after compliance with all  
88 requirements of sections 334.400 to 334.430.

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

334.416. 1. Every person licensed pursuant to sections 334.400 to 334.430 shall  
2 renew his or her certificate of registration on or before the registration renewal date. The  
3 application shall be made under oath on a form furnished by the board. The application  
4 shall include, but not be limited to, disclosure of the following:

5 (1) The applicant's full name and his or her office and residence address;

6 (2) The date and number of his or her license;

7 (3) All final disciplinary actions taken against the applicant by any professional  
8 medical or osteopathic association or society, licensed hospital or medical staff of the  
9 hospital, state, territory federal agency or country; and

10 (4) Information concerning the applicant's current physical and mental fitness to  
11 practice as an anesthesiologist assistant.

12 2. A blank form for application for registration shall be mailed to each person  
13 licensed in this state at his or her last known office or residence address. The failure to  
14 receive the application form does not relieve any person of the duty to register and pay the  
15 fee required pursuant to sections 334.400 to 334.430 nor be exempt from the penalties  
16 provided pursuant to sections 334.400 to 334.430 for failure to register.

17 3. If a person licensed, certified, or registered by the board does not renew such  
18 license, certification, or registration for two consecutive renewal periods, such license,  
19 certification, or registration shall be deemed void.

20 4. An application for registration pursuant to sections 334.400 to 334.430 shall be  
21 accompanied with a registration fee to be payable to the director of revenue. If the  
22 application is filed and the fee paid after the registration renewal date, a delinquent fee  
23 shall be paid. The delinquent fee may be waived by the board based on extenuating  
24 circumstances as defined by board rule.

334.418. 1. Except as provided in subsection 2 of this section, no person shall  
2 practice as an anesthesiologist assistant unless the person holds a current, valid certificate

3 of registration issued pursuant to sections 334.400 to 334.430 to practice as an  
4 anesthesiologist assistant.

5 2. The provision of subsection 1 of this section shall not apply to the following:

6 (1) A person participating in a training program leading toward certification by the  
7 National Commission for Certification of Anesthesiologist Assistants, as long as the person  
8 is supervised by an anesthesiologist;

9 (2) An individual participating in a hospital residency program in preparation to  
10 practice as an anesthesiologist; and

11 (3) Any person who is otherwise authorized by subsection 2 of section 334.428 to  
12 perform any of the activities that an anesthesiologist assistant is authorized to perform.

334.420. The board shall not renew any certificate of registration unless the  
2 anesthesiologist assistant has provided satisfactory evidence that the board's minimum  
3 requirements for continuing education have been met. At the discretion of the board,  
4 compliance with the provision of this section may be waived for an anesthesiologist  
5 assistant that has discontinued the practice of an anesthesiologist assistant due to  
6 retirement. The board's minimum requirements for continuing education shall include,  
7 but are not limited to, the successful completion of the examination for continued  
8 demonstration of qualifications once every six years, as authorized by the National  
9 Commission for Certification of Anesthesiologist Assistants (NCCAA) or its successor.

334.422. 1. All fees payable pursuant to the provisions of sections 334.400 to  
2 334.430 shall be collected by the division of professional registration, which shall transmit  
3 them to the department of revenue for deposit in the state treasury to the credit of the  
4 board of registration for the healing arts fund.

5 2. Upon appropriation by the general assembly, the money in the fund shall be used  
6 to administer the provisions of sections 334.400 to 334.430.

334.424. 1. An anesthesiologist assistant shall practice only under the direct  
2 supervision of an anesthesiologist who is physically present or immediately available. A  
3 supervising anesthesiologist shall be allowed to supervise up to four anesthesiologist  
4 assistants consistent with federal rules or regulations for reimbursement for anesthesia  
5 services.

6 2. Each anesthesiologist who agrees to act as the supervising anesthesiologist of an  
7 anesthesiologist assistant shall adopt a written practice protocol that is consistent with  
8 sections 334.400 to 334.430 and delineates the services that the anesthesiologist assistant is  
9 authorized to provide and the manner in which the anesthesiologist will supervise the  
10 anesthesiologist assistant. The provisions of the protocol shall be based on relevant quality  
11 assurance standards, including regular review by the supervising anesthesiologist of the



12 **medical records of the patients cared for by the anesthesiologist assistant.**

13 **3. The supervising anesthesiologist shall oversee the anesthesiologist assistant in**  
14 **accordance with the terms of the protocol and any rules and regulations as defined by the**  
15 **board for the supervision of an anesthesiologist assistant. The board may randomly audit**  
16 **or inspect any written practice protocol under which an anesthesiologist assistant works.**

**334.426. Notwithstanding the provisions of sections 334.400 to 334.430, or the rules**  
2 **of the Missouri state board of registration for the healing arts, the governing body of every**  
3 **hospital shall have full authority to limit the functions and activities that an**  
4 **anesthesiologist assistant performs in such hospital.**

**334.428. 1. No person shall put forth to the public any title or description that**  
2 **includes the words "licensed anesthesiologist assistant" as defined in section 334.404 unless**  
3 **the person is duly licensed pursuant to the provisions of sections 334.400 to 334.430.**

4 **2. Nothing in sections 334.400 to 334.430 shall be construed as prohibiting any**  
5 **individual regardless of whether the individual is licensed pursuant to sections 334.400 to**  
6 **334.430, from providing the services of anesthesiologist assistant, so long as those services**  
7 **are lawfully performed pursuant to the individual's scope of practice as authorized by law,**  
8 **regulation, and hospital or medical staff policies or credentialing standards.**

9 **3. Notwithstanding the specified penalty in section 334.414, any person found guilty**  
10 **of violating any provision of subsections 1 and 2 of this section shall be guilty of an**  
11 **infraction and upon conviction thereof shall be punished as provided by law. For purposes**  
12 **of this subsection, the maximum fine for a violation of this section shall be two hundred**  
13 **dollars.**

**334.430. 1. There is hereby established an "Advisory Commission for**  
2 **Anesthesiologist Assistants" which shall guide, advise and make recommendations to the**  
3 **board. The commission shall be responsible for the ongoing examination of the scope of**  
4 **practice and promoting the continuing role of anesthesiologist assistants in the delivery of**  
5 **health care services. The commission shall assist the board in carrying out the provisions**  
6 **of sections 334.400 to 334.430.**

7 **2. The commission shall be appointed no later than July 1, 2005. The commission**  
8 **shall be composed of five members, to be appointed by the governor, with the advice and**  
9 **consent of the senate, as follows:**

10 **(1) One member of the board;**

11 **(2) One licensed anesthesiologist assistant;**

12 **(3) Two licensed, board-certified anesthesiologists; and**

13 **(4) One lay member.**

14 **3. Each licensed anesthesiologist assistant member shall be a citizen of the United**

15 States and a resident of this state, and shall be licensed as an anesthesiologist assistant by  
16 this state. Each physician member shall be a United States citizen, a resident of this state  
17 and have an active license to practice medicine in this state. The lay member shall be a  
18 United States citizen and a resident of this state.

19 4. The licensed anesthesiologist assistant member shall be appointed to serve a  
20 three-year term. The anesthesiologist members and lay member shall each be appointed  
21 to serve three-year terms, except at the time the commission is created, when one  
22 anesthesiologist member will be appointed for a first term of two years while the second  
23 anesthesiologist member will be appointed to a three year term. This will ensure that at  
24 least one anesthesiologist member has at least one years experience as a member of the  
25 commission. Neither the anesthesiologist assistant member nor the physician members  
26 shall be appointed for more than two consecutive three-year terms.

27 5. The president of the Missouri Society of Anesthesiologists or its successor in  
28 office at the time shall, at least ninety days prior to the expiration of a term of an  
29 anesthesiologist assistant member or an anesthesiologist member of the commission or as  
30 soon as feasible after such a vacancy on the commission otherwise occurs, submit to the  
31 director of the division of professional registration a list, not to exceed five individuals per  
32 vacancy, of qualified and willing anesthesiologists or anesthesiologist assistants,  
33 respectively, to fill the vacancy in question, with the request and recommendation that the  
34 governor appoint one of the persons so listed. With the list so submitted, the president of  
35 the Missouri Society of Anesthesiologists shall include in a letter of transmittal a  
36 description of the method by which the names were chosen by that association.

37 6. Until such time as eligible anesthesiologist assistant candidates are identified, the  
38 anesthesiologist assistant seat may remain vacant or may be filled by a qualified  
39 anesthesiologist candidate, at the governor's discretion with the advice and consent of the  
40 senate. This member may serve no more than two consecutive three-year terms or until an  
41 eligible anesthesiologist assistant candidate, selected by the governor with the advice and  
42 consent of the senate, from a list provided as outlined above is appointed.

43 7. Notwithstanding any other provision of law to the contrary, any appointed  
44 member of the commission shall receive as compensation an amount established by the  
45 director of the division of professional registration not to exceed seventy dollars per day  
46 for commission business plus actual and necessary expenses. The director of the division  
47 of professional registration shall establish by rule the guidelines for payment. The board  
48 shall provide all staff for the commission.

49 8. The commission shall hold an open annual meeting at which time it shall elect  
50 from its membership a chairman and secretary. The commission may hold such additional

51 meetings as may be required in the performance of its duties, provided that notice of every  
52 meeting shall be given to each member at least ten days prior to the date of the meeting.  
53 A quorum of the commission shall consist of a majority of its members.

54 **9. No licensing activity or other statutory requirements shall become effective until**  
55 **expenditures or personnel are specifically appropriated for the purpose of conducting the**  
56 **business as required to administer the provisions of sections 334.400 to 334.430 and the**  
57 **initial rules filed have become effective.**

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

10 2. Persons desiring to practice as physical therapists in this state shall appear before the  
11 board at such time and place as the board may direct and be examined as to their fitness to  
12 engage in such practice. Applications for examination shall be in writing, on a form furnished  
13 by the board and shall include evidence satisfactory to the board that the applicant possesses the  
14 qualifications set forth in subsection 1 of this section. Each application shall contain a statement  
15 that it is made under oath or affirmation and that its representations are true and correct to the  
16 best knowledge and belief of the person signing the statement, subject to the penalties of making  
17 a false affidavit or declaration. The board shall not issue a permanent license to practice as a  
18 physical therapist or allow any person to sit for the Missouri state board examination for physical  
19 therapists who has failed three or more times any physical therapist licensing examination  
20 administered in one or more states or territories of the United States or the District of Columbia.  
21 **The board may waive the provisions of this section if:**

22 **(1) The applicant is licensed and has maintained an active clinical practice for the**  
23 **previous three years in another state of the United States, the District of Columbia or**  
24 **Canada and the applicant has achieved a passing score on a licensing examination**  
25 **administered in a state or territory of the United States or District of Columbia and no**  
26 **license issued to the applicant has been disciplined or limited in any state or territory of the**  
27 **United States or the District of Columbia; or**

28 **(2) The applicant has held a provisional license pursuant to section 334.535 for**  
29 **three years and the provisional license has not been disciplined or limited.**

30 **If the applicant fails the licensure examination three times, and then obtains a professional**  
31 **degree in physical therapy at a higher level than previously completed, the applicant can**  
32 **sit for the licensure examination three additional times.**

33 3. The examination of qualified candidates for licenses to practice physical therapy shall  
34 include a written examination and shall embrace the subjects taught in reputable programs of  
35 physical therapy education, sufficiently strict to test the qualifications of the candidates as  
36 practitioners. The examination shall be given by the board at least once each year and shall be  
37 administered to all candidates, and the examination given at any particular time shall be the same  
38 for all candidates and the same subjects shall be included and the same questions shall be asked.  
39 Candidates shall be required to achieve a passing score, as determined by the board, on an  
40 examination before being issued a license.

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

46 5. Examination grades or scores shall be preserved by the board subject to public  
47 inspection. Examination papers retained by the board shall be subject to public inspection for  
48 a period of three years, after which they may be destroyed.

**334.535. 1. The board may issue a provisional license as a physical therapist for**  
2 **any applicant who:**

3 **(1) Has failed three or more times to achieve a passing score on a physical therapist**  
4 **licensing examination administered in one or more states or territories of the United States;**  
5 **and**

6 **(2) Has achieved a passing score on a physical therapist licensing examination**  
7 **administered in one or more states or territories of the United States; and**

8 **(3) Otherwise meets all requirements for permanent licensure as defined in sections**  
9 **334.500 to 334.620; and**

10 **(4) Submits an application to the board on a form prescribed by the board.**

11 **2. A provisional licensed physical therapist shall, at all times, practice physical**  
12 **therapy under the direction and supervision of a physical therapist licensed in this state.**  
13 **The supervising licensed physical therapist shall be available to the provisional licensed**  
14 **physical therapist at all times either in person or via telecommunications. The board shall**  
15 **determine by rule the scope of practice of the provisional licensed physical therapist and**  
16 **the amount of time and type of supervision of the provisional licensed physical therapist**  
17 **by the supervising licensed physical therapist.**

18           **3. A provisional license shall be renewed annually by submitting an application to**  
19 **the board on a form prescribed by the board.**

20           **4. If a supervising licensed physical therapist is unable to continue supervising a**  
21 **provisional licensed physical therapist, the provisional licensed physical therapist shall**  
22 **cease practicing immediately and the provisional license shall terminate. The board shall**  
23 **adopt by rule procedures for reinstatement of the provisional license if the person obtains**  
24 **a new supervising licensed physical therapist.**

334.540. 1. The board shall issue a license to any physical therapist who is licensed in  
2 another jurisdiction and who has had no violations, suspensions or revocations of a license to  
3 practice physical therapy in any jurisdiction, provided that, such person is licensed in a  
4 jurisdiction whose requirements are substantially equal to, or greater than, the requirements for  
5 licensure of physical therapists in Missouri at the time the applicant applies for licensure.

6           2. Every applicant for a license pursuant to this section, upon making application and  
7 showing the necessary qualifications as provided in subsection 1 of this section, shall be required  
8 to pay the same fee as the fee required to be paid by applicants who apply to take the examination  
9 before the board. Within the limits provided in this section, the board may negotiate reciprocal  
10 compacts with licensing boards of other states for the admission of licensed practitioners from  
11 Missouri in other states.

12           3. Notwithstanding the provisions of subsections 1 and 2 of this section, the board shall  
13 not issue a license to any applicant who has failed three or more times any physical therapist  
14 licensing examination administered in one or more states or territories of the United States or the  
15 District of Columbia. **The board may waive the provisions of this section if:**

16           **(1) The applicant is licensed and has maintained an active clinical practice for the**  
17 **previous three years in another state of the United States, the District of Columbia or**  
18 **Canada and the applicant has achieved a passing score on a licensing examination**  
19 **administered in a state or territory of the United States or District of Columbia and no**  
20 **license issued to the applicant has been disciplined or limited in any state or territory of the**  
21 **United States or the District of Columbia; or**

22           **(2) The applicant has held a provisional license pursuant to section 334.535 for**  
23 **three years and the provisional license has not been disciplined or limited.**

24

25 **If the applicant fails the licensure examination three times, and then obtains a professional**  
26 **degree in physical therapy at a higher level than previously completed, the applicant can**  
27 **sit for the licensure examination three additional times.**

334.550. 1. Upon the applicant paying a temporary license fee, the board shall issue  
2 without examination [a] **an initial** temporary license to practice physical therapy for a period of

3 time not to extend beyond the time when the results of the [next] examination are announced  
4 to any person who meets the qualifications of subsection 1 of section 334.530, **not to exceed six**  
5 **months**; provided that, the applicant has not previously been examined in one or more states or  
6 territories of the United States or the District of Columbia. The temporary license may be  
7 renewed at the discretion of the board and payment of the temporary license fee.

8         2. The board may [once] renew a temporary license [issued] **once** pursuant to this section  
9 if the licensee fails to sit for the next scheduled examination; provided that, the applicant shows  
10 good and exceptional cause for failing to sit for the examination. The applicant shall state the  
11 good and exceptional cause in writing and shall verify such statement by oath. The board shall  
12 define good and exceptional cause by rules and regulations. **The duration of the temporary**  
13 **licensure shall be determined by the board.**

14         3. **The board may renew a temporary license not to exceed six months following the**  
15 **first failure of the examination by an applicant if such person submits an amended**  
16 **agreement-to-supervise form which is signed by the applicant's supervising licensed**  
17 **physical therapist. Such renewed temporary licensee shall only engage in the practice of**  
18 **physical therapy under the on-site supervision of a licensed physical therapist. The board**  
19 **shall define by rule the scope of such supervision which shall require stricter supervision**  
20 **than that required for an initial temporary license. The board shall not renew a temporary**  
21 **license following the second failure of the examination by the applicant.**         4. **The board**  
22 **may issue an initial temporary license pursuant to this section for a first-time applicant for**  
23 **licensure by examination without presentation of a diploma indicating graduation or final**  
24 **semester transcripts; provided that, all other documentation and fees necessary for an**  
25 **initial temporary license have been submitted to and approved by the board.**

26         5. The board may issue [a] **an initial** temporary license to any first-time applicant for  
27 licensure by examination if such person submits **a diploma indicating graduation and final**  
28 **semester transcripts acceptable to the board, and** an agreement- to-supervise form which is  
29 signed by the applicant's supervising physical therapist. Such **initial** temporary licensee may  
30 only engage in the practice of physical therapy under the supervision of a licensed physical  
31 therapist. The board shall define the scope of such supervision by rules and regulations.

334.560. 1. The board shall charge each person who applies for examination for a  
2 license to practice as a physical therapist an examination fee.

3         2. Should the examination **results** prove unsatisfactory and the board refuse to issue a  
4 license **as a physical therapist** thereon, the applicant failing to pass the examination may  
5 reapply and return to any meeting and be examined upon payment of a reexamination fee]; but  
6 no temporary license may be issued to such persons]. **A renewed temporary license may be**  
7 **issued to such persons pursuant to subsection 3 of section 334.550.**

8           **3. Upon failure for the second time of an applicant for licensure as a physical**  
9 **therapist by examination, the board shall require the applicant to pursue and successfully**  
10 **complete a program of remediation before sitting for the examination for a third time.**

11 **Such program of remediation shall:**

12           **(1) Be submitted on forms and in a manner approved by the board;**

13           **(2) Be provided by a licensed physical therapist approved by the board prior to the**  
14 **initiation of the program; and**

15           **(3) Have the results of the program documented by the licensed physical therapist,**  
16 **and reviewed and approved by the board following completion of the program.**

17           **4. Upon failure for the third time of an applicant for licensure as a physical**  
18 **therapist by examination, the board shall not permit such applicant to reapply for the**  
19 **examination. Such persons shall not receive a license to practice as a physical therapist in**  
20 **this state, except as otherwise provided in sections 334.530 to 334.540.**

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall  
2 be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral  
3 character and of the person's educational qualifications. The educational requirements for  
4 licensure as a physical therapist assistant are:

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

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

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

16           3. The examination of qualified candidates for licensure to practice as physical therapist  
17 assistants shall embrace a written examination and which shall cover the curriculum taught in  
18 accredited associate degree programs of physical therapy assistant education. Such examination  
19 shall be sufficient to test the qualification of the candidates as practitioners. The examination  
20 shall be given by the board at least once each year. The board shall not issue a license to practice  
21 as a physical therapist assistant or allow any person to sit for the Missouri state board  
22 examination for physical therapist assistants who has failed three or more times any physical  
23 therapist licensing examination administered in one or more states or territories of the United

24 States or the District of Columbia. **The board may waive the provisions of this section if:**

25 **(1) The applicant is licensed and has maintained an active clinical practice for the**  
26 **previous three years in another state of the United States, the District of Columbia or**  
27 **Canada and the applicant has achieved a passing score on a licensing examination**  
28 **administered in a state or territory of the United States or District of Columbia and no**  
29 **license issued to the applicant has been disciplined or limited in any state or territory of the**  
30 **United States or the District of Columbia; or**

31 **(2) The applicant has held a provisional license pursuant to section 334.535 for**  
32 **three years and the provisional license has not been disciplined or limited.**

33

34 **If the applicant fails the licensure examination three times, and then obtains a professional**  
35 **degree in physical therapy at a higher level than previously completed, the applicant can**  
36 **sit for the licensure examination three additional times.** The examination given at any  
37 particular time shall be the same for all candidates and the same curriculum shall be included and  
38 the same questions shall be asked.

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

43 5. Examination grades or scores shall be preserved by the board subject to public  
44 inspection. Examination papers retained by the board shall be subject to public inspection for  
45 a period of three years and thereafter may be destroyed.

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

50 7. A candidate to practice as a physical therapist assistant who does not meet the  
51 educational qualifications may submit to the board an application for examination if such person  
52 can furnish written evidence to the board that the person has been employed in this state for at  
53 least three of the last five years under the supervision of a licensed physical therapist and such  
54 person possesses the knowledge and training equivalent to that obtained in an accredited school.  
55 The board may license such persons pursuant to this subsection until ninety days after rules  
56 developed by the state board of healing arts regarding physical therapist assistant licensing  
57 become effective.

334.660. The board shall license without examination legally qualified persons who hold  
2 certificates of licensure, registration or certification in any state or territory of the United States



3 or the District of Columbia, who have had no violations, suspensions or revocations of such  
4 license, registration or certification, if such persons have passed a written examination to practice  
5 as a physical therapist assistant that was substantially equal to the examination requirements of  
6 this state and in all other aspects, including education, the requirements for such certificates of  
7 licensure, registration or certification were, at the date of issuance, substantially equal to the  
8 requirements for licensure in this state. The board shall not issue a license to any applicant who  
9 has failed three or more times any physical therapist assistant licensing examination administered  
10 in one or more states or territories of the United States or the District of Columbia. **The board**  
11 **may waive the provisions of this section if:**

12 **(1) The applicant is licensed and has maintained an active clinical practice for the**  
13 **previous three years in another state of the United States, the District of Columbia or**  
14 **Canada and the applicant has achieved a passing score on a licensing examination**  
15 **administered in a state or territory of the United States or District of Columbia and no**  
16 **license issued to the applicant has been disciplined or limited in any state or territory of the**  
17 **United States or the District of Columbia; or**

18 **(2) The applicant has held a provisional license pursuant to section 334.535 for**  
19 **three years and the provisional license has not been disciplined or limited.**

20  
21 **If the applicant fails the licensure examination three times, and then obtains a professional**  
22 **degree in physical therapy at a higher level than previously completed, the applicant can**  
23 **sit for the licensure examination three additional times.** Every applicant for a license  
24 pursuant to this section, upon making application and providing documentation of the necessary  
25 qualifications as provided in this section, shall pay the same fee required of applicants to take the  
26 examination before the board. Within the limits of this section, the board may negotiate  
27 reciprocal contracts with licensing boards of other states for the admission of licensed  
28 practitioners from Missouri in other states.

334.665. 1. Upon the applicant paying a temporary fee, the board shall issue, without  
2 examination, [a] **an initial** temporary license to practice as a physical therapist assistant for a  
3 period of time not to exceed beyond the time when the results of the next examination are  
4 announced to any person who meets the qualifications of section 334.655, **not to exceed six**  
5 **months; provided that, the applicant has not previously been examined in one or more**  
6 **states or territories of the United States or the District of Columbia.** The temporary license  
7 may be renewed at the discretion of the board and upon payment of a temporary license fee.

8 **2. The board may issue an initial temporary license pursuant to this section for a**  
9 **first-time applicant for licensure by examination without presentation of a diploma**  
10 **indicating graduation or final semester transcripts; provided that, all other documentation**

11 **and fees necessary for an initial temporary license have been submitted to and approved**  
12 **by the board.**

13 **3. The board may issue an initial temporary license to any first-time applicant for**  
14 **licensure by examination if such person submits a diploma indicating graduation and final**  
15 **semester transcripts acceptable to the board, and an agreement-to-supervise form which**  
16 **is signed by the applicant's supervising physical therapist. Such initial temporary licensee**  
17 **may only engage in the practice of physical therapy under the supervision of a licensed**  
18 **physical therapist. The board shall define the scope of such supervision by rules and**  
19 **regulations.**

20 **4. The board may renew a temporary license once pursuant to this section if the**  
21 **licensee fails to sit for the next scheduled examination; provided that, the applicant shows**  
22 **good and exceptional cause for failing to sit for the examination. The applicant shall state**  
23 **the good and exceptional cause in writing and shall verify such statement by oath. The**  
24 **board shall define good and exceptional cause by rules and regulations. The duration of**  
25 **the temporary licensure shall be determined by the board.**

26 **5. The board may renew a temporary license not to exceed six months following the**  
27 **first failure of the examination by an applicant if such person submits an amended**  
28 **agreement-to-supervise form which is signed by the applicant's supervising licensed**  
29 **physical therapist. Such renewed temporary licensee shall only engage in the practice of**  
30 **physical therapy under the on-site supervision of a licensed physical therapist. The board**  
31 **shall define by rule the scope of such supervision which shall require stricter supervision**  
32 **than that required for an initial temporary license. The board shall not renew a temporary**  
33 **license following the second failure of the examination by the applicant.**

334.670. 1. The board shall charge a person, who applies for examination for a license  
2 to practice as a physical therapist assistant, an examination fee. If the person does not score a  
3 passing grade on the examination, the board may refuse to issue a license. Any applicant who  
4 fails to pass the examination may reapply and be reexamined upon payment of a reexamination  
5 fee. [No temporary license may be issued to any person who has previously failed the  
6 examination in Missouri or any other state or jurisdiction.] **A renewed temporary license may**  
7 **be issued to such persons pursuant to the provisions of section 334.655.**

8 **2. Upon failure for the second time of an applicant for licensure as a physical**  
9 **therapist assistant by examination, the board shall require the applicant to pursue and**  
10 **successfully complete a program of remediation before sitting for the examination for a**  
11 **third time. Such program of remediation shall:**

12 **(1) Be submitted on forms and in a manner approved by the board;**

13 **(2) Be provided by a licensed physical therapist approved by the board prior to the**

14 **initiation of the program; and**

15 **(3) Have the results of the program documented by the licensed physical therapist,**  
16 **and reviewed and approved by the board following completion of the program.**

17 **3. Upon failure for the third time of an applicant for licensure as a physical**  
18 **therapist assistant by examination, the board shall not permit such applicant to reapply for**  
19 **the examination. Such persons shall not receive a license to practice as a physical therapist**  
20 **assistant in this state, except as otherwise provided in section 334.655 or 334.660.**

**334.672. 1. The board may issue a provisional license as a physical therapist**  
2 **assistant for any applicant who:**

3 **(1) Has failed three or more times to achieve a passing score on a physical therapist**  
4 **assistant licensing examination administered in one or more states or territories of the**  
5 **United States; and**

6 **(2) Has achieved a passing score on a physical therapist assistant licensing**  
7 **examination administered in one or more states or territories of the United States; and**

8 **(3) Otherwise meets all requirements for permanent licensure as defined in sections**  
9 **334.500 to 334.620; and**

10 **(4) Submits an application to the board on a form prescribed by the board.**

11 **2. A provisional licensed physical therapist assistant shall, at all times, practice**  
12 **physical therapy under the direction and supervision of a physical therapist licensed in this**  
13 **state. The supervising licensed physical therapist shall be available to the provisional**  
14 **licensed physical therapist assistant at all times either in person or via telecommunications.**  
15 **The board shall determine by rule the scope of practice of the provisional licensed physical**  
16 **therapist assistant and the amount of time and type of supervision of the provisional**  
17 **licensed physical therapist assistant by the supervising licensed physical therapist.**

18 **3. A provisional license shall be renewed annually by submitting an application to**  
19 **the board on a form prescribed by the board.**

20 **4. If a supervising licensed physical therapist is unable to continue supervising a**  
21 **provisional licensed physical therapist assistant, the provisional licensed physical therapist**  
22 **assistant shall cease practicing immediately and the provisional license shall terminate.**  
23 **The board shall adopt by rule procedures for reinstatement of the provisional license if the**  
24 **person obtains a new supervising licensed physical therapist.**

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

3 **(1) "Apprentice athletic trainer", a person who assists in the duties usually performed by**  
4 **an athletic trainer and who works under the direct supervision of a [registered] licensed athletic**  
5 **trainer;**

6 (2) "Athlete", a person who participates in a sanctioned amateur or professional sport or  
7 recreational sport activity;

8 (3) "Athletic trainer", a person who meets the qualifications of section 334.708 and who,  
9 upon the direction of the team physician and/or consulting physician, practices prevention,  
10 emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes in  
11 the manner, means, and methods deemed necessary to effect care or rehabilitation, or both;

12 (4) "Board", the Missouri board for the healing arts;

13 (5) "Committee", the athletic trainers advisory committee;

14 (6) "Division", the division of professional registration of the department of economic  
15 development.

334.704. No person shall hold himself out as an athletic trainer in this state unless he has  
2 been [registered] **licensed** as such under the provisions of sections 334.700 to 334.725.

334.706. 1. The board shall register applicants who meet the qualifications for athletic  
2 trainers, who file for [registration] **licensure**, and who pay all fees required for this [registration]  
3 **licensure**.

4 2. The board shall:

5 (1) Prescribe application forms to be furnished to all persons seeking [registration]  
6 **licensure** under sections 334.700 to 334.725;

7 (2) Prepare and conduct examinations for applicants for [registration] **licensure** under  
8 sections 334.700 to 334.725;

9 (3) Prescribe the form and design of the [registration] **licensure** to be issued under  
10 sections 334.700 to 334.725;

11 (4) Set the fee for examination, [registration] **licensure**, and renewal thereof;

12 (5) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and  
13 of all athletic trainers [registered] **licensed** in this state;

14 (6) Annually prepare a roster of the names and addresses of all athletic trainers  
15 [registered] **licensed** in this state, copies of which shall be made available upon request to any  
16 person paying the fee therefor;

17 (7) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing  
18 and distributing the roster;

19 (8) Appoint members of the Missouri athletic trainer advisory committee;

20 (9) Adopt an official seal.

21 3. The board may:

22 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings  
23 to deny, suspend, or revoke [registration] **licensure**;

24 (2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions

25 of sections 334.700 to 334.725;

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

27 4. No rule or portion of a rule promulgated under the authority of sections 334.700 to  
28 334.725 shall become effective unless it has been promulgated pursuant to the provisions of  
29 section 536.024, RSMo.

334.708. 1. Any person seeking [registration] **licensure** under sections 334.700 to  
2 334.725 must be a resident or in the process of establishing residency in this state and must meet  
3 at least one set of the following qualifications:

4 (1) Has met all of the National Athletic Trainers Association certification qualifications;

5 (2) Holds a degree in physical therapy with at least a minor in physical education or  
6 health which included a basic athletic training course and has spent at least two academic years,  
7 military duty included, working under the direct supervision of a certified athletic trainer;

8 (3) Can show proof acceptable to the board of experience and educational quality equal  
9 to that in subdivision (1), and can pass the examination for [registration] **licensure** under sections  
10 334.700 to 334.725.

11 2. The board shall grant, without examination, [registration] **licensure** to any qualified  
12 nonresident athletic trainer holding a license or registration in another state if such other state  
13 recognizes [registrants] **licensure** of the state of Missouri in the same manner.

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

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

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

4 2. Each [registration] **license** issued under sections 334.700 to 334.725 shall contain the  
5 name of the person to whom it was issued, the date on which it was issued and such other  
6 information as the board deems advisable. All [registrations] **licenses** issued under sections  
7 334.700 to 334.725 shall expire on January thirtieth of each year.

334.715. 1. The board may refuse to [register] **license** any applicant or may suspend,

2 revoke, or refuse to renew the [registration] **license** of any registrant for any one or any  
3 combination of the causes provided in section 334.100, or if the applicant or [registrant] **licensee**:

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

6 (2) Has been found guilty of unethical conduct as defined in the ethical standards of the  
7 National Athletic Trainers Association or the National Athletic Trainers Association Board of  
8 Certification as adopted and published by the committee and the board and filed with the  
9 secretary of state.

10 2. Upon receipt of a written application made in the form and manner prescribed by the  
11 board, the board may reinstate any [registration] **license** which has expired, been suspended or  
12 been revoked or may issue any [registration] **license** which has been denied; provided, that no  
13 application for reinstatement or issuance of [registration] **license** shall be considered until at least  
14 six months have elapsed from the date of denial, expiration, suspension, or revocation when the  
15 [registration] **license** to be reinstated or issued was denied issuance or renewal or was suspended  
16 or revoked for one of the causes listed in subsection 1 of this section.

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

3 2. The athletic trainer advisory committee shall:

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

6 (2) Advise the board on all matters pertaining to the [registration] **licensure** of athletic  
7 trainers;

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

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

13 3. Each athletic trainer advisory committee member shall:

14 (1) Be a citizen of the United States and a resident of the state of Missouri for five years  
15 next preceding appointment; and

16 (2) Be comprised of three [registered] **licensed** athletic trainers except for initial  
17 appointees; and

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

20 (4) One member shall be a general public member.

21 4. Except for the initial appointees, members shall hold office for terms of six years. The

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

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.**

337.600. As used in sections 337.600 to [337.639] **337.689**, the following terms mean:

- 2 (1) "Clinical social work", the application of methods, principles, and techniques of case  
3 work, group work, client-centered advocacy, community organization, administration, planning,  
4 evaluation, consultation, research, psychotherapy and counseling methods and techniques to  
5 persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration  
6 of mental and emotional conditions;
- 7 (2) "Department", the Missouri department of economic development;
- 8 (3) "Director", the director of the division of professional registration in the department  
9 of economic development;
- 10 (4) "Division", the division of professional registration;
- 11 (5) "Licensed clinical social worker", any person who offers to render services to  
12 individuals, groups, organizations, institutions, corporations, government agencies or the general  
13 public for a fee, monetary or otherwise, implying that the person is trained, experienced, and  
14 licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical  
15 social worker;
- 16 (6) "Practice of clinical social work", rendering, offering to render, or supervising those  
17 who render to individuals, couples, groups, organizations, institutions, corporations, or the  
18 general public any service involving the application of methods, principles, and techniques of  
19 clinical social work;
- 20 (7) "Provisional licensed clinical social worker", any person who is a graduate of an  
21 accredited school of social work and meets all requirements of a licensed clinical social worker,  
22 other than the supervised clinical social work experience prescribed by subdivision (2) of  
23 subsection 1 of section 337.615, and who is supervised by a person who is qualified to practice  
24 clinical social work, as defined by rule[.];
- 25 (8) "Social worker", any individual that has:
  - 26 (a) **Received a baccalaureate or master's degree in social work from an accredited**  
27 **social work program approved by the council on social work education;**
  - 28 (b) **Received a doctorate or Ph.D. in social work; or**



29 (c) A current baccalaureate or clinical social worker license as set forth in sections  
30 337.600 to 337.689.

337.604. 1. No person shall hold himself or herself out to be a "social worker"  
2 unless such person has:

3 (a) Received a baccalaureate or master's degree in social work from an accredited  
4 social work program approved by the council on social work education;

5 (b) Received a doctorate or Ph.D. in social work; or

6 (c) A current baccalaureate or clinical social worker license as set forth in sections  
7 337.600 to 337.689.

8 2. No government entities, public or private agencies or organizations in the state  
9 shall use the title "social worker" or any form of the title for volunteer or employment  
10 positions or within contracts for services, documents, manuals, or reference material  
11 effective January 1, 2004, unless the volunteers or employees in those positions meet the  
12 criteria set forth in subdivision (8) of section 337.600 or subsection 1 of section 337.604.

337.633. 1. Violation of any provision of sections 337.600 to [337.639] 337.689 shall  
2 be a class B misdemeanor.

3 2. All fees or other compensation received for services which are rendered in violation  
4 of sections 337.600 to [337.639] 337.689 shall be refunded.

5 3. The department on behalf of the committee may sue in its own name in any court in  
6 this state. The department shall inquire as to any violations of sections 337.600 to [337.639]  
7 337.689, may institute actions for penalties herein prescribed, and shall enforce generally the  
8 provisions of sections 337.600 to [337.639] 337.689.

9 4. Upon application by the committee, the attorney general may on behalf of the  
10 committee request that a court of competent jurisdiction grant an injunction, restraining order or  
11 other order as may be appropriate to enjoin a person from:

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

16 (2) Engaging in any practice of business authorized by a certificate of registration or  
17 authority, permit or license issued pursuant to sections 337.600 to [337.639] 337.689 upon a  
18 showing that the holder presents a substantial probability of serious harm to the health, safety or  
19 welfare of any resident of this state or client or patient of the licensee.

20 5. Any action brought pursuant to the provisions of this section shall be commenced  
21 either in the county in which such conduct occurred or in the county in which the defendant  
22 resides.

23           6. Any action brought pursuant to this section may be in addition to or in lieu of any  
24 penalty provided by this act and may be brought concurrently with other actions to enforce the  
25 provisions of sections 337.600 to [337.639] **337.689**.

          339.010. 1. A "real estate broker" is any person, partnership, association, or corporation,  
2 foreign or domestic who, for another, and for a compensation or valuable consideration, [as a  
3 whole or partial vocation,] does, or attempts to do, any or all of the following:

4           (1) Sells, exchanges, purchases, rents, or leases real estate;

5           (2) Offers to sell, exchange, purchase, rent or lease real estate;

6           (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or  
7 leasing of real estate;

8           (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;

9           (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or  
10 improvements thereon;

11          (6) Advertises or holds himself or herself out as a licensed real estate broker while  
12 engaged in the business of buying, selling, exchanging, renting, or leasing real estate;

13          (7) Assists or directs in the procuring of prospects, calculated to result in the sale,  
14 exchange, leasing or rental of real estate;

15          (8) Assists or directs in the negotiation of any transaction calculated or intended to result  
16 in the sale, exchange, leasing or rental of real estate;

17          (9) Engages in the business of charging to an unlicensed person an advance fee in  
18 connection with any contract whereby the real estate broker undertakes to promote the sale of  
19 that person's real estate through its listing in a publication issued for such purpose intended to  
20 be circulated to the general public;

21          (10) Performs any of the foregoing acts as an employee of, or on behalf of, the owner of  
22 real estate, or interest therein, or improvements affixed thereon, for compensation.

23           2. A "real estate salesperson" is any person, who for a compensation or valuable  
24 consideration becomes associated, either as an independent contractor or employee, either  
25 directly or indirectly, with a real estate broker to do any of the things above mentioned[, as a  
26 whole or partial vocation]. The provisions of sections 339.010 to 339.180 **and sections 339.710**  
27 **to 339.860** shall not be construed to deny a real estate salesperson who is compensated solely by  
28 commission the right to be associated with a broker as an independent contractor.

29           3. The term "commission" as used in sections 339.010 to 339.180 **and sections 339.710**  
30 **to 339.860** means the Missouri real estate commission.

31           4. "Real estate" for the purposes of sections 339.010 to 339.180 **and sections 339.710**  
32 **to 339.860** shall mean, and include, leaseholds, as well as any other interest or estate in land,  
33 whether corporeal, incorporeal, freehold or nonfreehold, and [whether] the real estate is situated

34 in this state [or elsewhere].

35 5. The provisions of sections 339.010 to 339.180 **and sections 339.710 to 339.860** shall  
36 not apply to:

37 (1) Any person, partnership, **association**, or corporation who as owner [or], lessor, **or**  
38 **lessee** shall perform any of the acts described in subsection 1 of this section with reference to  
39 property owned or leased by them, or to the regular employees thereof, provided such owner [or],  
40 lessor, **or lessee** is not engaged in the real estate business [as a vocation];

41 (2) Any licensed attorney-at-law;

42 (3) An auctioneer employed by the owner of the property;

43 (4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or  
44 guardian or while acting under a court order or under the authority of a will, trust instrument or  
45 deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state  
46 or any governmental subdivision or agency;

47 (5) Any person employed or retained to manage real property by, for, or on behalf of, the  
48 agent or the owner, of any real estate shall be exempt from holding a license, if the person is  
49 limited to one or more of the following activities:

50 (a) Delivery of a lease application, a lease, or any amendment thereof, to any person;

51 (b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental  
52 payment, or any related payment, for delivery to, and made payable to, a broker or owner;

53 (c) Showing a rental unit to any person, as long as the employee is acting under the direct  
54 instructions of the broker or owner, including the execution of leases or rental agreements;

55 (d) Conveying information prepared by a broker or owner about a rental unit, a lease, an  
56 application for lease, or the status of a security deposit, or the payment of rent, by any person;

57 (e) Assisting in the performance of brokers' or owners' functions, administrative, clerical  
58 or maintenance tasks;

59 (f) If the person described in this section is employed or retained by, for, or on behalf of  
60 a real estate broker, the real estate broker shall be subject to discipline under this chapter for any  
61 conduct of the person that violates this chapter or the regulations promulgated thereunder;

62 (6) Any officer or employee of a federal agency or the state government or any political  
63 subdivision thereof performing official duties;

64 (7) Railroads and other public utilities regulated by the state of Missouri, or their  
65 subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless  
66 performance of any of the acts described in subsection 1 of this section is in connection with the  
67 sale, purchase, lease or other disposition of real estate or investment therein unrelated to the  
68 principal business activity of such railroad or other public utility or affiliated or subsidiary  
69 corporation thereof;

70 (8) Any bank, trust company, savings and loan association, credit union, insurance  
71 company, mortgage banker, or farm loan association organized under the laws of this state or of  
72 the United States when engaged in the transaction of business on its own behalf and not for  
73 others;

74 (9) Any newspaper [or], magazine [or], periodical [of general circulation], or **Internet**  
75 **site** whereby the advertising of real estate is incidental to [the] **its** operation [of that publication]  
76 or to any form of communications regulated or licensed by the Federal Communications  
77 Commission or any successor agency or commission;

78 (10) Any developer selling Missouri land owned by the developer [if such developer has  
79 on file with the commission a certified copy of a currently effective statement of record on file  
80 with the Office of Interstate Land Sales pursuant to Sections 1704 through 1706 of Title 15 of  
81 the United States Code or a current statement from the Office of Interstate Land Sales of the  
82 United States Department of Housing and Urban Development approving the documentation  
83 (together with a copy of such documentation) submitted to that office with respect to real estate  
84 falling within the scope of subsection 1702(a)(10) of Title 15 of the United States Code];

85 (11) Any employee acting on behalf of a nonprofit community, or regional economic  
86 development association, agency or corporation which has as its principal purpose the general  
87 promotion and economic advancement of the community at large, provided that such entity:

88 (a) Does not offer such property for sale, lease, rental or exchange on behalf of another  
89 person or entity;

90 (b) Does not list or offer or agree to list such property for sale, lease, rental or exchange;  
91 or

92 (c) Receives no fee, commission or compensation, either monetary or in kind, that is  
93 directly related to sale or disposal of such properties. An economic developer's normal annual  
94 compensation shall be excluded from consideration as commission or compensation related to  
95 sale or disposal of such properties; or

96 (12) Any neighborhood association, as that term is defined in section 441.500, RSMo,  
97 that without compensation, either monetary or in kind, provides to prospective purchasers or  
98 lessors of property the asking price, location, and contact information regarding properties in and  
99 near the association's neighborhood, including any publication of such information in a  
100 newsletter, [web] **Internet** site, or other medium.

339.020. It shall be unlawful for any person, partnership, association, or corporation,  
2 foreign or domestic, to act as a real estate broker or real estate salesperson, or to advertise or  
3 assume to act as such without a license first procured from the commission.

4 339.030. A corporation, partnership, or association shall be granted a license when  
5 individual licenses have been issued to every member, partner or officer of such partnership,

6 association, or corporation who actively participates in its brokerage business and to every person  
7 who acts as a salesperson for such partnership, association, or corporation and when the required  
8 fee is paid.

339.040. 1. Licenses shall be granted only to persons who present, and corporations,  
2 associations, or partnerships whose officers, associates, or partners present, satisfactory proof to  
3 the commission that they:

4 (1) Are persons of good moral character; and

5 (2) Bear a good reputation for honesty, integrity, and fair dealing; and

6 (3) Are competent to transact the business of a broker or salesperson in such a manner  
7 as to safeguard the interest of the public.

8 2. In order to determine an applicant's qualifications to receive a license under sections  
9 339.010 to 339.180 **and sections 339.710 to 339.860**, the commission shall hold oral or written  
10 examinations at such times and places as the commission may determine.

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

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

17 5. Each application for a broker license shall include a certificate from the applicant's  
18 broker or brokers that the applicant has been actively engaged in the real estate business as a  
19 licensed salesperson for at least one year immediately preceding the date of application, or, in  
20 lieu thereof, shall include a certificate from a school accredited by the commission under the  
21 provisions of section 339.045 that the applicant has, within six months prior to the date of  
22 application, successfully completed the prescribed broker curriculum or broker correspondence  
23 course offered by such school, except that the commission may waive all or part of the  
24 educational requirements set forth in this subsection when an applicant presents proof of other  
25 educational background or experience acceptable to the commission.

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

33 7. [The commission shall require] **The commission may issue a temporary work**

34 **permit pending final review and printing of the license to an applicant who appears to have**  
35 **satisfied the requirements for licenses. The commission may, at its discretion, withdraw**  
36 **the work permit at any time.**

37 **8.** Every active broker, salesperson, officer [or], partner [to present upon license  
38 renewal], **or associate shall provide upon request to the commission** evidence that during the  
39 two years preceding he **or she** has completed twelve hours of real estate instruction in courses  
40 approved by the commission. The commission may, by rule and regulation, provide for  
41 individual waiver of this requirement.

42 [8.] **9.** Each entity that provides continuing education required under the provisions of  
43 subsection [7] **8** of this section may make available [videotapes and audiotapes of] instruction  
44 courses that the entity conducts **through means of distance delivery**. The commission shall by  
45 rule set standards for [the production of] such [taped] courses[, which may include the  
46 requirement that individuals purchasing such tapes also purchase an accompanying written study  
47 document. The commission shall authorize individuals required to complete instruction under  
48 the provisions of this subsection to fulfill such continuing education requirements by utilizing  
49 such videotape and audiotape courses]. The commission may by regulation require the  
50 individual completing such [videotape or audiotape] **distance delivered** course to complete an  
51 examination on the contents of the course. Such examination shall be designed to ensure that  
52 the licensee displays adequate knowledge of the subject matter of the course, and shall be  
53 designed by the entity producing the [taped] course and approved by the commission.

54 [9.] **10.** In the event of the death or incapacity of a licensed broker, or of one or more of  
55 the licensed partners [or], officers, **or associates** of a real estate partnership [or], corporation, **or**  
56 **association** whereby the affairs of the broker, partnership, or corporation cannot be carried on,  
57 the commission may issue, without examination or fee, to the legal representative or  
58 representatives of the deceased or incapacitated individual, or to another individual approved by  
59 the commission, a temporary broker license which shall authorize such individual to continue  
60 for a period to be designated by the commission to transact business for the sole purpose of  
61 winding up the affairs of the broker, partnership or corporation under the supervision of the  
62 commission.

339.060. 1. The commission shall set the amount of the fees which sections 339.010 to  
2 339.180 **and sections 339.710 to 339.860** authorize and require by rules and regulations  
3 promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce  
4 revenue which shall not substantially exceed the cost and expense of administering sections  
5 339.010 to 339.180 **and sections 339.710 to 339.860**.

6 2. Every license granted under sections 339.010 to 339.180 **and sections 339.710 to**  
7 **339.860** shall be renewed each licensing period and the commission shall issue a new license

8 upon receipt of the [written] **properly completed** application of the applicant and the required  
9 renewal fee.

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

18 2. The commission may cause a complaint to be filed with the administrative hearing  
19 commission as provided by [law when the commission believes there is a probability that a  
20 licensee has performed or attempted to perform any] **the provisions of chapter 621, RSMo,**  
21 **against any person or entity licensed under this chapter or any licensee who has failed to**  
22 **renew or has surrendered his or her individual or entity license for any one or any**  
23 **combination** of the following acts:

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

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

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

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

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

45 (6) Acting for more than one party in a transaction without the knowledge of all parties  
46 for whom he **or she** acts, or accepting a commission or valuable consideration for services from  
47 more than one party in a real estate transaction without the knowledge of all parties to the  
48 transaction;

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

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

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

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

58 (11) Representing a real estate broker other than the broker with whom associated  
59 without the express [knowledge and] **written** consent of [that] **the broker**[, or] **with whom**  
60 **associated**;

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

64 [(12)] (13) Using prizes, money, gifts or other valuable consideration as inducement to  
65 secure customers **or clients** to purchase, lease, sell or list property when the awarding of such  
66 prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale  
67 or listing; or soliciting, selling or offering for sale real property by offering free lots, or  
68 conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or  
69 prospective purchaser of real property;

70 [(13)] (14) Placing a sign on or advertising any property offering it for sale or rent



71 without the **written** consent of the owner or his **or her** duly authorized agent;

72 [(14)] **(15)** Violation of, or attempting to violate, directly or indirectly, or assisting or  
73 enabling any person to violate, any provision of sections 339.010 to 339.180 **and sections**  
74 **339.710 to 339.860**, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 **and**  
75 **sections 339.710 to 339.860**;

76 [(15)] **(16)** Committing any act which would otherwise be grounds for the commission  
77 to refuse to issue a license under section 339.040;

78 [(16)] **(17)** Failure to [submit] **timely inform seller of** all written [bona fide] offers [to  
79 a seller when such offers are received prior to the seller accepting an offer in writing and until  
80 the licensee has knowledge of such acceptance] **unless otherwise instructed in writing by the**  
81 **seller**;

82 [(17)] **(18)** Been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
83 contendere, in a criminal prosecution under the laws of this state or any other state or of the  
84 United States, for any offense reasonably related to the qualifications, functions or duties of any  
85 profession licensed or regulated under this chapter, for any offense an essential element of which  
86 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether  
87 or not sentence is imposed;

88 [(18)] **(19)** Any other conduct which constitutes untrustworthy, improper or fraudulent  
89 business dealings, [or] demonstrates bad faith or [gross] incompetence, **misconduct, or gross**  
90 **negligence**;

91 [(19)] **(20)** Disciplinary action against the holder of a license or other right to practice  
92 any profession regulated under sections 339.010 to 339.180 **and sections 339.710 to 339.860**  
93 granted by another state, territory, federal agency, or country upon grounds for which revocation,  
94 suspension, or probation is authorized in this state;

95 [(20)] **(21)** Been found by a court of competent jurisdiction of having used any controlled  
96 substance, as defined in chapter 195, RSMo, to the extent that such use impairs a person's ability  
97 to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 **and**  
98 **sections 339.710 to 339.860**;

99 [(21)] **(22)** Been finally adjudged insane or incompetent by a court of competent  
100 jurisdiction;

101 [(22)] **(23)** Assisting or enabling any person to practice or offer to practice any profession  
102 licensed or regulated under sections 339.010 to 339.180 **and sections 339.710 to 339.860** who  
103 is not registered and currently eligible to practice under sections 339.010 to 339.180 **and sections**  
104 **339.710 to 339.860**;

105 [(23)] **(24)** Use of any advertisement or solicitation which is knowingly false, misleading  
106 or deceptive to the general public or persons to whom the advertisement or solicitation is

107 primarily directed.

108 3. After the filing of such complaint, the proceedings will be conducted in accordance  
109 with the provisions of law relating to the administrative hearing commission. A finding of the  
110 administrative hearing commissioner that the licensee has performed or attempted to perform one  
111 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by  
112 the commission, or the placing of the licensee on probation on such terms and conditions as the  
113 real estate commission shall deem appropriate.

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

339.105. 1. Each broker **who holds funds belonging to another** shall maintain **such**  
2 **funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and  
3 loan association or a credit union in this state, or in an adjoining state with written permission  
4 of the commission,] which shall be designated an escrow or trust account [in which all money  
5 not his own coming into his possession, including]. **This requirement includes** funds in which  
6 **he or she** may have some future interest or claim[.]. **Such funds** shall be deposited promptly  
7 unless all parties having an interest in the funds have agreed otherwise in writing. No broker  
8 shall commingle his **or her** personal funds or other funds in this account with the exception that  
9 a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the  
10 account from his **or her** personal funds, which sum shall be specifically identified and deposited  
11 to cover service charges related to the account. [The commission may, by written waiver issued  
12 for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain  
13 a separate escrow or trust account.]

14 2. [Before issuance of a broker license,] Each broker shall notify the commission of **his**  
15 **or her intent not to maintain an escrow account, or** the name of the financial institution in  
16 which each escrow or trust account is maintained, the name and number of each such account,  
17 and shall file written authorization directed to each financial institution to allow the commission  
18 or its authorized representative to examine each such account; such notification and authorization  
19 shall be submitted on forms provided therefor by the commission [but shall not be required in  
20 any case where maintenance of an escrow or trust account has been waived pursuant to  
21 subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business**  
22 **days** of any change of **his or her intent to maintain an escrow account, the** financial institution  
23 [or], account numbers, **or change in account status**.

24 3. In conjunction with each escrow or trust account a broker shall maintain [at his usual  
25 place of business,] books, records, contracts and other necessary documents so that the adequacy

26 of said account may be determined at any time. The account and other records shall be [open]  
27 **provided** to [inspection by] the commission and its duly authorized agents **for inspection** at all  
28 times during regular business hours at the broker's usual place of business.

29 **4. Whenever the ownership of any escrow moneys received by a broker pursuant**  
30 **to this section is in dispute by the parties to a real estate sales transaction, the broker shall**  
31 **report and deliver the moneys to the state treasurer within three hundred sixty-five days**  
32 **of the date of the initial projected closing date in compliance with sections 447.500 to**  
33 **447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the**  
34 **funds are not in dispute and shall notify the broker who is holding the funds.**

35 **5.** A broker shall not be entitled to any [part of the earnest] money or other money paid  
36 to him **or her** in connection with any real estate **sales** transaction as part or all of his **or her**  
37 commission or fee until the transaction has been consummated or terminated, unless agreed in  
38 writing by all parties to the transaction.

39 [5.] **6.** When, through investigations or otherwise, the commission has reasonable cause  
40 to believe that a licensee has acted, is acting or is about to act in violation of this section, the  
41 commission may, through the attorney general or any [of his] assistants designated by [him] **the**  
42 **attorney general**, proceed in the name of the commission to institute suit to enjoin any act or  
43 acts in violation of this section.

44 [6.] **7.** Any such suit shall be commenced in either the county in which the defendant  
45 resides or in the county in which the defendant has acted, is acting or is about to act in violation  
46 of this section.

47 [7.] **8.** In such proceeding, the court shall have power to issue such temporary restraining  
48 or injunction orders, without bond, which are necessary to protect the public interest. Any action  
49 brought under this section shall be in addition to and not in lieu of any other provisions of this  
50 chapter. In such action, the commission or the state need not allege or prove that there is no  
51 adequate remedy at law or that any individual has suffered any economic injury as a result of the  
52 activity sought to be enjoined.

339.120. 1. There is hereby created the "Missouri Real Estate Commission", to consist  
2 of seven persons, citizens of the United States and residents of this state for at least one year prior  
3 to their appointment, for the purpose of carrying out and enforcing the provisions of sections  
4 339.010 to 339.180 **and sections 339.710 to 339.860**. The commission shall be appointed by  
5 the governor with the advice and consent of the senate. All members, except one voting public  
6 member, of the commission must have had at least ten years' experience as a real estate broker  
7 prior to their appointment. The terms of the members of the commission shall be for five years,  
8 and until their successors are appointed and qualified. Members to fill vacancies shall be  
9 appointed by the governor for the unexpired term. The president of the Missouri Association of

10 Realtors in office at the time shall, at least ninety days prior to the expiration of the term of the  
11 board member, other than the public member, or as soon as feasible after the vacancy on the  
12 board otherwise occurs, submit to the director of the division of professional registration a list  
13 of five Realtors qualified and willing to fill the vacancy in question, with the request and  
14 recommendation that the governor appoint one of the five persons so listed, and with the list so  
15 submitted, the president of the Missouri Association of Realtors shall include in his or her letter  
16 of transmittal a description of the method by which the names were chosen by that association.  
17 The commission shall organize annually by selecting from its members a chairman. The  
18 commission may do all things necessary and convenient for carrying into effect the provisions  
19 of sections 339.010 to 339.180 **and sections 339.710 to 339.860**, and may promulgate necessary  
20 rules compatible with the provisions of sections 339.010 to 339.180 **and sections 339.710 to**  
21 **339.860**. Each member of the commission shall receive as compensation an amount set by the  
22 commission not to exceed [fifty] **seventy-five** dollars for each day devoted to the affairs of the  
23 commission, and shall be entitled to reimbursement of his or her expenses necessarily incurred  
24 in the discharge of his or her official duties. The governor may remove any commissioner for  
25 cause.

26         2. The public member shall be at the time of his or her appointment a citizen of the  
27 United States; a resident of this state for a period of one year and a registered voter; a person who  
28 is not and never was a member of any profession licensed or regulated pursuant to sections  
29 339.010 to 339.180 **and sections 339.710 to 339.860** or the spouse of such person; and a person  
30 who does not have and never has had a material, financial interest in either the providing of the  
31 professional services regulated by sections 339.010 to 339.180 **and sections 339.710 to 339.860**,  
32 or an activity or organization directly related to any profession licensed or regulated pursuant to  
33 sections 339.010 to 339.180 **and sections 339.710 to 339.860**. All members, including public  
34 members, shall be chosen from lists submitted by the director of the division of professional  
35 registration. The duties of the public member shall not include the determination of the technical  
36 requirements to be met for licensure or whether any person meets such technical requirements  
37 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

38         3. The commission shall employ such board personnel, as defined in subdivision (4) of  
39 subsection 15 of section 620.010, RSMo, as it shall deem necessary to discharge the duties  
40 imposed by the provisions of sections 339.010 to 339.180 **and sections 339.710 to 339.860**.

41         4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
42 is created under the authority delegated in sections 339.010 to 339.180 **and sections 339.710 to**  
43 **339.860** shall become effective only if it complies with and is subject to all of the provisions of  
44 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority  
45 delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this

46 section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to  
47 August 28, 1999, if it fully complied with all applicable provisions of law. This section and  
48 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly  
49 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul  
50 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
51 proposed or adopted after August 28, 1999, shall be invalid and void.

339.130. The commission may sue and be sued in its official name, and shall have a seal  
2 which shall be affixed to [all licenses,] certified copies of records and papers on file, and to such  
3 other instruments as the commission may direct, and all courts shall take judicial notice of such  
4 seal. Copies of records and proceedings of the commission, and of all papers on file in its office,  
5 certified under the said seal shall be received as evidence in all courts of record. The office of  
6 the commission shall be at Jefferson City.

339.150. 1. No real estate broker shall knowingly employ or engage any person to  
2 perform any service to the broker for which licensure as a real estate broker or a real estate sales  
3 person is required pursuant to sections 339.010 to 339.180 **and sections 339.710 to 339.860**,  
4 unless such a person is a licensed real estate salesperson or a licensed real estate broker as  
5 required by section 339.020, or a person regularly engaged in the real estate brokerage business  
6 outside of the state of Missouri. Any such action shall be unlawful as provided by section  
7 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as  
8 provided by section 339.100.

9 2. No real estate licensee shall pay any part of a fee, commission or other compensation  
10 received by the licensee to any person for any service rendered by such person to the licensee in  
11 buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless  
12 such a person is a licensed real estate salesperson regularly associated with such a broker, or a  
13 licensed real estate broker, or a person regularly engaged in the real estate brokerage business  
14 outside of the state of Missouri.

15 3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate  
16 broker who shall refuse to pay any person for services rendered by such person to the broker,  
17 with the consent, knowledge and acquiescence of the broker that such person was not licensed  
18 as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a  
19 loan upon any real estate for which services a license is required, and who is employed or  
20 engaged by such broker to perform such services, shall be liable to such person for the reasonable  
21 value of the same or similar services rendered to the broker, regardless of whether or not the  
22 person possesses or holds any particular license, permit or certification at the time the service  
23 was performed. Any such person may bring a civil action for the reasonable value of his services  
24 rendered to a broker notwithstanding the provisions of section 339.160.

339.160. No person, partnership, corporation, or association engaged within this state  
2 in the business or acting in the capacity of a real estate broker or real estate salesperson shall  
3 bring or maintain an action in any court in this state for the recovery of compensation for services  
4 rendered in the buying, selling, exchanging, leasing, renting or negotiating a loan upon any real  
5 estate without alleging and proving that such person, partnership, corporation, or association was  
6 a licensed real estate broker or salesperson at the time when the alleged cause of action arose.

339.170. Any person or corporation knowingly violating any provision of sections  
2 339.010 to 339.180 **and sections 339.710 to 339.860** shall be guilty of a class B misdemeanor.  
3 Any officer or agent of a corporation, or member or agent of a partnership or association, who  
4 shall knowingly and personally participate in or be an accessory to any violation of sections  
5 339.010 to 339.180 **and sections 339.710 to 339.860**, shall be guilty of a class B misdemeanor.  
6 This section shall not be construed to release any person from civil liability or criminal  
7 prosecution under any other law of this state. The commission may cause complaint to be filed  
8 for violation of section 339.020 in any court of competent jurisdiction, and perform such other  
9 acts as may be necessary to enforce the provisions hereof.

339.180. 1. It shall be unlawful for any person **or entity** not licensed under this chapter  
2 to perform any act for which a real estate [broker or salesperson] license is required. Upon  
3 application by the [board] **commission**, and the necessary burden having been met, a court of  
4 general jurisdiction may grant an injunction, restraining order or other order as may be  
5 appropriate to enjoin a person **or entity** from:

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

10 (2) Engaging in any practice or business authorized by a [certificate of registration or  
11 authority,] permit or license issued pursuant to this chapter upon a showing that the holder  
12 presents a substantial probability of serious danger to the health, safety or welfare of any  
13 [resident of this state or client or patient of the licensee] **person with, or who is considering**  
14 **obtaining, a legal interest in real property in this state.**

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

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

339.710. For purposes of sections 339.710 to 339.860, the following terms mean:

2 (1) "Adverse material fact", a fact related to the [physical condition of the] property not

- 3 reasonably ascertainable or known to a party which negatively affects the value of the property.  
4 Adverse material facts may include matters pertaining to:
- 5 (a) Environmental hazards affecting the property;
  - 6 (b) Physical condition of the property which adversely affects the value of the property;
  - 7 (c) Material defects in the property;
  - 8 (d) Material defects in the title to the property;
  - 9 (e) Material limitation of the party's ability to perform under the terms of the contract;
- 10 (2) "Affiliated licensee", any broker or salesperson who works under the supervision of  
11 a designated broker;
- 12 (3) "Agent", a person or entity acting pursuant to the provisions of this chapter;
- 13 (4) "Broker disclosure form", the current form prescribed by the commission for  
14 presentation to a seller, landlord, buyer or tenant who has not entered into a written agreement  
15 for brokerage services;
- 16 (5) "Brokerage relationship", the relationship created between a designated broker, the  
17 broker's affiliated licensees, and a client relating to the performance of services of a broker as  
18 defined in section 339.010, and sections 339.710 to 339.860. If a designated broker makes an  
19 appointment of an affiliated licensee or affiliated licensees pursuant to section 339.820, such  
20 brokerage relationships are created between the appointed licensee or licensees and the client.  
21 Nothing in this subdivision shall:
- 22 (a) Alleviate the designated broker from duties of supervision of the appointed licensee  
23 or licensees; or
  - 24 (b) Alter the designated broker's underlying contractual agreement with the client;
- 25 (6) "Client", a seller, landlord, buyer, or tenant who has entered into a brokerage  
26 relationship with a licensee pursuant to sections 339.710 to 339.860;
- 27 (7) "Commercial real estate", any real estate other than real estate containing one to four  
28 residential units, real estate on which no buildings or structures are located, or real estate  
29 classified as agricultural and horticultural property for assessment purposes pursuant to section  
30 137.016, RSMo. Commercial real estate does not include single family residential units  
31 including condominiums, townhouses, or homes in a subdivision when that real estate is sold,  
32 leased, or otherwise conveyed on a unit-by-unit basis even though the units may be part of a  
33 larger building or parcel of real estate containing more than four units;
- 34 (8) "Commission", the Missouri real estate commission;
- 35 (9) "Confidential information", information obtained by the licensee from the client and  
36 designated as confidential by the client, information made confidential by sections 339.710 to  
37 339.860 or any other statute or regulation, or written instructions from the client unless the  
38 information is made public or becomes public by the words or conduct of the client to whom the

39 information pertains or by a source other than the licensee;

40 (10) "Customer", an actual or potential seller, landlord, buyer, or tenant in a real estate  
41 transaction in which a licensee is involved but who has not entered into a brokerage relationship  
42 with [a] the licensee;

43 (11) "Designated agent", a licensee named by a designated broker as the limited agent  
44 of a client as provided for in section 339.820;

45 (12) "Designated broker", any individual licensed as a broker who is operating pursuant  
46 to the definition of "real estate broker" as defined in section 339.010, or any individual licensed  
47 as a broker who is appointed by a partnership, association, limited liability corporation, or a  
48 corporation engaged in the real estate brokerage business to be responsible for the acts of the  
49 partnership, association, limited liability corporation, or corporation. Every real estate  
50 partnership, association, or limited liability corporation, or corporation shall appoint a designated  
51 broker;

52 (13) "Designated transaction broker", a licensee named by a designated broker or deemed  
53 appointed by a designated broker as the transaction broker for a client pursuant to section  
54 339.820;

55 (14) "Dual agency", a form of agency which may result when an agent licensee or  
56 someone affiliated with the agent licensee represents another party to the same transaction;

57 (15) "Dual agent", a limited agent who, with the written consent of all parties to a  
58 contemplated real estate transaction, has entered into an agency brokerage relationship, and not  
59 a transaction brokerage relationship, with and therefore represents both the seller and buyer or  
60 both the landlord and tenant;

61 (16) "Licensee", a real estate broker or salesperson as defined in section 339.010;

62 (17) "Limited agent", a licensee whose duties and obligations to a client are those set  
63 forth in sections 339.730 to 339.750;

64 (18) "Ministerial acts", those acts that a licensee may perform for a person or entity that  
65 are informative in nature and do not rise to the level which requires the creation of a brokerage  
66 relationship. Examples of these acts include, but are not limited to:

67 (a) Responding to telephone inquiries by consumers as to the availability and pricing of  
68 brokerage services;

69 (b) Responding to telephone inquiries from a person concerning the price or location of  
70 property;

71 (c) Attending an open house and responding to questions about the property from a  
72 consumer;

73 (d) Setting an appointment to view property;

74 (e) Responding to questions of consumers walking into a licensee's office concerning



75 brokerage services offered on particular properties;

76 (f) Accompanying an appraiser, inspector, contractor, or similar third party on a visit to  
77 a property;

78 (g) Describing a property or the property's condition in response to a person's inquiry;

79 (h) Showing a customer through a property being sold by an owner on his or her own  
80 behalf; or

81 (i) Referral to another broker or service provider;

82 (19) "Residential real estate", all real property improved by a structure that is used or  
83 intended to be used primarily for residential living by human occupants and that contains not  
84 more than four dwelling units or that contains single dwelling units owned as a condominium  
85 or in a cooperative housing association, and vacant land classified as residential property. The  
86 term "cooperative housing association" means an association, whether incorporated or  
87 unincorporated, organized for the purpose of owning and operating residential real property in  
88 Missouri, the shareholders or members of which, by reason of their ownership of a stock or  
89 membership certificate, a proprietary lease, or other evidence of membership, are entitled to  
90 occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement;

91 (20) "Single agent", a licensee who has entered into a brokerage relationship with and  
92 therefore represents only one party in a real estate transaction. A single agent may be one of the  
93 following:

94 (a) "Buyer's agent", which shall mean a licensee who represents the buyer in a real estate  
95 transaction;

96 (b) "Seller's agent", which shall mean a licensee who represents the seller in a real estate  
97 transaction; and

98 (c) "Landlord's agent", which shall mean a licensee who represents a landlord in a leasing  
99 transaction;

100 (d) "Tenant's agent", which shall mean a licensee who represents the tenant in a leasing  
101 transaction;

102 (21) "Subagent", a designated broker, together with the broker's affiliated licensees,  
103 engaged by another designated broker, together with the broker's affiliated or appointed affiliated  
104 licensees, to act as a limited agent for a client, or a designated broker's unappointed affiliated  
105 licensees engaged by the designated broker, together with the broker's appointed affiliated  
106 licensees, to act as a limited agent for a client. A subagent owes the same obligations and  
107 responsibilities to the client pursuant to sections 339.730 to 339.740 as does the client's  
108 designated broker;

109 (22) "Transaction broker", any licensee acting pursuant to sections 339.710 to 339.860,  
110 who:

111 (a) Assists the parties to a transaction without an agency or fiduciary relationship to  
112 either party and is, therefore, neutral, serving neither as an advocate or advisor for either party  
113 to the transaction;

114 (b) Assists one or more parties to a transaction and who has not entered into a specific  
115 written agency agreement to represent one or more of the parties; or

116 (c) Assists another party to the same transaction either solely or through licensee  
117 affiliates.

118

119 Such licensee shall be deemed to be a transaction broker and not a dual agent, provided that,  
120 notice of assumption of transaction broker status is provided to the buyer and seller immediately  
121 upon such default to transaction broker status, to be confirmed in writing prior to execution of  
122 the contract.

339.760. [1.] Every designated broker **who has affiliated licensees** shall adopt a written  
2 policy which identifies and describes the relationships in which the designated broker and  
3 affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate  
4 brokerage activities.

5 [2. A designated broker shall not be required to offer or engage in more than one of the  
6 brokerage relationships enumerated in section 339.720.]

339.780. 1. All written agreements for brokerage services on behalf of a seller, landlord,  
2 buyer, or tenant shall be entered into by the designated broker on behalf of that broker and  
3 affiliated licensees, except that the designated broker may authorize affiliated licensees in writing  
4 to enter into the written agreements on behalf of the designated broker.

5 2. Before engaging in any of the activities enumerated in section 339.010, a designated  
6 broker intending to establish a limited agency relationship with a seller or landlord shall enter  
7 into a written agency agreement with the party to be represented. The agreement shall include  
8 a licensee's duties and responsibilities specified in section 339.730 and the terms of  
9 compensation and shall specify whether an offer of subagency may be made to any other  
10 designated broker.

11 3. Before or while engaging in any acts enumerated in section 339.010, except ministerial  
12 acts defined in section 339.710, a designated broker acting as a single agent for a buyer or tenant  
13 shall enter into a written agency agreement with the buyer or tenant. The agreement shall include  
14 a licensee's duties and responsibilities specified in section 339.740 and the terms of  
15 compensation [and shall specify whether an offer of subagency may be made to any other  
16 designated broker].

17 4. Before engaging in any of the activities enumerated in section 339.010, a designated  
18 broker intending to act as a dual agent shall enter into a written agreement with the seller and

19 buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The  
20 agreement shall include a licensee's duties and responsibilities specified in section 339.750 and  
21 the terms of compensation.

22         5. Before engaging in any of the activities enumerated in section 339.010, a designated  
23 broker intending to act as a subagent shall enter into a written agreement with the designated  
24 broker for the client. If a designated broker has made a unilateral offer of subagency, another  
25 designated broker can enter into the subagency relationship by the act of disclosing to the  
26 customer that he or she is a subagent of the client. If a designated broker has made an  
27 appointment pursuant to section 339.820, an affiliated licensee that has been excluded by such  
28 appointment may enter into the subagency relationship by the act of disclosing to the customer  
29 that he or she is a subagent of the client.

30         6. A designated broker who intends to act as a transaction broker and who expects to  
31 receive compensation from the party he or she assists shall enter into a written transaction  
32 brokerage agreement with such party or parties contracting for the broker's service. The  
33 transaction brokerage agreement shall include a licensee's duties and responsibilities specified  
34 in section 339.755 and the terms of compensation.

35         7. Nothing contained in this section shall prohibit the public from entering into written  
36 contracts with any broker which contain duties, obligations, or responsibilities which are in  
37 addition to those specified in this section.

339.800. 1. In any real estate transaction, the designated broker's compensation may be  
2 paid by the seller, the landlord, the buyer, the tenant, or a third party or by sharing the  
3 compensation between designated brokers.

4         2. Payment of compensation by itself shall not establish an agency relationship or  
5 transaction brokerage relationship between the party who paid the compensation and the  
6 designated broker or any affiliated licensee.

7         3. A seller or landlord may agree that a designated broker may share with another  
8 designated broker the compensation paid by the seller or landlord.

9         4. A buyer or tenant may agree that a designated broker may share with another  
10 designated broker the compensation paid by the buyer or tenant.

11         5. A designated broker may be compensated by more than one party for services in a  
12 transaction with the knowledge of all the parties at or before the time of entering into a written  
13 contract to buy, sell, or lease.

14         **6. Nothing contained in this section shall relieve the licensee from the requirement**  
15 **of obtaining a written agreement for brokerage services or other written agreement**  
16 **addressing compensation.**

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.

**Section 1. 1. The speaker of the house of representatives and the president pro tem  
2 of the senate shall appoint a joint interim study committee to review the business of  
3 auctioneers. The committee shall be comprised of ten members, five from the house of  
4 representatives and five from the senate. No more than three members from each body  
5 shall be from one major political party. The committee shall study and report to the  
6 general assembly on the issues of statewide licensing, reciprocal agreements with other  
7 states, continuing education for the auctioneer industry, ethical and legal issues related to  
8 real property sales, and any other issues deemed appropriate by the committee.**

9 **2. The committee shall report back to the general assembly with any findings and**

10 **recommendations no later than December 31, 2004.**

11 **3. This section shall expire on January 1, 2005.**

2 [332.341. 1. Any person or other entity who believes that a registered and  
3 licensed dentist or a registered and licensed dental hygienist has so acted or failed to  
4 act that his certificate of registration or license or both should, under the provisions  
5 of this chapter, be suspended or revoked, or who believes that any applicant for a  
6 certificate of registration or license to practice dentistry or to practice as a dental  
7 hygienist is not entitled thereto under the provisions of this chapter, may file a  
8 complaint with the secretary-treasurer of the board.

9 2. If the complaint so filed does not contain statements of fact which if true  
10 would authorize, under the provisions of this chapter, suspension or revocation of the  
11 accused's certificate or license, or does not contain statements of fact which if true  
12 would authorize, under the provisions of this chapter, the refusal to issue a certificate  
13 or license to an applicant, the board shall either forthwith dismiss the charge or the  
14 charges or, within its discretion, cause an investigation to be made of the charges  
15 contained in the complaint; after which investigation the board shall either dismiss  
16 the charge or charges or proceed against the accused by written complaint as  
17 hereinafter provided.

18 3. If the complaint so filed contains statements of fact which if true would  
19 authorize, under the provisions of this chapter, the revocation or suspension of an  
20 accused's certificate or license, or both, the board shall cause an investigation to be  
21 made of the charge or charges contained in the complaint and unless the investigation  
22 discloses the falsity of the facts upon which the charge or charges in the complaint  
23 are based, the board shall file with and in the administrative hearing commission a  
24 written complaint against the accused setting forth the cause or causes for which his  
25 certificate of registration or license or both should be suspended or revoked.  
26 Thereafter the board shall be governed by and shall proceed in accordance with the  
27 provisions of chapter 621, RSMo.

28 4. If the charges contained in the complaint filed with the board (after the  
29 investigation as aforesaid), if true, would constitute a cause or causes for which,  
30 under the provisions of this chapter, an accused's license should not be issued or  
31 renewed or a cause or causes for which under the provisions of this chapter a  
32 certificate of registration should not be issued, the board shall cause an investigation  
33 to be made of the charge or charges and unless the investigation discloses the falsity  
34 of the facts upon which the charge or charges contained in the complaint are based,  
35 the board shall refuse to permit an applicant to be examined upon his qualifications  
36 for licensure or shall refuse to issue a certificate or license or to renew a license, as  
37 the case may require.

38 5. The provisions of this section shall not be so construed as to prevent the  
39 board on its own initiative from instituting and conducting investigations and based  
40 thereon to make written complaints in and to the hearing commission.

41 6. If for any reason the provisions of chapter 621, RSMo, become  
inapplicable to the board, then, and in that event, the board shall proceed to charge,

42 adjudicate and otherwise act in accordance with the provisions of chapter 536,  
43 RSMo.]

2 [339.600. 1. As used in sections 339.600 to 339.610, the following terms  
mean:

- 3 (1) "Commission", the Missouri real estate commission;
- 4 (2) "Escrow agent", any person, partnership, association or corporation,
- 5 foreign or domestic, who performs any of the following functions: closings or
- 6 settlements or any function related thereto in sales, exchanges or other transfers of
- 7 real property.

8 2. A person or entity who meets the definition of escrow agent as provided  
9 in subsection 1 of this section is exempt from the provisions of sections 339.600 to  
10 339.610 if such person is:

- 11 (1) A person or entity doing business under the laws of this state or the
- 12 United States as a bank, trust company, savings and loan association, credit union,
- 13 commercial or consumer finance company, industrial loan company, insurance
- 14 company or title insurance company or title insurance agency;

15 (2) An attorney at law;

16 (3) A person or entity licensed pursuant to this chapter rendering services in  
17 the performance of his or her duties as a real estate broker or salesperson;

18 (4) A mortgage loan company which is subject to licensing, supervision or  
19 auditing by the Federal National Mortgage Association or the Federal Home Loan  
20 Mortgage Corporation or the United States Veterans' Administration or the  
21 Government National Mortgage Association or the United States Department of  
22 Housing and Urban Development or a successor of any of such agencies or entities,  
23 as an approved seller or servicer; or

(5) The United States, the state of Missouri or any state, any political  
subdivision of this state or any agency, division or corporate instrumentality thereof.]

2 [339.603. 1. It is unlawful for any person, partnership, association or  
3 corporation, foreign or domestic, to act as an escrow agent, or to advertise or attempt  
4 to act as such without being properly registered with the commission.

5 2. Upon application by the commission and upon proof by a preponderance  
6 of the evidence, a court of general jurisdiction may grant an injunction, restraining  
7 order or other order as may be appropriate to enjoin a person from unlawfully  
8 engaging or attempting to engage in the activities identified in sections 339.600 to  
339.610.]

[339.605. 1. A person, partnership, association or corporation, incorporated  
2 pursuant to the laws of Missouri, may be registered as an escrow agent pursuant to  
3 sections 339.600 to 339.610, if such person, partners of the partnership, members of  
4 the association or officers of the corporation are at least eighteen years of age, of  
5 good moral character and are competent to transact the business of an escrow agent  
6 in such manner as to safeguard the interest of the public. The commission shall  
7 require proof that such persons meet the qualifications as provided in this subsection.

8 2. A corporation, partnership or association may be registered if every partner

9 of the partnership, every member of the association, or every officer of the  
10 corporation who actively participates in its escrow business has been registered and  
11 the corporation, partnership or association has paid all the required fees.

12 3. Applications for registration shall be submitted in writing on forms  
13 furnished by the commission and accompanied by such information and  
14 recommendations as the commission may require.

15 4. The commission may refuse to register any person, partnership, association  
16 or corporation if the person, partner, member or a direct or indirect controlling  
17 stockholder has been found guilty of, or pleaded guilty to, stealing, forgery,  
18 embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy  
19 to defraud or any similar offense.]

2 [339.606. The commission may promulgate rules and regulations and  
3 perform all duties necessary for carrying out the provisions of sections 339.600 to  
4 339.610. The commission shall set the amount of the fees which are authorized  
5 pursuant to sections 339.600 to 339.610 by rules and regulations promulgated  
6 pursuant to section 536.021, RSMo. The fees shall be set at a level to produce  
7 revenue which shall not substantially exceed the cost and expense of administering  
8 sections 339.600 to 339.610.]

2 [339.607. Each registration granted pursuant to sections 339.600 to 339.610  
3 shall be renewed every two years and the commission shall issue a new registration  
4 upon receipt of a proper renewal application and the required renewal fee.]

2 [339.608. The fees collected pursuant to the provisions of sections 339.600  
3 to 339.610 shall be collected by the Missouri real estate commission and shall be sent  
4 to the director of the department of revenue for deposit in the state treasury in the  
5 "Escrow Agent Administration Fund" which is hereby created. The commission shall  
6 administer the fund and shall use the moneys in the fund solely for the administration  
7 and enforcement of sections 339.600 to 339.610. Notwithstanding the provisions of  
8 section 33.080, RSMo, to the contrary, any unexpended balance in the fund at the end  
9 of the biennium shall not be transferred to the general revenue fund, but shall remain  
10 in the escrow agent administration fund.]

2 [339.610. Any funds received by an escrow agent from any person that are  
3 to be used for third-party expenses shall be deposited no later than five banking days  
4 after receipt in an escrow account in any federally insured bank, savings and loan  
5 association or credit union. The funds in such escrow account shall be expended for  
6 the intended use by the escrow agent within ninety days after the obligations of the  
7 third party have been completed.]

2 [339.612. The commission or its designated agent may inspect and audit the  
3 escrow accounts or accounting records of any escrow agent at any time during normal  
4 business hours to determine if escrow funds are being expended and disbursed in a  
5 timely fashion and for the intended use. If the commission determines that such  
6 escrow funds have been used for any purpose other than the intended purposes, the  
7 escrow agent is liable to the intended payee of the funds for any misappropriated  
8 funds and the Missouri real estate commission shall cause legal proceedings to be



8 held in any court of competent jurisdiction to enforce the provisions of this section  
9 and sections 339.610, 339.614, and 339.617. The commission's authority to instigate  
10 legal proceedings to enforce the provisions of this section is in addition to the  
11 authority to file a complaint with the administrative hearing commission.]

2 [339.614. The records of any inspection or audit made pursuant to the  
3 authority in section 339.612 shall be made available to the escrow agent and the  
4 parties to the transaction but shall not be considered open to the public unless public  
5 money is directly involved or a court of competent jurisdiction orders that such  
6 records be opened.]

7 [339.617. 1. The commission may, upon its own motion or upon a written  
8 complaint filed by any person, investigate any business transaction, regulated by the  
9 provisions of sections 339.600 to 339.610, of any person, partnership, association or  
10 corporation registered pursuant to the provisions of sections 339.600 to 339.610. The  
11 commission may use all investigatory and subpoena powers provided in section  
12 339.100 in investigating such business transaction. The commission may file a  
13 complaint with the administrative hearing commission and the proceedings shall be  
14 conducted as provided in chapter 621, RSMo. If the administrative hearing  
15 commission finds that the escrow agent is not in compliance with sections 339.610  
16 to 339.617 or is operating in an unsafe or unsound manner, the commission may  
cancel the registration of such escrow agent. If the registration of any escrow agent  
is canceled pursuant to this subsection, such escrow agent may not accept any referral  
of business which is regulated by the provisions of sections 339.600 to 339.610.

2. No real estate licensee may knowingly refer escrow or real estate closing  
business to any escrow agent which does not hold a current registration pursuant to  
sections 339.600 to 339.610.]

[436.200. As used in this act the following terms shall mean:

2 (1) "Agent contract", any contract or agreement pursuant to which a student  
3 athlete authorizes an athlete agent to represent him in the marketing of his athletic  
4 ability or reputation in a sport;

5 (2) "Athlete agent", a person that, for compensation, directly or indirectly  
6 recruits or solicits a student athlete to enter into an agent contract, financial services  
7 contract or professional sports services contract;

8 (3) "Financial services contract", any contract or agreement pursuant to  
9 which a student athlete authorizes an athlete agent to provide financial services for  
10 the student athlete, including but not limited to the making and execution of  
11 investment and other financial decisions by the athlete agent on behalf of the student  
12 athlete;

13 (4) "Person", an individual, company, corporation, association, partnership  
14 or other entity;

15 (5) "Professional sports services contract", any contract or agreement  
16 pursuant to which a student athlete authorizes an athlete agent to obtain employment  
17 for the student athlete with a professional sports team or as a professional athlete;

18 (6) "Student athlete", any athlete who practices for or otherwise participates

19 in intercollegiate athletics at any college or university located within this state.]

2 [436.205. 1. Each athlete agent must register biennially with the secretary  
3 of state on forms to be provided by the secretary of state and, at the same time, pay  
4 to the secretary of state a registration fee of five hundred dollars for which the  
5 secretary of state shall issue a registration certificate entitling the holder to operate  
6 as an athlete agent for a period of two years.

7 2. When the business address of any athlete agent operating in this state is  
8 changed, the athlete agent must notify the secretary of state within thirty days after  
9 the change of address.

10 3. It is unlawful for any person to operate as an athlete agent unless he is  
11 registered as provided in this section. Failure of the athlete agent to register is a class  
12 B misdemeanor.

13 4. The secretary of state may suspend or revoke the registration of any athlete  
14 agent for failing to comply with the provisions of this section. The suspension or  
15 revocation of any registration may be reviewed by a court of competent jurisdiction.]

16 [436.209. 1. A student athlete who is subject to the rules and regulations of  
17 the National Collegiate Athletic Association, the National Association for  
18 Intercollegiate Athletics, or the National Junior College Athletic Association, and  
19 who enters into an agent contract, financial services contract or professional sports  
20 services contract with an athlete agent must provide written notification to the  
21 athletic director or the president of the college or university in which he is enrolled  
22 that he has entered into such a contract. Written notification must be given prior to  
23 practicing for or participating in any athletic event on behalf of any college or  
24 university or within seventy-two hours after entering into the contract, whichever  
25 occurs first. Failure of the student athlete to provide this notification is an infraction.

26 2. An athlete agent who enters into an agent contract, financial services  
27 contract or professional sports services contract with a student athlete who is subject  
28 to the rules and regulations of the National Collegiate Athletic Association, the  
National Association for Intercollegiate Athletics, or the National Junior College  
Athletic Association must provide written notification to the athletic director or the  
president of the college or university in which the student athlete is enrolled that the  
student athlete has entered into such a contract. Written notification of such a  
contract must be given prior to the student athlete's practicing for or participating in  
any athletic event on behalf of any college or university or within seventy-two hours  
after entering into said contract, whichever occurs first. Failure of the athlete agent  
to provide this notification is a class B misdemeanor.

3. An agent contract, financial services contract or professional sports  
services contract between a student athlete and an athlete agent must have a notice  
printed near the space for the student athlete's signature which must contain the  
following statement in ten-point boldfaced type: "WARNING: IF YOU AS A  
STUDENT ATHLETE SIGN THIS CONTRACT, YOU MAY LOSE YOUR  
ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS.  
PURSUANT TO MISSOURI LAW, YOU MUST NOTIFY THE ATHLETIC

29 DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN  
30 WRITING PRIOR TO PRACTICING FOR OR PARTICIPATING IN ANY  
31 ATHLETIC EVENT ON BEHALF OF ANY COLLEGE OR UNIVERSITY OR  
32 WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO THIS CONTRACT,  
33 WHICHEVER OCCURS FIRST. FAILURE TO PROVIDE THIS NOTICE IS A  
34 CRIMINAL OFFENSE."

35 4. An agent contract, financial services contract or professional sports  
36 services contract entered into between a student athlete and an athlete agent which  
37 fails to provide the notification required by this section is null, void and  
38 unenforceable.

39 5. Any student athlete or athlete agent who enters into an agent contract,  
40 financial services contract or professional sports services contract and fails to provide  
41 the notification required by this section, is liable to the college or university in which  
42 the student athlete is enrolled for damages that result from the student athlete's  
43 subsequent ineligibility. In addition to any damages awarded pursuant to this section,  
44 additional damages may be assessed in an amount equal to three times the value of  
45 the athletic scholarship furnished by the institution to the student athlete during the  
46 student athlete's period of eligibility.

47 6. Within ten days after the date on which the contractual relationship  
48 between the athlete agent and the student athlete arises or after notification of such  
49 contractual relationship is received by the athletic director or president of the college  
50 or university in which the student is enrolled, whichever occurs later, the student  
51 athlete shall have the right to rescind the contract or any contractual relationship with  
52 the athlete agent by giving notice in writing of his intent to rescind. The student  
53 athlete may not under any circumstances effect a waiver of his right to rescind, and  
54 any attempt to do so shall be null, void and unenforceable.]

2 [436.212. 1. An athlete agent shall not publish or cause to be published false  
3 or misleading information or advertisements, nor give any false information or make  
4 false promises to a student athlete concerning employment.

5 2. An athlete agent shall not accept as a client a student athlete referred by  
6 an employee of or a coach for a college or university located within this state in  
7 exchange for any consideration.

8 3. An athlete agent shall not enter into any agreement, written or oral, by  
9 which the athlete agent offers anything of value to any employee of or a coach for a  
10 college or university located within this state in return for the referral of any student  
11 athlete clients by that employee or coach.

12 4. An athlete agent shall not offer anything of value to induce a student  
13 athlete to enter into an agent contract, financial services contract, professional sports  
14 services contract or other agreement by which the athlete agent will represent the  
15 student athlete. Negotiations regarding the athlete agent's fee shall not be considered  
16 an inducement.

17 5. A person shall not conduct business as an athlete agent if he is not  
registered or if his registration is suspended or revoked.

18                                   6. Violation of any provision of this section is a class B misdemeanor.]

2                   Section B. The repeal and reenactment of sections 339.010, 339.020, 339.030, 339.040,  
3 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.710,  
4 339.760, 339.780, and 339.800, of section A of this act shall become effective on January 1,  
5 2004.

6                   Section C. Because immediate action is necessary to increase and preserve state tourism  
7 and convention revenue in light of the current fiscal crisis, the enactment of section 324.526 of  
8 section A of this act is deemed necessary for the immediate preservation of the public health,  
9 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of  
10 the constitution, and the enactment of section 324.526 of section A of this act shall be in full  
11 force and effect upon its passage and approval.