

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1195

92ND GENERAL ASSEMBLY

3944S.13T

2004

AN ACT

To repeal sections 190.092, 190.133, 337.510, 337.615, 337.703, 337.706, and 337.715, RSMo, and to enact in lieu thereof twenty-one new sections relating to professional registration, with penalty provisions.

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

Section A. Sections 190.092, 190.133, 337.510, 337.615, 337.703, 337.706, and
2 337.715, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known
3 as sections 190.092, 190.133, 324.930, 324.933, 324.936, 324.939, 324.942, 324.945, 324.948,
4 324.951, 324.954, 324.957, 324.960, 324.965, 337.510, 337.615, 337.703, 337.706, 337.715,
5 1, and 2, to read as follows:

**190.092. 1. A person or entity who acquires an automated external defibrillator
2 shall ensure that:**

3 **(1) Expected defibrillator users receive training by the American Red Cross or**
4 **American Heart Association in cardiopulmonary resuscitation and the use of automated**
5 **external defibrillators, or an equivalent nationally recognized course in defibrillator use**
6 **and cardiopulmonary resuscitation;**

7 **(2) The defibrillator is maintained and tested according to the manufacturer's**
8 **operational guidelines;**

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.

9 **(3) Any person who renders emergency care or treatment on a person in cardiac**
10 **arrest by using an automated external defibrillator activates the emergency medical**
11 **services system as soon as possible; and**

12 **(4) Any person or entity that owns an automated external defibrillator that is for**
13 **use outside of a health care facility shall have a physician review and approve the clinical**
14 **protocol for the use of the defibrillator, review and advise regarding the training and skill**
15 **maintenance of the intended users of the defibrillator and assure proper review of all**
16 **situations when the defibrillator is used to render emergency care.**

17 **2. Any person or entity who acquires an automated external defibrillator shall**
18 **notify the emergency communications district or the ambulance dispatch center of the**
19 **primary provider of emergency medical services where the automated external**
20 **defibrillator is to be located.**

21 **3. Any person who has had appropriate training, including a course in**
22 **cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated**
23 **external defibrillator, and who gratuitously and in good faith renders emergency care**
24 **when medically appropriate by use of or provision of an automated external defibrillator,**
25 **without objection of the injured victim or victims thereof, shall not be held liable for any**
26 **civil damages as a result of such care or treatment, where the person acts as an ordinarily**
27 **reasonable, prudent person would have acted under the same or similar circumstances.**
28 **The person or entity who provides appropriate training to the person using an automated**
29 **external defibrillator, the person or entity responsible for the site where the automated**
30 **external defibrillator is located, and the licensed physician who reviews and approves the**
31 **clinical protocol, shall likewise not be held liable for civil damages resulting from the use**
32 **of an automated external defibrillator, provided that all other requirements of this section**
33 **have been met. Nothing in this section shall affect any claims brought pursuant to chapter**
34 **537 or 538, RSMo.**

35 **4. The provisions of this section shall apply in all counties within the state and any**
36 **city not within a county.**

190.133. 1. The department shall, within a reasonable time after receipt of an
2 **application, cause such investigation as the department deems necessary to be made of the**
3 **applicant for an emergency medical response agency license.**

4 **2. The department shall issue a license to any emergency medical response agency**
5 **which provides advanced life support if the applicant meets the requirements established**
6 **pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant**
7 **to sections 190.001 to 190.245. The department may promulgate rules relating to the**
8 **requirements for an emergency medical response agency including, but not limited to:**

- 9 (1) A licensure period of five years;
- 10 (2) Medical direction;
- 11 (3) Records and forms; and
- 12 (4) Memorandum of understanding with local ambulance services.

13 **3. Application for an emergency medical response agency license shall be made**
14 **upon such forms as prescribed by the department in rules adopted pursuant to sections**
15 **190.001 to 190.245. The application form shall contain such information as the department**
16 **deems necessary to make a determination as to whether the emergency medical response**
17 **agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated**
18 **pursuant to sections 190.001 to 190.245.**

19 **4. No person or entity shall hold itself out as an emergency medical response agency**
20 **that provides advanced life support or provide the services of an emergency medical**
21 **response agency that provides advanced life support unless such person or entity is licensed**
22 **by the department.**

23 **5. Only emergency medical response agencies, fire departments, and fire protection**
24 **districts may provide certain ALS services with the services of EMT-Is.**

25 **6. Emergency medical response agencies functioning with the services of EMT-Is**
26 **must work in collaboration with an ambulance service providing advanced life support**
27 **with personnel trained to the emergency medical technician-paramedic level.**

324.930. For the purposes of sections 324.930 to 324.965, the following terms mean:

- 2 (1) "Board", the board of licensed private fire investigator examiners;
- 3 (2) "Client", any person who engages the services of a private fire investigator;
- 4 (3) "Division", the division of fire safety within the department of public safety;
- 5 (4) "Insurance adjuster", any person who receives any consideration, either
6 **directly or indirectly, for adjusting in the disposal of any claim under or in connection with**
7 **a policy of insurance or engaging in soliciting insurance adjustment business;**
- 8 (5) "License", a private fire investigator license;
- 9 (6) "Licensed private fire investigator", any person who receives any consideration,
10 **either directly or indirectly, for engaging in the investigation of the origin, cause, or**
11 **responsibility of fires;**
- 12 (7) "Licensed private fire investigator agency", a person or firm that employs any
13 **person to engage in the investigation of fires to determine the origin, cause, and**
14 **responsibility of such fires;**
- 15 (8) "Licensed private fire investigation", the furnishing of, making of, or agreeing
16 **to make any investigation of a fire for the origin, cause, or responsibility of such fire;**

17 **(9) "Organization", a corporation, trust, estate, partnership, cooperation, or**
18 **association;**

19 **(10) "Person", an individual;**

20 **(11) "Principal place of business", the place where the licensee maintains a**
21 **permanent office which may be a residence or business address.**

324.933. 1. The "Board of Licensed Private Fire Investigator Examiners" is hereby
2 **created within the division of fire safety. The board shall be composed of six members**
3 **appointed by the governor, with the advice and consent of the senate. The board shall**
4 **consist of:**

5 **(1) The state fire marshal, or his or her designee;**

6 **(2) A representative of a private fire investigation agency;**

7 **(3) A representative of the insurance industry;**

8 **(4) A representative of the Missouri chapter of the International Association of**
9 **Arson Investigators;**

10 **(5) A representative of the Professional Fire and Fraud Investigators Association;**

11 **(6) A representative of the Kansas City Arson Task Force; and**

12 **(7) One person who is an independent private fire investigator.**

13 **2. Each member of the board shall be a citizen of the United States, a resident of**
14 **this state, at least thirty years of age, and shall have been actively engaged in fire**
15 **investigation for the previous five years. No more than one board member shall be**
16 **employed by or affiliated with the same licensed private fire investigation agency. The**
17 **initial board members shall not be required to be licensed but shall obtain a license within**
18 **one hundred eighty days after appointment to the board.**

19 **3. The members of the board shall be appointed for terms of three years, except**
20 **those first appointed, in which case two members shall be appointed for terms of three**
21 **years, two members shall be appointed for terms of two years, and two members shall be**
22 **appointed for a one-year term. Any vacancy on the board shall be filled for the remainder**
23 **of the unexpired term of that member. The members of the board shall serve without pay,**
24 **but they shall receive per diem expenses in an equivalent amount as allowed for members**
25 **of the general assembly.**

324.936. The following persons or organizations shall not be deemed to be engaging
2 **in licensed private fire investigation:**

3 **(1) Any officer or employee of the United States, this state, or a political subdivision**
4 **of this state, or an entity organized under section 320.300, RSMo, while engaged in the**
5 **performance of the officer's or employee's official duties;**

6 **(2) An attorney performing duties as an attorney;**

- 7 **(3) An investigator who is an employee of an insurance company;**
- 8 **(4) Insurers, agents, and insurance brokers licensed by the state, performing duties**
- 9 **in connection with insurance transacted by them;**
- 10 **(5) An insurance adjuster; or**
- 11 **(6) An investigator employed by and under the supervision of a licensed attorney**
- 12 **while acting within the scope of employment, who does not represent himself or herself to**
- 13 **be a licensed private fire investigator.**

324.939. 1. Every person desiring to be licensed in this state as a licensed private
2 fire investigator or licensed private fire investigator agency shall make an application to
3 the board. An application for a license pursuant to the provisions of sections 324.930 to
4 324.965 shall be on a form prescribed by the board and accompanied by the required
5 application fee. An application shall be verified and shall include:

- 6 **(1) The full name and business address of the applicant;**
- 7 **(2) The name that the applicant intends to do business under;**
- 8 **(3) A statement as to the general nature of the business that the applicant intends**
- 9 **to engage in;**
- 10 **(4) Two recent passport photographs of the applicant and two classifiable sets of**
- 11 **the applicant's fingerprints;**
- 12 **(5) A verified statement of the applicant's experience qualifications; and**
- 13 **(6) Such other information, evidence, statements, or documents as may be required**
- 14 **by the state fire marshal.**

2. To be eligible for licensure, the applicant shall:

- 16 **(1) Be at least twenty-one years of age;**
- 17 **(2) Be a citizen of the United States;**
- 18 **(3) Not have a felony conviction or a conviction of a crime involving moral**
- 19 **turpitude;**
- 20 **(4) Provide proof of liability insurance with amount to be no less than one million**
- 21 **dollars in coverage; and**
- 22 **(5) Comply with such other qualifications as the board shall require.**

23

24 For the purposes of sections 324.930 to 324.965, the record of conviction, or a certified copy
25 thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is
26 deemed to be a conviction within the meaning thereof.

3. The board shall require as a condition of licensure that the applicant:

- 28 **(1) Successfully complete a course of training approved by the state fire marshal's**
- 29 **office;**

30 **(2) Pass a written examination as evidence of knowledge of fire investigation.**
31 **Certification as a fire investigator by the state fire marshal or other agencies approved by**
32 **the state fire marshal shall constitute passing a written examination;**

33 **(3) Provide a background check from an authorized state law enforcement agency.**
34 **The board shall conduct a complete investigation of the background of each applicant for**
35 **licensure as a licensed private fire investigator or agency to determine whether the**
36 **applicant is qualified for licensure pursuant to sections 324.930 to 324.965; and**

37 **(4) Pass any other basic qualification requirements as the board shall outline.**

38 **4. The board may deny a request for a license if the applicant has:**

39 **(1) Committed any act that, if committed by a licensee, would be grounds for the**
40 **suspension or revocation of a license pursuant to the provisions of sections 324.930 to**
41 **324.965;**

42 **(2) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo**
43 **contendere in a criminal prosecution under the laws of any state or the United States for**
44 **any offense reasonably related to the qualifications, functions, or duties of any profession**
45 **licensed or regulated under this chapter or for any offense an essential element of which**
46 **is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,**
47 **whether or not a sentence is imposed;**

48 **(3) Been refused a license pursuant to the provisions of sections 324.930 to 324.965**
49 **or had a license revoked in this state or in any other state;**

50 **(4) Prior to being licensed, committed, aided, or abetted the commission of any act**
51 **that requires a license pursuant to sections 324.930 to 324.965; and**

52 **(5) Knowingly made any false statement in the application.**

53 **5. Every application submitted pursuant to the provisions of sections 324.930 to**
54 **324.965 shall be accompanied by a fee as determined by the board as follows:**

55 **(1) A separate fee shall be paid for an individual license, agency license, and**
56 **employees being licensed to work under an agency license; and**

57 **(2) If a license is issued for a period of less than two years, the fee shall be prorated**
58 **for the months, or fraction thereof, for which the license is issued.**

59 **6. All fees required pursuant to this section shall be paid to and collected by the**
60 **division of fire safety and transmitted to the department of revenue for deposit in the state**
61 **general revenue fund. The board shall set fees at a level to produce revenue that will not**
62 **substantially exceed or fail to cover the costs and expenses of administering sections**
63 **324.930 to 324.965. These fees shall be exclusive and no municipality may require any**
64 **person licensed pursuant to sections 324.930 to 324.965 to furnish any bond or pass any**
65 **examination to practice as a licensed private fire investigator.**

66 7. Renewal of a license shall be made in the manner prescribed by the board,
67 including the payment of a renewal fee.

 324.942. 1. The board shall determine the form of the license which shall include:

- 2 (1) The name of the licensee;
- 3 (2) The name under which the licensee is to operate; and
- 4 (3) The number and date of the license.

5 2. The license shall be posted at all times in a conspicuous place in the principal
6 place of business of the licensee.

7 3. Upon the issuance of the license, a pocket card of such size, design, and content
8 as determined by the board shall be issued to each licensee. Such card shall be evidence
9 that the licensee is licensed pursuant to the provisions of sections 324.930 to 324.965. When
10 any person to whom a card is issued terminates such person's position, office, or
11 association with the licensee, the card shall be surrendered to the licensee and within five
12 days thereafter shall be mailed or delivered by the licensee to the board for cancellation.

 324.945. 1. The owner of a company seeking any agency license must first be
2 licensed as a private fire investigator. The agency may hire individuals to work for the
3 agency whom shall conduct investigations for such agency only. Persons hired shall make
4 application as determined by the board and shall meet all requirements set forth by the
5 board. They shall not be required to meet any experience requirements and shall be
6 allowed to begin work immediately. Employees shall attend an approved training program
7 within a time to be determined by the board and will be under the direct supervision of a
8 licensed private fire investigator until all requirements are met.

9 2. A licensee shall at all times be legally responsible for the good conduct of each
10 of the licensee's employees or agents while engaged in the business of the licensee. A
11 licensee is legally responsible for any acts committed by the licensee's employees or agents
12 which are in violation of sections 324.930 to 324.965. A person receiving an agency license
13 shall directly manage the agency and employees.

14 3. Each licensee shall maintain a record containing such information relative to the
15 licensee's employees as may be prescribed by the board. Such licensee shall file with the
16 board the complete address of the licensee's principal place of business including the name
17 and number of the street. The board may require the filing of other information for the
18 purpose of identifying such principal place of business.

 324.948. No licensee or officer, director, partner, associate, or employee of the
2 licensee shall:

- 3 (1) Knowingly make any false report to his or her employer or client for whom
4 information was being obtained;

5 **(2) Cause any written report to be submitted to a client except by the licensee and**
6 **the person submitting the report shall exercise diligence in ascertaining whether or not the**
7 **facts and information in such report are true and correct;**

8 **(3) Use a title, wear a uniform, use an insignia or identification card, or make any**
9 **statement with the intent to give an impression that such person is connected in any way**
10 **with the federal or state government or any political subdivision of the federal or state**
11 **government;**

12 **(4) Appear as an assignee party in any proceeding involving claim and delivery,**
13 **replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien,**
14 **materialman's lien, or any other lien;**

15 **(5) Manufacture false evidence;**

16 **(6) Allow anyone other than the individual licensed by the state to conduct an**
17 **investigation; or**

18 **(7) Assign or transfer a license issued pursuant to sections 324.930 to 324.965.**

324.951. 1. Every advertisement by a licensee soliciting or advertising business
2 **shall contain the licensee's name and address as they appear in the records of the board.**

3 **2. A licensee shall not advertise or conduct business from any address in this state**
4 **other than that shown on the records of the board as the licensee's principal place of**
5 **business unless the licensee has received a branch office certificate for such location after**
6 **compliance with the provisions of sections 324.930 to 324.965 and such additional**
7 **requirements necessary for the protection of the public as the board may prescribe by**
8 **regulation. A licensee shall notify the board in writing within ten days after closing or**
9 **changing the location of a branch office.**

324.954. 1. The board may deny a request for a license, or may suspend or revoke
2 **a license issued pursuant to sections 324.930 to 324.965, or censure or place a license on**
3 **probation if, after notice and opportunity for hearing in accordance with the provisions**
4 **of chapter 621, RSMo, the board determines the licensee has:**

5 **(1) Made any false statement or given any false information in connection with an**
6 **application for a license or a renewal or reinstatement thereof;**

7 **(2) Violated any provisions of sections 324.930 to 324.965;**

8 **(3) Violated any rule of the board adopted pursuant to the authority contained in**
9 **sections 324.930 to 324.965;**

10 **(4) Been convicted of a felony or been convicted of a crime involving moral**
11 **turpitude;**

12 **(5) Impersonated, or permitted or aided and abetted an employee to impersonate,**
13 **a law enforcement officer or employee of the United States, or of any state or political**
14 **subdivision;**

15 **(6) Committed or permitted any employee to commit any act while the license was**
16 **expired that could be cause for the suspension or revocation of any license, or grounds for**
17 **the denial of an application for a license;**

18 **(7) Knowingly violated, or advised, encouraged, or assisted the violation of any**
19 **court order or injunction in the course of business as a licensee;**

20 **(8) Used any letterhead, advertisement, or other printed matter or in any manner**
21 **representing that such person is an instrumentality of the federal or state government or**
22 **any political subdivision of a federal or state government;**

23 **(9) Used a name different from that under which such person is currently licensed**
24 **in any advertisement, solicitation, or contact for business; or**

25 **(10) Committed any act that is grounds for denial of an application for a license**
26 **pursuant to the provisions of sections 324.930 to 324.965.**

27 **2. Any person whose license status is affected by any official action of the state fire**
28 **marshal or board of licensed private fire investigator examiners, including, but not limited**
29 **to, revocation, suspension, failure to renew a license, or refusal to grant a license, may seek**
30 **a determination by the administrative hearing commission pursuant to the provisions of**
31 **section 621.045, RSMo. After the filing of a complaint before the administrative hearing**
32 **commission, the proceedings shall be conducted in accordance with the provisions of**
33 **chapter 621, RSMo. Upon a finding by the administrative hearing commission that the**
34 **grounds, provided in subsection 1 of this section, for disciplinary action are met, the board**
35 **may singly or in combination censure or place the person named in the complaint on**
36 **probation on such terms and conditions as the board deems appropriate for a period not**
37 **to exceed five years or may suspend, for a period not to exceed three years, or revoke the**
38 **license.**

39 **3. A licensed private fire investigator agency may continue under the direction of**
40 **another employee if the individual holding the license is suspended or revoked as approved**
41 **by the board. The board shall establish a time from within which the licensed private fire**
42 **investigator agency shall identify an acceptable person who is qualified to assume control**
43 **of the agency as required by the board.**

324.957. 1. For the purpose of enforcing the provisions of sections 324.930 to
2 **324.965, or in making investigations relating to any violation thereof or to the character,**
3 **competency, or integrity of the applicants or licensees, or for the purpose of investigating**
4 **the business, business practices, or business methods of any applicant or licensee, or of the**

5 officers, directors, partners, or associates thereof, the board shall have the power to
6 subpoena and bring before the board any person in this state and require the production
7 of any books, records, or papers that the board deems relative to the inquiry. A subpoena
8 issued pursuant to this section shall be governed by this state's rules of civil procedure.

9 2. Any person subpoenaed who fails to obey such subpoena without reasonable
10 cause or who without such cause refuses to be examined or to answer any legal or pertinent
11 question as to the character or qualifications of such applicant or licensee or such
12 applicant's or licensee's business, business practices, or methods or such violations shall
13 be guilty of a class A misdemeanor.

14 3. The board may administer an oath and take the testimony of any person, or
15 cause such person's deposition to be taken, except that any applicant or licensee or officer,
16 director, partner, or associate thereof shall not be entitled to any fees or mileage. The
17 testimony of witnesses in any investigative proceeding shall be under oath and willful.
18 False swearing in such proceeding shall be perjury.

 324.960. 1. The board shall adopt such rules and regulations as may be necessary
2 to carry out the provisions of sections 324.930 to 324.965.

3 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
4 that is created under the authority delegated in this section shall become effective only if
5 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
6 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
7 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
8 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
10 adopted after August 28, 2004, shall be invalid and void.

 324.965. Any person who knowingly falsifies the fingerprints or photographs or
2 other information requested to be submitted pursuant to sections 324.930 to 324.965 is
3 guilty of a class D felony. Any person who violates any other provisions of sections 324.930
4 to 324.965 is guilty of a class A misdemeanor.

 337.510. 1. Each applicant for licensure as a professional counselor shall furnish
2 evidence to the committee that:

3 (1) The applicant has met any one of the three following education-experience
4 requirements:

5 (a) The applicant has received a doctoral degree with a major in counseling, or its
6 equivalent, from an acceptable educational institution, as defined by division rules, and has
7 completed at least one year of acceptable supervised counseling experience subsequent to receipt
8 of the doctoral degree; or

9 (b) The applicant has received a specialist's degree with a major in counseling, or its
10 equivalent, from an acceptable educational institution, as defined by division rules, and has
11 completed at least one year of acceptable supervised counseling experience subsequent to receipt
12 of the specialist's degree; or

13 (c) The applicant has received at least a master's degree with a major in counseling, or
14 its equivalent, from an acceptable educational institution as defined by division rules, and has
15 completed two years of acceptable supervised counseling experience subsequent to receipt of the
16 master's degree. An applicant may substitute thirty semester hours of post-master's graduate
17 study, or their equivalent, for one of the two required years of acceptable supervised counseling
18 experience, if such hours are clearly related to the field of professional counseling and are earned
19 from an acceptable educational institution.

20 (2) Upon examination, the applicant is possessed of requisite knowledge of the
21 profession, including techniques and applications, research and its interpretation, and
22 professional affairs and ethics.

23 2. [Any person holding a valid unrevoked, unsuspended and unexpired license as a
24 professional counselor issued by a state having substantially the same licensing requirements as
25 this state shall be granted a license to engage in the person's occupation in this state upon
26 application to the committee accompanied by the appropriate fee as established by the committee
27 pursuant to section 337.507.] **A licensed professional counselor who has had no violations
28 and no suspensions and no revocation of a license to practice professional counseling in any
29 jurisdiction may receive a license in Missouri provided said licensed professional counselor
30 passes a written examination on Missouri laws and regulations governing the practice of
31 professional counseling as defined in section 337.500, and meets one of the following
32 criteria:**

33 **(1) Is a member in good standing and holds a certification from the National Board
34 for Certified Counselors;**

35 **(2) Is currently licensed or certified as a licensed professional counselor in another
36 state, territory of the United States, or the District of Columbia; and**

37 **(a) Meets one of the educational standards set forth in paragraphs (a) and (b) of
38 subdivision (1) of subsection 1 of this section;**

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

40 **(c) Has had no disciplinary action taken against the license for the preceding five
41 years; or**

42 **(3) Is currently licensed or certified as a professional counselor in another state,
43 territory of the United States, or the District of Columbia that extends like privileges for**

44 **reciprocal licensing or certification to persons licensed by this state with similar**
45 **qualifications.**

46 3. Any person who previously held a valid unrevoked, unsuspended license as a
47 professional counselor in this state and who held a valid license in another state at the time of
48 application to the committee shall be granted a license to engage in professional counseling in
49 this state upon application to the committee accompanied by the appropriate fee as established
50 by the committee pursuant to section 337.507.

51 4. The committee shall issue a license to each person who files an application and fee
52 as required by the provisions of sections 337.500 to 337.540 and who furnishes evidence
53 satisfactory to the committee that the applicant has complied with the provisions of subdivisions
54 (1) and (2) of subsection 1 of this section or with the provisions of subsection 2 or 3 of this
55 section. The division shall issue a provisional professional counselor license to any applicant
56 who meets all requirements of subdivisions (1) and (2) of subsection 1 of this section, but who
57 has not completed the required one or two years of acceptable supervised counseling experience
58 required by paragraphs (a) to (c) of subdivision (1) of subsection 1 of this section, and such
59 applicant may reapply for licensure as a professional counselor upon completion of such
60 acceptable supervised counseling experience.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish
2 evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university program of social
4 work accredited by the council of social work education or a doctorate degree from a school of
5 social work acceptable to the committee;

6 (2) The applicant has twenty-four months of supervised clinical experience acceptable
7 to the committee, as defined by rule;

8 (3) The applicant has achieved a passing score, as defined by the committee, on an
9 examination approved by the committee. The eligibility requirements for such examination shall
10 be promulgated by rule of the committee;

11 (4) The applicant is at least eighteen years of age, is of good moral character, is a United
12 States citizen or has status as a legal resident alien, and has not been convicted of a felony during
13 the ten years immediately prior to application for licensure.

14 2. [Any person not a resident of this state holding a valid unrevoked and unexpired
15 license, certificate or registration from another state or territory of the United States having
16 substantially the same requirements as this state for clinical social workers may be granted a
17 license to engage in the person's occupation in this state upon application to the committee
18 accompanied by the appropriate fee as established by the committee pursuant to section 337.612]

19 **A licensed clinical social worker who has had no violations and no suspensions and no**

20 **revocation of a license to practice clinical social work in any jurisdiction may receive a**
21 **license in Missouri provided said clinical social worker passes a written examination on**
22 **Missouri laws and regulations governing the practice of clinical social work as defined in**
23 **subdivision (1) of section 337.600, and meets one of the following criteria:**

24 **(1) Is a member in good standing and holds a certification from the Academy of**
25 **Certified Social Workers;**

26 **(2) Is currently licensed or certified as a licensed clinical social worker in another**
27 **state, territory of the United States, or the District of Columbia; and**

28 **(a) Who has received a masters or doctoral degree from a college or university**
29 **program of social work accredited by the council of social work education;**

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

31 **(c) Has had no disciplinary action taken against the license for the preceding five**
32 **years; or**

33 **(3) Is currently licensed or certified as a clinical social worker in another state,**
34 **territory of the United States, or the District of Columbia that extends like privileges for**
35 **reciprocal licensing or certification to persons licensed by this state with similar**
36 **qualifications.**

37 3. The committee shall issue a license to each person who files an application and fee
38 as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence
39 satisfactory to the committee that the applicant has complied with the provisions of subdivisions
40 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.
41 The committee shall issue a provisional clinical social worker license to any applicant who meets
42 all requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but who has not
43 completed the twenty-four months of supervised clinical experience required by subdivision (2)
44 of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social
45 worker upon completion of the twenty-four months of supervised clinical experience.

337.703. No person shall use the title of "licensed marital and family therapist" [and],
2 **"marital and family therapist", "provisional marital and family therapist", or** engage in
3 the practice of marital and family therapy in this state unless the person is licensed as required
4 by the provisions of sections 337.700 to 337.739. Sections 337.700 to 337.739 shall not apply
5 to:

6 (1) Any person registered, certificated or licensed by this state, another state or any
7 recognized national certification agent acceptable to the division to practice any other occupation
8 or profession while rendering services similar in nature to marital and family therapy in the
9 performance of the occupation or profession in which the person is registered, certificated or

10 licensed, so long as the person does not use the title of "licensed marital and family therapist",
11 **"marital and family therapist", or "provisional marital and family therapist";**

12 (2) The practice of any marital and family therapist who is employed by any political
13 subdivision, school district, agency or department of the state of Missouri while discharging the
14 therapist's duties in that capacity; and

15 (3) Duly ordained ministers or clergy, religious workers and volunteers or Christian
16 Science Practitioners.

337.706. 1. For a period of six months from September 1, 1995, a person may apply for
2 licensure without examination and shall be exempt from the academic requirements of sections
3 337.700 to 337.739 if the division is satisfied that the applicant:

4 (1) Has been a resident of the state of Missouri for at least the last six months; and

5 (2) Holds a valid license as a marital and family therapist from another state.

6 2. The division may determine by administrative rule the types of documentation needed
7 to verify that an applicant meets the qualifications provided in subsection 1 of this section.

8 3. After March 1, 1996, no person may engage in marital and family therapy for
9 compensation or hold himself or herself out as a "licensed marital and family therapist",
10 **"marital and family therapist", or "provisional marital and family therapist"** unless the
11 person complies with all educational and examination requirements and is licensed in accordance
12 with the provisions of sections 337.700 to 337.739.

337.715. 1. Each applicant for licensure as a marital and family therapist shall furnish
2 evidence to the division that:

3 (1) The applicant has a master's degree or a doctoral degree in marital and family
4 therapy, or its equivalent, from an acceptable educational institution accredited by a regional
5 accrediting body or accredited by an accrediting body which has been approved by the United
6 States Department of Education;

7 (2) The applicant has twenty-four months of postgraduate supervised clinical experience
8 acceptable to the division, as the division determines by rule;

9 (3) Upon examination, the applicant is possessed of requisite knowledge of the
10 profession, including techniques and applications research and its interpretation and professional
11 affairs and ethics;

12 (4) The applicant is at least eighteen years of age, is of good moral character, is a United
13 States citizen or has status as a legal resident alien, and has not been convicted of a felony during
14 the ten years immediately prior to application for licensure.

15 2. [Any person not a resident of this state holding a valid unrevoked and unexpired
16 license, certificate or registration from another state or territory of the United States having
17 substantially the same or higher requirements as this state for marital and family therapists may

18 be granted a license to engage in the person's occupation in this state upon application to the
19 division accompanied by the appropriate fee as established by the division pursuant to section
20 337.712.] **A licensed marriage and family therapist who has had no violations and no**
21 **suspensions and no revocation of a license to practice marriage and family therapy in any**
22 **jurisdiction may receive a license in Missouri provided said marriage and family therapist**
23 **passes a written examination on Missouri laws and regulations governing the practice of**
24 **professional counseling as defined in section 337.700, and meets one of the following**
25 **criteria:**

26 **(1) Is a member in good standing and holds a certification from the Academy of**
27 **Marriage and Family Therapists;**

28 **(2) Is currently licensed or certified as a licensed marriage and family therapist in**
29 **another state, territory of the United States, or the District of Columbia; and**

30 **(a) Meets the educational standards set forth in subdivision (1) of subsection 1 of**
31 **this section;**

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

33 **(c) Has had no disciplinary action taken against the license for the preceding five**
34 **years; or**

35 **(3) Is currently licensed or certified as a marriage and family therapist in another**
36 **state, territory of the United States, or the District of Columbia that extends like privileges**
37 **for reciprocal licensing or certification to persons licensed by this state with similar**
38 **qualifications.**

39 3. The division shall issue a license to each person who files an application and fee as
40 required by the provisions of sections 337.700 to 337.739, and who furnishes evidence
41 satisfactory to the division that the applicant has complied with the provisions of subdivisions
42 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

Section 1. The department of health and senior services shall not license any entity
2 **as a hospital, as the term "hospital" is defined in section 197.020, RSMo, that is devoted**
3 **primarily or exclusively to surgical procedures, patients with a cardiac condition, patients**
4 **with an orthopedic condition, or any other specialized category of patients or cases as may**
5 **be determined by the director of the department. Nothing in this section shall prohibit**
6 **licensure or certification of any entity as a hospital that is devoted primarily to care and**
7 **treatment of children under the age of eighteen years, psychiatric patients, or patients**
8 **undergoing rehabilitation care or to long-term care hospitals meeting the requirements**
9 **described in 42 CFR sec. 412.23(e). The provisions of this section shall expire, and be of**
10 **no effect, on and after August 28, 2005.**

Section 2. 1. The holder of a current and active electrical contractor license issued by any political subdivision of this state, whose requirements are equal to or exceed the requirements for obtaining an electrical contractor license on August 28, 2004, in St. Louis County, shall be valid within any political subdivision of this state.

2. The provisions of this section shall not prohibit any political subdivision in this state from enforcing any code or law not contained herein, or to:

(1) Issue an electrical contractor license valid for that political subdivision, except for a person who holds a license as provided in subsection 1 of this section;

(2) Require a business license to perform electrical contracting work;

(3) Issue electrical contracting permits;

(4) Enforce codes of the political subdivision; or

(5) Inspect the work of a licensee.

3. Political subdivisions of this state that do not have the authority to issue or require electrical contractor licenses prior to August 28, 2004, shall not be granted such authority under the provisions of this section.

[190.092. 1. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

2. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

3. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated

26 external defibrillator, without objection of the injured victim or victims thereof, shall
27 not be held liable for any civil damages as a result of such care or treatment, where
28 the person acts as an ordinarily reasonable, prudent person, or with regard to a health
29 care professional, including the licensed physician who reviews and approves the
30 clinical protocol, as a reasonably prudent and careful health care provider would have
31 acted, under the same or similar circumstances. Nothing in this section shall affect
32 any claims brought pursuant to chapter 537 or 538, RSMo.]
33

2 [190.133. 1. The department shall, within a reasonable time after receipt of
3 an application, cause such investigation as the department deems necessary to be
4 made of the applicant for an emergency medical response agency license.

5 2. The department shall issue a license to any emergency medical response
6 agency which provides advanced life support if the applicant meets the requirements
7 established pursuant to sections 190.001 to 190.245, and the rules adopted by the
8 department pursuant to sections 190.001 to 190.245. The department may promulgate
9 rules relating to the requirements for an emergency medical response agency
10 including, but not limited to:

11 (1) A licensure period of five years;

12 (2) Medical direction;

13 (3) Records and forms; and

14 (4) Memorandum of understanding with local ambulance services.

15 3. Application for an emergency medical response agency license shall be
16 made upon such forms as prescribed by the department in rules adopted pursuant to
17 sections 190.001 to 190.245. The application form shall contain such information as
18 the department deems necessary to make a determination as to whether the
19 emergency medical response agency meets all the requirements of sections 190.001
20 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

21 4. No person or entity shall hold itself out as an emergency medical response
22 agency that provides advanced life support or provide the services of an emergency
23 medical response agency that provides advanced life support unless such person or
24 entity is licensed by the department.

25 5. Only emergency medical response agencies licensed and serving in any
26 county of the first classification without a charter form of government and with more
27 than one hundred eighty-four thousand but less than one hundred eighty-eight
28 thousand inhabitants, any county with a charter form of government and with more
29 than six hundred thousand but less than seven hundred thousand inhabitants, or any
30 county of the first classification with more than seventy-three thousand seven
31 hundred but less than seventy-three thousand eight hundred inhabitants will be
32 licensed to provide certain ALS services with the services of EMT-Is.

33 6. Emergency medical response agencies functioning with the services of
34 EMT-Is must work in collaboration with an ambulance service providing advanced
35 life support with personnel trained to the emergency medical technician-paramedic
level.]

Section B. If any provision of this act or the application thereof to anyone or to any
2 circumstances is held invalid, the remainder of those sections and the application of such
3 provisions to others or other circumstances shall not be affected thereby.