

HOUSE SUBSTITUTE

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FOR

SENATE BILL NO. 1122

AN ACT

2 To repeal sections 209.321, 209.322, 209.323,
 3 317.011, 324.200, 324.203, 324.205, 324.210,
 4 324.215, 324.400, 324.403, 324.409, 324.415,
 5 324.418, 324.421, 324.427, 324.430, 324.433,
 6 328.080, 332.051, 332.071, 332.081, 332.086,
 7 332.111, 332.121, 334.100, 334.506, 334.530,
 8 334.540, 334.550, 334.655, 334.660, 334.665,
 9 335.016, 335.212, 335.245, 337.085, 337.507,
 10 337.615, 337.665, 337.712, 338.013, 338.055,
 11 338.065, 338.220, 345.015, 346.135, 374.700,
 12 374.705, 374.710, 374.715, 374.725, 374.730,
 13 374.735, 374.740, 374.755, 374.757, 374.763,
 14 374.765, 436.200, 436.205, 436.209, 436.212,
 15 620.127, and 620.145, RSMo, and to enact in
 16 lieu thereof one hundred two new sections
 17 relating to professional licensing, with
 18 penalty provisions, with an effective date.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 20 AS FOLLOWS:

21 Section A. Sections 209.321, 209.322, 209.323, 317.011,

1 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403,
2 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433,
3 328.080, 332.051, 332.071, 332.081, 332.086, 332.111, 332.121,
4 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660,
5 334.665, 335.016, 335.212, 335.245, 337.085, 337.507, 337.615,
6 337.665, 337.712, 338.013, 338.055, 338.065, 338.220, 345.015,
7 346.135, 374.700, 374.705, 374.710, 374.715, 374.725, 374.730,
8 374.735, 374.740, 374.755, 374.757, 374.763, 374.765, 436.200,
9 436.205, 436.209, 436.212, 620.127, and 620.145, RSMo, are
10 repealed and one hundred two new sections enacted in lieu
11 thereof, to be known as sections 209.321, 209.322, 209.323,
12 317.011, 324.200, 324.203, 324.205, 324.206, 324.210, 324.215,
13 324.216, 324.400, 324.402, 324.403, 324.409, 324.415, 324.418,
14 324.421, 324.427, 324.430, 324.433, 324.526, 328.075, 328.080,
15 332.032, 332.051, 332.071, 332.081, 332.086, 332.111, 332.121,
16 332.122, 334.100, 334.506, 334.530, 334.540, 334.550, 334.655,
17 334.660, 334.665, 335.016, 335.212, 335.245, 337.085, 337.507,
18 337.615, 337.665, 337.712, 338.013, 338.055, 338.065, 338.145,
19 338.155, 338.220, 345.015, 346.135, 374.695, 374.700, 374.702,
20 374.705, 374.710, 374.715, 374.716, 374.717, 374.719, 374.730,
21 374.735, 374.740, 374.755, 374.757, 374.759, 374.763, 374.764,
22 374.783, 374.784, 374.785, 374.786, 374.787, 374.788, 374.789,
23 436.215, 436.218, 436.221, 436.224, 436.227, 436.230, 436.233,
24 436.236, 436.239, 436.242, 436.245, 436.248, 436.251, 436.254,
25 436.257, 436.260, 436.263, 436.266, 436.269, 436.272, 620.127,

1 and 620.145, to read as follows:

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

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

17 3. A licensed interpreter shall limit his or her practice
18 to demonstrated areas of competence as documented by relevant
19 professional education, training, experience and certification.
20 An interpreter not trained in an area shall not practice in that
21 area without obtaining additional relevant professional
22 education, training and experience through an acceptable program
23 as defined by rule by the Missouri commission for the deaf and
24 hard of hearing.

25 4. A person is not considered to be interpreting pursuant

1 to the provisions of this section if, in a casual setting and as
2 defined by rule, a person is acting as an interpreter
3 gratuitously or is engaged in interpreting incidental to
4 traveling.

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

9 6. A person is not considered to be interpreting under the
10 provisions of this section if the person is currently enrolled in
11 an interpreter training program which has been accredited by a
12 certifying agency and approved by the committee. The training
13 program shall offer a degree in interpreting from an accredited
14 institution of higher education. Persons exempted under this
15 provision shall engage only in activities and services that
16 constitute part of a supervised course of study and shall clearly
17 designate themselves by a title of student, practicum student,
18 student interpreter, trainee, or intern.

19 7. A person holding a current certification of license from
20 another state or a recognized national certification system
21 deemed acceptable by the committee is not considered to be
22 interpreting as defined in this chapter when temporarily present
23 in the state for the purpose of providing interpreting services
24 for a convention, conference, meeting, professional group, or
25 educational field trip.

1 8. A person granted a provisional certificate to interpret
2 in a public school shall not be subject to the regular
3 certification or licensure requirements of sections 209.319 to
4 209.339.

5 209.322. The board shall recognize the following
6 certificates:

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

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

13 (3) A provisional public school certificate.

14 209.323. 1. Applications for licensure as an interpreter
15 shall be submitted to the division on forms prescribed by the
16 division and furnished to the applicant. The application shall
17 contain the applicant's statements showing the applicant's
18 education, certification by either the National Registry of
19 Interpreters for the Deaf, National Association of the Deaf or
20 Missouri Interpreter Certification System and such other
21 information as the division may require. Each application shall
22 contain a statement that it is made under oath or affirmation and
23 that the information contained in the application is true and
24 correct to the best knowledge and belief of the applicant,
25 subject to the penalties, as provided in sections 209.319 to

1 209.339, for the making of a false affidavit or declaration.
2 Each application shall be accompanied by the required application
3 fee. The application fee must be submitted in a manner as
4 required by the committee and shall not be refundable. The
5 applicant must be eighteen years of age or older.

6 2. Each license issued pursuant to the provisions of
7 sections 209.319 to 209.339 shall expire on the renewal date.
8 The division shall mail a renewal notice to the last known
9 address of each licensee prior to the [registration] license
10 renewal date. The license will expire and renewal may be denied
11 upon failure of the licensee to provide the division with the
12 information required for [registration] renewal including but not
13 limited to satisfactory evidence of current certification or to
14 pay the required [registration] renewal fee within sixty days of
15 the [registration] license renewal date. The license may be
16 reinstated within two years after the [registration] renewal
17 date, if the applicant applies for reinstatement and pays the
18 required [registration] license renewal fee plus a delinquency
19 fee as established by the committee and provides evidence of
20 current certification.

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

1 the provisions of subsection 1 or 2 of this section.

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

5 317.011. 1. The division of professional registration
6 shall have the power, and it shall be its duty, to accept
7 application for and issue permits to hold professional boxing,
8 sparring, professional wrestling, professional kickboxing or
9 professional full-contact karate contests in the state of
10 Missouri, and to charge a fee for the issuance of same in an
11 amount established by rule; such funds to be paid to the division
12 of professional registration which shall pay such funds into the
13 state treasury to be set apart into the athletic fund.

14 2. The provisions of section 33.080, RSMo, to the contrary
15 notwithstanding, money in this fund shall not be transferred and
16 placed to the credit of general revenue until the amount in the
17 fund at the end of the biennium exceeds two times the amount of
18 the appropriation from the fund for the preceding fiscal year
19 or, if the division requires by rule renewal less frequently than
20 yearly then three times the appropriation from the fund for the
21 preceding fiscal year. The amount, if any, in the fund which
22 shall lapse is that amount in the fund which exceeds the
23 appropriate multiple of the appropriations from the fund for the
24 preceding fiscal year.

25 3. The division of professional registration shall not

1 grant any permit to hold professional boxing, sparring,
2 professional wrestling, professional kickboxing or professional
3 full-contact karate contests in the state of Missouri except:

4 (1) Where such professional boxing, sparring, professional
5 wrestling, professional kickboxing or professional full-contact
6 karate contest is to be held under the auspices of a promoter
7 duly licensed by the division;

8 (2) Where such contest shall be of not more than fifteen
9 rounds of three minutes each duration per bout; and

10 (3) Where a fee has been paid for such permit, in an amount
11 established by rule.

12 4. In such contests a decision shall be rendered by three
13 judges licensed by the division.

14 5. Specifically exempted from the provisions of chapter
15 317, are contests or exhibitions for amateur boxing, amateur
16 kick-boxing, amateur wrestling and amateur full-contact karate.
17 However, all amateur boxing, amateur kickboxing, amateur
18 wrestling and amateur full-contact karate must be sanctioned by a
19 nationally recognized amateur sanctioning body approved by the
20 office.

21 324.200. 1. Sections 324.200 to 324.225 shall be known and
22 may be cited as the "Dietitian Practice Act".

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

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

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

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

6 (4) "Division", the division of professional registration
7 of the department of economic development;

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

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

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

24 (3) "Dietetics Practice", the application of principles
25 derived from integrating knowledge of food, nutrition,

1 biochemistry, physiology, management, and behavioral and social
2 science to achieve and maintain the health of people by providing
3 nutrition assessment and nutrition care services. The primary
4 function of dietetic practice is the provision of nutrition care
5 services that shall include, but not be limited to:

6 (a) Assessing the nutrition needs of individuals and groups
7 and determining resources and constraints in the practice
8 setting;

9 (b) Establishing priorities, goals, and objectives that
10 meet nutrition needs and are consistent with available resources
11 and constraints;

12 (c) Providing nutrition counseling or education in health
13 and disease;

14 (d) Developing, implementing, and managing nutrition care
15 systems;

16 (e) Evaluating, making changes in, and maintaining
17 appropriate standards of quality and safety in food and in
18 nutrition services;

19 (f) Engaged in medical nutritional therapy as defined in
20 subsection 8 of this section;

21 (4) "Dietitian", one engaged in dietetic practice as
22 defined in subsection 3 of this section;

23 (5) "Director", the director of the division of
24 professional registration in the department of economic
25 development;

1 (6) "Division", the division of professional registration
2 of economic development;

3 (7) "Licensed dietitian", a person who is licensed pursuant
4 to the provisions of sections 324.200 to 324.225 to engage in the
5 practice of dietetics or medical nutrition therapy;

6 (8) "Medical nutrition therapy", nutritional diagnostic,
7 therapy, and counseling services which are furnished by a
8 registered dietitian;

9 (9) "Registered dietitian", a person who:

10 (a) Has completed a minimum of a baccalaureate degree
11 granted by a United States regionally accredited college or
12 university or foreign equivalent;

13 (b) Completed the academic requirements of a didactic
14 program in dietetics, as approved by CADE;

15 (c) Successfully completed the registration examination for
16 dietitians; and

17 (d) Accrued seventy-five hours of approved continuing
18 professional units every five years;

19 as determined by the committee on dietetic registration.

20 324.203. 1. There is hereby [established] created within
21 the division of professional registration, a committee to be
22 known as the "State Committee of Dietitians" [which shall guide,
23 advise and make recommendations to the division and fulfill other
24 responsibilities designated by sections 324.200 to 324.225. The

1 committee shall approve the examination required by section
2 324.210 and shall assist the division in carrying out the
3 provisions of sections 324.200 to 324.225]. The committee shall
4 assist the division in administering and enforcing the provisions
5 of sections 324.200 to 324.225, adopt, publish, and enforce such
6 rules and regulations within the scope and purview of the
7 provisions of sections 324.200 to 324.225 as may be considered to
8 be necessary or proper for the effective administration and
9 interpretation of the provisions of sections 324.200 to 324.225,
10 and for the conduct of its business and management of its
11 internal affairs.

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

14 3. The committee shall consist of six members including one
15 public member, appointed by the governor with the advice and
16 consent of the senate. Each member of the committee shall be a
17 citizen of the United States and a resident of this state, and,
18 except as provided in this section and except for the first
19 members appointed, shall be licensed as a dietitian by this
20 state. Beginning with the first appointments made after August
21 28, 1998, two members shall be appointed for four years, two
22 members shall be appointed for three years and two members shall
23 be appointed for two years. Thereafter, all members shall be
24 appointed to serve four-year terms. No person shall be eligible
25 for reappointment who has served as a member of the committee for

1 a total of eight years. The membership of the committee shall
2 reflect the differences in levels of education and work
3 experience with consideration being given to race, gender, and
4 ethnic origins. No more than three members shall be from the
5 same political party. The membership shall be representative of
6 the various geographic regions of the state.

7 [3.] 4. A vacancy in the office of a member shall be filled
8 by appointment by the governor for the remainder of the unexpired
9 term.

10 [4.] 5. Each member of the committee shall receive as
11 compensation an amount set by the division not to exceed fifty
12 dollars, and shall be reimbursed for necessary and actual
13 expenses incurred in the performance of the member's official
14 duties. The director, in collaboration with the department of
15 economic development, shall establish by rule, guidelines for
16 payment. All staff for the committee shall be provided by the
17 division.

18 [5.] 6. The committee shall hold an annual meeting at which
19 it shall elect from its membership a chairperson and secretary.
20 The committee may hold such additional meetings as may be
21 required in the performance of its duties, provided that notice
22 of every meeting shall be given to each member at least three
23 days prior to the date of the meeting. A quorum of the committee
24 shall consist of a majority of its members.

25 [6.] 7. The governor may remove a committee member for

1 misconduct, incompetency, neglect of the member's official
2 duties, or for cause.

3 [7.] 8. The public member shall be at the time of the
4 person's appointment a citizen of the United States; a resident
5 of this state for a period of one year and a registered voter; a
6 person who is not and never was a member of any profession
7 licensed or regulated by sections 324.200 to 324.225, or the
8 spouse of such a person; and a person who does not have and never
9 has had a material financial interest in either the providing of
10 the professional services regulated by sections 324.200 to
11 324.225, or an activity or organization directly related to any
12 profession licensed or regulated by sections 324.200 to 324.225.
13 The duties of the public member shall not include the
14 determination of the technical requirements to be met for
15 licensure or whether any person meets such technical requirements
16 or of the technical competence or technical judgment of a
17 licensee or a candidate for licensure.

18 324.205. 1. [After July 1, 2000, no person may use the
19 title licensed dietitian or L.D. in this state unless the person
20 is licensed pursuant to the provisions of sections 324.200 to
21 324.225.

22 2. Any person who violates the provisions of subsection 1
23 of this section is guilty of an infraction.] Any person who holds
24 a license to practice dietetics in this state may use the title
25 "Dietitian" or the abbreviation "L.D.". No other person may use

1 the title "Dietitian" or the abbreviation "L.D.". No other
2 person shall assume any title or use any title or use any
3 abbreviation or any other words, letters, signs, or devices to
4 indicate that the person using the same is a licensed dietitian.

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

10 3. Any person who violates the provisions of subsection 1
11 of this section is guilty of a class A misdemeanor.

12 324.206. As long as the person involved does not represent
13 or hold himself or herself out as a dietitian as defined by
14 subdivision (2) of subsection 2 of section 324.200, nothing in
15 sections 324.200 to 324.225 is intended to limit, preclude, or
16 otherwise interfere with:

17 (1) Self-care by a person or gratuitous care by a friend or
18 family member;

19 (2) Persons in the military services or working in federal
20 facilities from performing any activities described in sections
21 324.200 to 324.225 during the course of their assigned duties in
22 the military service or a federal facility;

23 (3) A licensed healthcare provider performing any
24 activities described in sections 324.200 to 324.225 that are
25 within the scope of practice of the licensee;

1 (4) A person pursuing an approved educational program
2 leading to a degree or certificate in dietetics at an accredited
3 or approved educational program as long as such person does not
4 provide dietetic services outside the educational program. Such
5 person shall be designated by a title that clearly indicates the
6 person's status as a student;

7 (5) Individuals who do not hold themselves out as
8 dietitians marketing or distributing food products including
9 dietary supplements as defined by the Food and Drug
10 Administration or engaging in the explanation and education of
11 customers regarding the use of such products;

12 (6) Any person furnishing general nutrition information as
13 to the use of food, food materials, or dietary supplements, nor
14 prevent in any way the free dissemination of literature;
15 provided, however, no such individual may call himself or herself
16 a dietitian unless he or she is licensed under this chapter.

17 324.210. 1. An applicant for licensure as a dietitian
18 shall be at least twenty-one years of age.

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

21 (1) The applicant has completed a didactic program in
22 dietetics which is approved or accredited by the commission on
23 [accreditation/approval for dietetic education] accreditation for
24 dietetics education and a minimum of a baccalaureate degree from
25 an acceptable educational institution accredited by a regional

1 accrediting body or accredited by an accrediting body which has
2 been approved by the United States Department of Education.
3 Applicants who have obtained their education outside of the
4 United States and its territories must have their academic
5 degrees validated as equivalent to the baccalaureate or master's
6 degree conferred by a regionally accredited college or university
7 in the United States. Validation of a foreign degree does not
8 eliminate the need for a verification statement of completion of
9 a didactic program in dietetics;

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

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

25 4. Prior to July 1, 2000, a person may apply for licensure

1 without examination and shall be exempt from the academic
2 requirements of this section if the committee is satisfied that
3 the applicant has a bachelor's degree in a program approved by
4 the committee and has work experience approved by the committee.

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

8 324.215. 1. The committee shall issue a license to each
9 candidate who files an application and pays the fee as required
10 by the provisions of sections 324.200 to 324.225 and who
11 furnishes evidence satisfactory to the committee that the
12 candidate has complied with the provisions of section 324.210 or
13 with the provisions of subsection 2 of this section.

14 2. The committee may issue a license to any dietitian who
15 has a valid current license to practice dietetics or medical
16 nutrition therapy in any jurisdiction, provided that such person
17 is licensed in a jurisdiction whose requirements for licensure
18 are substantially equal to, or greater than, the requirements for
19 licensure of dietitians in Missouri at the time the applicant
20 applies for licensure.

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

1 the committee for reexamination.

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

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

21 324.400. As used in sections 324.400 to 324.439, the
22 following terms mean:

23 (1) "Council", the interior design council created in
24 section 324.406;

25 (2) "Department", the department of economic development;

1 (3) "Division", the division of professional registration
2 of the department of economic development;

3 (4) "Registered [commercial] interior designer", a design
4 professional who provides services including preparation of
5 documents and specifications relative to nonload bearing interior
6 construction, furniture, finishes, fixtures and equipment and who
7 meets the criteria of education, experience and examination as
8 provided in sections 324.400 to 324.439.

9 324.402. The state or any county, municipality, or other
10 political subdivision shall not require the use of a registered
11 interior designer for any residential building, residential
12 remodeling, residential rehabilitation, or residential
13 construction purposes.

14 324.403. No person may use the name or title, registered
15 [commercial] interior designer, in this state unless that person
16 is registered as required by sections 324.400 to 324.439.
17 Nothing in sections 324.400 to 324.439 shall be construed as
18 limiting or preventing the practice of a person's profession or
19 restricting a person from providing interior design services,
20 provided such person does not indicate to the public that such
21 person is registered as an interior designer pursuant to the
22 provisions of sections 324.400 to 324.439.

23 324.409. 1. To be a registered [commercial] interior
24 designer, a person:

25 (1) Shall take and pass or have passed the examination

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

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

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

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

18 (2) May qualify who is currently registered pursuant to
19 sections 327.091 to 327.171, RSMo, and section 327.401, RSMo,
20 pertaining to the practice of architecture and registered with
21 the council. Such applicant shall give authorization to the
22 council in order to verify current registration with sections
23 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining
24 to the practice of architecture.

25 2. Verification of experience required pursuant to this

1 section shall be based on a minimum of five client references,
2 business or employment verification and five industry references,
3 submitted to the council.

4 3. The council shall verify if an applicant has complied
5 with the provisions of this section and has paid the required
6 fees, then the council shall recommend such applicant be
7 registered as a registered [commercial] interior designer by the
8 council.

9 324.415. Applications for registration as a registered
10 [commercial] interior designer shall be typewritten on forms
11 prescribed by the division and furnished to the applicant. The
12 application shall contain the applicant's statements showing the
13 applicant's education, experience, results of previous interior
14 design certification, registration or licensing examinations, if
15 any, and such other pertinent information as the council may
16 require, or architect's registration number and such other
17 pertinent information as the council may require. Each
18 application shall contain a statement that is made under oath or
19 affirmation and that the representations are true and correct to
20 the best knowledge and belief of the person signing the
21 application. The person shall be subject to the penalties for
22 making a false affidavit or declaration and shall be accompanied
23 by the required fee.

24 324.418. 1. The certificate of registration issued
25 biennially to a registered [commercial] interior designer

1 pursuant to sections 324.400 to 324.439 shall be renewed on or
2 before the certificate renewal date accompanied by the required
3 fee. The certificate of registration of a registered
4 [commercial] interior designer which is not renewed within three
5 months after the certificate renewal date shall be suspended
6 automatically, subject to the right of the holder to have the
7 suspended certificate of registration reinstated within nine
8 months of the date of suspension if the person pays the required
9 reinstatement fee. Any certificate of registration suspended and
10 not reinstated within nine months of the suspension date shall
11 expire and be void and the holder of such certificate shall have
12 no rights or privileges provided to holders of valid
13 certificates. Any person whose certificate of registration has
14 expired may, upon demonstration of current qualifications and
15 payment of required fees, be reregistered or reauthorized under
16 the person's original certificate of registration number.

17 2. Each application for the renewal or reinstatement of a
18 registration shall be on a form furnished to the applicant and
19 shall be accompanied by the required fees and proof of current
20 completion of at least one unit every two years of approved or
21 verifiable continuing education in interior design or
22 architecture, immediately prior to such renewal or reinstatement.
23 Ten contact hours constitutes one continuing education unit.
24 Five contact hours of teaching in interior design or architecture
25 constitutes one continuing education unit. One college course

1 credit in interior design or architecture constitutes one
2 continuing education unit.

3 324.421. The council shall register without examination,
4 any interior designer certified, licensed or registered in
5 another state or territory of the United States or foreign
6 country if the applicant has qualifications which are at least
7 equivalent to the requirements for registration as a registered
8 [commercial] interior designer in this state and such applicant
9 pays the required fees.

10 324.427. It is unlawful for any person to advertise or
11 indicate to the public that the person is a registered
12 [commercial] interior designer in this state, unless such person
13 is registered as a registered [commercial] interior designer by
14 the council and is in good standing pursuant to sections 324.400
15 to 324.439.

16 324.430. No person may use the designation registered
17 [commercial] interior designer in Missouri, unless the council
18 has issued a current certificate of registration certifying that
19 the person has been duly registered as a registered [commercial]
20 interior designer in Missouri and unless such registration has
21 been renewed or reinstated as provided in section 324.418.

22 324.433. The right to use the title of registered
23 [commercial] interior designer shall be deemed a personal right,
24 based upon the qualifications of the individual, evidenced by the
25 person's current certificate of registration and such certificate

1 is not transferable; except that, a registered [commercial]
2 interior designer may perform the interior designer's profession
3 through, or as a member of, or as an employee of, a partnership
4 or corporation.

5 324.526. 1. Notwithstanding any other law to the contrary,
6 the director of the division of professional registration shall
7 issue a temporary license to practice tattooing, body piercing,
8 or branding under the following requirements:

9 (1) The applicant for temporary licensure is entering the
10 state for the sole purpose of participating in a state or
11 national convention at which the applicant will be practicing the
12 profession of tattooing, body piercing, or branding;

13 (2) The applicant files a completed application with the
14 division at least two days prior to the start of the convention
15 and tenders a fee of fifty dollars; and

16 (3) The applicant is otherwise qualified for licensure
17 under sections 324.520 to 324.526 and the rule promulgated under
18 the authority of this statute.

19 2. A temporary license to practice tattooing, body
20 piercing, or branding issued under this section shall be valid
21 for a period not to exceed fourteen days and shall not be
22 renewable.

23 3. Notwithstanding the requirements of sections 620.127 and
24 620.145, RSMo, an applicant for temporary licensure under this
25 section shall not be required to provide a Social Security number

1 if the application is submitted by a citizen of a foreign country
2 who has not yet been issued a Social Security number and who
3 previously has not been licensed by any other state, United
4 States territory, or federal agency. A citizen of a foreign
5 country who applies for a temporary permit under this section
6 shall provide the division of professional registration with his
7 or her visa or passport identification number in lieu of the
8 Social Security number.

9 328.075. 1. Any person desiring to practice as an
10 apprentice for barbering in this state shall apply to the board,
11 registered as an apprentice with the board, and shall pay the
12 appropriate fees prior to beginning their apprenticeship. Barber
13 apprentices shall be of good moral character and shall be at
14 least seventeen years of age.

15 2. Any person desiring to act as an apprentice supervisor
16 for barbering in this state shall first possess a license to
17 practice the occupation of barbering, apply to the board, pay the
18 appropriate fees, complete an eight-hour apprentice supervision
19 instruction course certified by the board, and be issued a
20 certificate of registration as a barber apprentice supervisor
21 prior to supervising barber apprentices.

22 3. The board may promulgate rules establishing the criteria
23 for the supervision and training of barber apprentices.

24 4. Any rule or portion of a rule, as that term is defined
25 in section 536.010, RSMo, that is created under the authority

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

10 328.080. 1. Any person desiring to practice barbering in
11 this state shall make application for a certificate to the board
12 and shall pay the required barber examination fee. He or she
13 shall be present at the next regular meeting of the board for the
14 examination of applicants.

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

21 (1) Is seventeen years of age or older and of good moral
22 character;

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

24 (3) Has studied for at least one thousand hours in a period
25 of not less than six months in a properly appointed and conducted

1 barber school under the direct supervision of a licensed
2 instructor; or, if the applicant is an apprentice, the applicant
3 shall have served and completed no less than two thousand hours
4 under the direct supervision of a licensed barber apprentice
5 supervisor;

6 (4) Is possessed of requisite skill in the trade of
7 barbering to properly perform the duties thereof, including the
8 preparation of tools, shaving, haircutting and all the duties and
9 services incident thereto; and

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

13 3. The board shall be the judge of whether the barber
14 school, the barber apprenticeship, or college is properly
15 appointed and conducted under proper instruction to give
16 sufficient training in the trade.

17 4. The sufficiency of the qualifications of applicants
18 shall be determined by the board.

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

22 332.032. 1. Upon unanimous consent of the members of the
23 board, the president or secretary of the board shall administer
24 oaths, subpoena witnesses, issue subpoenas duces tecum, and
25 require production of documents and records pertaining to the

1 practice of dentistry. Subpoenas, including subpoenas duces
2 tecum, shall be served by a person authorized to serve subpoenas
3 of courts of record. In lieu of requiring attendance of a person
4 to produce original documents in response to a subpoena duces
5 tecum, the board may require sworn copies of such documents to be
6 filed with it or delivered to its designated representative.

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

19 332.051. 1. The board shall establish and maintain an
20 office at Jefferson City, Missouri, where its records and files
21 shall be kept.

22 2. Investigators employed by the board shall, among other
23 duties, have the power in the name of the board to investigate
24 alleged violations of this chapter including the right to
25 inspect, on order of the board, [dental offices, including

1 records, dental laboratories, dental equipment and instruments]
2 any person licensed to practice dentistry or entity providing
3 dental services in this state, including all facilities and
4 equipment related to the delivery of dental care or the
5 fabrication or adjustment of dental prostheses and all clinical
6 and administrative records related to the dental care of patients
7 with respect to violations of the provisions of this chapter.

8 332.071. A person or other entity "practices dentistry"
9 within the meaning of this chapter who:

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

15 (2) Diagnoses or professes to diagnose, prescribes for or
16 professes to prescribe for, treats or professes to treat, any
17 disease, pain, deformity, deficiency, injury or physical
18 condition of human teeth or adjacent structures or treats or
19 professes to treat any disease or disorder or lesions of the oral
20 regions;

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

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

25 (5) Attempts to or does adjust an appliance or appliances

1 for use in or used in connection with malposed teeth in the human
2 mouth;

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

5 (7) Administers an anesthetic in connection with dental
6 services or dental operations or dental surgery;

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

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

21 (10) Directly or indirectly owns, leases, operates,
22 maintains, manages or conducts an office or establishment of any
23 kind in which dental services or dental operations of any kind
24 are performed for any purpose; but this section shall not be
25 construed to prevent owners or lessees of real estate from

1 lawfully leasing premises to those who are qualified to practice
2 dentistry within the meaning of this chapter;

3 (11) Controls, influences, attempts to control or
4 influence, or otherwise interferes with the dentist's independent
5 professional judgment regarding the diagnosis or treatment of a
6 dental disease, disorder, or physical condition except that any
7 opinion rendered by any health care professional licensed under
8 this chapter or chapter 330, 331, 334, 335, 336, 337, or 338,
9 RSMo, regarding the diagnosis, treatment, disorder, or physical
10 condition of any patient shall not be construed to control,
11 influence, attempt to control or influence or otherwise interfere
12 with a dentist's independent professional judgement;

13 (12) Constructs, supplies, reproduces or repairs any
14 prosthetic denture, bridge, artificial restoration, appliance or
15 other structure to be used or worn as a substitute for natural
16 teeth, except when one, not a registered and licensed dentist,
17 does so pursuant to a written uniform laboratory work order, in
18 the form to be prescribed by the board and copies of which shall
19 be retained by the nondentist for two years, of a dentist
20 registered and currently licensed in Missouri and which the
21 substitute in this subdivision described is constructed upon or
22 by use of casts or models made from an impression furnished by a
23 dentist registered and currently licensed in Missouri;

24 [(12)] (13) Attempts to or does place any substitute
25 described in subdivision [(11)] (12) of this section in a human

1 mouth or attempts to or professes to adjust any substitute or
2 delivers any substitute to any person other than the dentist upon
3 whose order the work in producing the substitute was performed;

4 [(13)] (14) Advertises, solicits, or offers to or does
5 sell or deliver any substitute described in subdivision [(11)]
6 (12) of this section or offers to or does sell the person's
7 services in constructing, reproducing, supplying or repairing the
8 substitute to any person other than a registered and licensed
9 dentist in Missouri;

10 [(14)] (15) Undertakes to do or perform any physical
11 evaluation of a patient in the person's office or in a hospital,
12 clinic, or other medical or dental facility prior to or incident
13 to the performance of any dental services, dental operations, or
14 dental surgery;

15 (16) Reviews examination findings, x-rays, or other patient
16 data to make judgments or decisions about the dental care
17 rendered to a patient in this state.

18 332.081. 1. No person or other entity shall practice
19 dentistry in Missouri or provide dental services as defined in
20 section 332.071 unless and until the board has issued to the
21 person a certificate certifying that the person has been duly
22 registered as a dentist in Missouri or to an entity that has been
23 duly registered to provide dental services by licensed dentists
24 and dental hygienists and unless and until the board has issued
25 to the person a license, to be renewed each period, as provided

1 in this chapter, to practice dentistry or as a dental hygienist,
2 or has issued to the person or entity a permit, to be renewed
3 each period, to provide dental services in Missouri[; but].

4 Nothing in this chapter shall be so construed as to make it
5 unlawful for: [a legally qualified and licensed physician or
6 surgeon, who does not practice dentistry as a specialty, from
7 extracting teeth, or to make it unlawful for a dentist licensed
8 in a state other than Missouri from making a clinical
9 demonstration before a meeting of dentists in Missouri, or to
10 make it unlawful for dental students in any accredited dental
11 school to practice dentistry under the personal direction of
12 instructors, or to make it unlawful for any duly registered and
13 licensed dental hygienist in Missouri to practice as a dental
14 hygienist as defined in section 332.091, or to make it unlawful
15 for dental assistants, certified dental assistants or expanded
16 functions dental assistants to be delegated duties as defined in
17 section 332.093, or to make it unlawful for persons to practice
18 dentistry in the United States armed services or in or for the
19 United States Public Health Service, or in or for the United
20 States Veterans Bureau, or to make it unlawful to teach in an
21 accredited dental school, or to make it unlawful for a duly
22 qualified anesthesiologist or anesthetist to administer an
23 anesthetic in connection with dental services or dental surgery.]

24 (1) A legally qualified physician or surgeon, who does not
25 practice dentistry as a specialty, from extracting teeth;

1 (2) A dentist licensed in a state other than Missouri from
2 making a clinical demonstration before a meeting of dentists in
3 Missouri;

4 (3) Dental students in any accredited dental school to
5 practice dentistry under the personal direction of instructors;

6 (4) Dental hygiene students in any accredited dental
7 hygiene school to practice dental hygiene under the personal
8 direction of instructors;

9 (5) A duly registered and licensed dental hygienist in
10 Missouri to practice dental hygiene as defined in section
11 332.091;

12 (6) A dental assistant, certified dental assistant, or
13 expanded functions dental assistant to be delegated duties as
14 defined in section 332.093;

15 (7) A duly registered dentist or dental hygienist to teach
16 in an accredited dental or dental hygiene school;

17 (8) A duly qualified anesthesiologist or nurse anesthetist
18 to administer an anesthetic in connection with dental services or
19 dental surgery; or

20 (9) A person to practice dentistry in or for:

21 (a) The United States armed forces;

22 (b) The United States Public Health Service;

23 (c) Migrant, community, or health care for the homeless
24 health centers provided in section 330 of the Public Health
25 Service Act (42 U.S.C. 254b);

1 (d) Federally qualified health centers as defined in
2 section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act;

3 (e) Governmental entities, including county health
4 departments; or

5 (f) The United States Veterans Bureau.

6 (10) A dentist licensed in a state other than Missouri to
7 evaluate a patient or render an oral, written, or otherwise
8 documented dental opinion when providing testimony or records for
9 the purpose of a civil or criminal action before any judicial or
10 administrative proceeding of this state or other forum in this
11 state.

12 2. No corporation shall practice dentistry as defined in
13 section 332.071 unless that corporation is organized under the
14 provisions of chapter 355 or 356, RSMo, provided that a
15 corporation organized under the provisions of chapter 355, RSMo,
16 and qualifying as an organization under 26 U.S.C. Section
17 501(c)(3), may only employ dentists and dental hygienists
18 licensed in this state to render dental services to Medicaid
19 recipients, low-income individuals who have available income
20 below two hundred percent of the federal poverty level, and all
21 participants in the SCHIP program, unless such limitation is
22 contrary to or inconsistent with federal or state law or
23 regulation. This subsection shall not apply to:

24 (1) A hospital licensed under chapter 197, RSMo, that
25 provides care and treatment only to children under the age of

1 eighteen at which a person regulated under this chapter provides
2 dental care within the scope of his or her license or
3 registration;

4 (2) A federally qualified health center as defined in
5 Section 1905(l) of the Social Security Act (42 U.S.C.
6 1396(d)(1)), or a migrant, community, or health care for the
7 homeless health center provided for in Section 330 of the Public
8 Health Services Act (42 U.S.C. 254(b)) at which a person
9 regulated under this chapter provides dental care within the
10 scope of his or her license or registration;

11 (3) A city or county health department organized under
12 chapter 192, RSMo, or chapter 205, RSMo, at which a person
13 regulated under this chapter provides dental care within the
14 scope of his or her license or registration;

15 (4) A social welfare board organized under section 205.770,
16 RSMo, a city health department operating under a city charter, or
17 a city-county health department at which a person regulated under
18 this chapter provides dental care within the scope of his or her
19 license or registration;

20 (5) Any entity that has received a permit from the dental
21 board and does not receive compensation from the patient or from
22 any third party on the patient's behalf at which a person
23 regulated under this chapter provides dental care within the
24 scope of his or her license or registration;

25 (6) Any hospital nonprofit corporation exempt from taxation

1 under Section 501(c)(3) of the Internal Revenue Code, as amended,
2 that engages in its operations and provides dental services at
3 facilities owned by a city, county, or other political
4 subdivision of the state at which a person regulated under this
5 chapter provides dental care within the scope of his or her
6 license or registration.

7 If any of the entities exempted from the requirements of this
8 subsection are unable to provide services to a patient due to the
9 lack of a qualified provider and a referral to another entity is
10 made, the exemption shall extend to the person or entity that
11 subsequently provides services to the patient.

12 3. No unincorporated organization shall practice dentistry
13 as defined in section 332.071, RSMo, unless such organization is
14 exempt from federal taxation under Section 501(c)(3) of the
15 Internal Revenue Code of 1986, as amended, and provides dental
16 treatment without compensation from the patient or any third
17 party on their behalf as a part of a broader program of social
18 services including food distribution. Nothing in this chapter
19 shall prohibit organizations under this subsection from employing
20 any person regulated by this chapter.

21 4. A dentist shall not enter into a contract that allows a
22 person who is not a dentist to influence or interfere with the
23 exercise of the dentist's independent professional judgment.

24 5. A not-for-profit corporation organized under the

1 provisions of chapter 355, RSMo, and qualifying as an
2 organization under 26 U.S.C. Section 501(c)(3), an unincorporated
3 organization operating pursuant to subsection 3 of this section,
4 or any other person should not direct or interfere or attempt to
5 direct or interfere with a licensed dentist's professional
6 judgment and competent practice of dentistry. Nothing in this
7 subsection shall be so construed as to make it unlawful for not-
8 for-profit organizations to enforce employment contracts,
9 corporate policy and procedure manuals, or quality improvement or
10 assurance requirements.

11 6. All entities defined in subsection 2 of this section and
12 those exempted under subsection 3 of this section shall apply for
13 a permit to employ dentists and dental hygienists licensed in
14 this state to render dental services, and the entity shall apply
15 for the permit in writing on forms provided by the Missouri
16 dental board. The board shall not charge a fee of any kind for
17 the issuance or renewal of such permit. The provisions of this
18 subsection shall not apply to a federally qualified health center
19 as defined in Section 1905(l) of the Social Security Act (42
20 U.S.C. 1396d(1)).

21 7. Any entity that obtains a permit to render dental
22 services in this state is subject to discipline pursuant to
23 section 332.321. If the board concludes that the person or
24 entity has committed an act or is engaging in a course of conduct
25 that would be grounds for disciplinary action, the board may file

1 a complaint before the administrative hearing commission. The
2 board may refuse to issue or renew the permit of any entity for
3 one or any combination of causes stated in subsection 2 of
4 section 332.321. The board shall notify the applicant in writing
5 of the reasons for the refusal and shall advise the applicant of
6 his or her right to file a complaint with the administrative
7 hearing commission as provided by chapter 621, RSMo.

8 8. A federally qualified health center as defined in
9 Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l))
10 shall register with the board. The information provided to the
11 board as part of the registration shall include the name of the
12 health center, the non-profit status of the health center, sites
13 where dental services will be provided, and the names of all
14 persons employed by, or contracting with, the health center who
15 are required to hold a license pursuant to this chapter. The
16 registration shall be renewed every twenty-four months. The
17 board shall not charge a fee of any kind for the issuance or
18 renewal of the registration. The registration of the health
19 center shall not be subject to discipline pursuant to section
20 332.321. Nothing in this subsection shall prohibit disciplinary
21 action against a licensee of this chapter who is employed by, or
22 contracts with, such health center for the actions of the
23 licensee in connection with such employment or contract. All
24 licensed persons employed by, or contracting with, the health
25 center shall certify in writing to the board at the time of

1 issuance and renewal of the registration that the facility of the
2 health center meets the same operating standards regarding
3 cleanliness, sanitation, and professionalism as would the
4 facility of a dentist licensed by this chapter. The board shall
5 promulgate rules regarding such standards.

6 9. The board may promulgate rules and regulations to ensure
7 not-for-profit corporations are rendering care to the patient
8 populations as set forth herein, including requirements for
9 covered not-for-profit corporations to report patient census data
10 to the board. The provisions of this subsection shall not apply
11 to a federally qualified health center as defined in Section
12 1905(1) of the Social Security Act (42 U.S.C. 1396d(1)).

13 10. All not-for-profit corporations organized or operated
14 pursuant to the provisions of chapter 355, RSMo, and qualifying
15 as an organization under 26 U.S.C. Section 501(c)(3), or the
16 requirements relating to migrant, community, or health care for
17 the homeless health centers provided in Section 330 of the Public
18 Health Service Act (42 U.S.C. 254b) and federally qualified
19 health centers as defined in Section 1905(1) (42 U.S.C. 1396d(1))
20 of the Social Security Act, that employ persons who practice
21 dentistry or dental hygiene in this state shall do so in
22 accordance with the relevant laws of this state except to the
23 extent that such laws are contrary to, or inconsistent with,
24 federal statute or regulation.

25 332.086. 1. There is hereby established a five-member

1 "Advisory Commission for Dental Hygienists", composed of dental
2 hygienists appointed by the governor as provided in subsection 2
3 of this section and the dental hygienist member of the Missouri
4 dental board, which shall guide, advise and make recommendations
5 to the Missouri dental board. The commission shall:

6 (1) Recommend the educational requirements to be registered
7 as a dental hygienist;

8 (2) Annually review the practice act of dental hygiene;

9 (3) Make recommendations to the Missouri dental board
10 regarding the practice, licensure, examination and discipline of
11 dental hygienists; and

12 (4) Assist the board in any other way necessary to carry
13 out the provisions of this chapter as they relate to dental
14 hygienists.

15 2. The members of the commission shall be appointed by the
16 governor with the advice and consent of the senate. Each member
17 of the commission shall be a citizen of the United States and a
18 resident of Missouri for one year and shall be a dental hygienist
19 registered and currently licensed pursuant to this chapter.

20 Members of the commission who are not also members of the
21 Missouri dental board shall be appointed for terms of five years,
22 except for the members first appointed, one of which shall be
23 appointed for a term of two years, one shall be appointed for a
24 term of three years, one shall be appointed for a term of four
25 years and one shall be appointed for a term of five years. The

1 dental hygienist member of the Missouri dental board shall become
2 a member of the commission and shall serve a term concurrent with
3 the member's term on the dental board. All members of the
4 initial commission shall be appointed by April 1, 2002. Members
5 shall be chosen from lists submitted by the director of the
6 division of professional registration. Lists of dental
7 hygienists submitted to the governor may include names submitted
8 to the director of the division of professional registration by
9 the president of the Missouri Dental Hygienists Association.

10 3. The commission shall hold an annual meeting at which it
11 shall elect from its membership a chairperson and a secretary.
12 The commission shall meet in conjunction with the dental board
13 meetings or no more than fourteen days prior to regularly
14 scheduled dental board meetings. Additional meetings shall
15 require a majority vote of the commission. A quorum of the
16 commission shall consist of a majority of its members.

17 4. Members of the commission shall [serve without] receive
18 as compensation [but] an amount set by the Missouri dental board
19 not to exceed fifty dollars for each day devoted to the duties of
20 the commission and shall be reimbursed for all actual and
21 necessary expenses incurred in the performance of their official
22 duties on the commission and in attending meetings of the
23 Missouri dental board. The Missouri dental board shall provide
24 all necessary staff and support services as required by the
25 commission to hold commission meetings, to maintain records of

1 official acts, and to conduct all other business of the
2 commission.

3 332.111. Any person who practices dentistry as defined in
4 section 332.071, or as a dental hygienist as defined in section
5 332.091, who is not [a] duly registered and currently licensed
6 [dentist] in Missouri as hereinafter provided, [or any person who
7 practices as a dental hygienist as defined in section 332.091 who
8 is not a duly registered and currently licensed dental hygienist
9 in Missouri as hereinafter provided] is guilty of a class A
10 misdemeanor.

11 332.121. 1. Upon application by the board and the
12 necessary burden having been met, a court of general jurisdiction
13 may grant an injunction, restraining order, or other order as may
14 be appropriate to enjoin a person [or], corporation, firm, or
15 other entity from:

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

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

1 health, safety or welfare of any resident of this state or client
2 or patient of the licensee; or

3 (3) Directing, interfering with, or attempting to direct or
4 interfere with a licensed dentist's professional judgment or
5 competent practice of dentistry.

6 Nothing in this subsection shall be so construed as to make it
7 unlawful for not-for-profit organizations to enforce employment
8 contracts, corporate policy and procedure manuals, or quality
9 improvement or assurance requirements.

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

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

17 332.122. 1. The determination of whether a service
18 provided to a patient is covered or reimbursable under the terms
19 of a health benefit or dental benefit plan and the creation and
20 management of a health care provider network are:

21 (1) Deemed not to be the practice of dentistry or other
22 profession governed by this chapter; and

23 (2) Not in any way subject to the provisions of this
24 chapter.

25 2. Claims, records, and documents pertaining to the

1 operations of a health carrier, health benefit plan, dental
2 benefit plan, or health care provider network are not clinical
3 and administrative records under section 332.051.

4 3. Nothing in subsection 1 or 2 of this section shall be
5 construed as affecting the obligations of a health carrier, under
6 chapters 354 and 376, RSMo, as health carrier is defined in
7 section 376.1350, RSMo.

8 334.100. 1. The board may refuse to issue or renew any
9 certificate of registration or authority, permit or license
10 required pursuant to this chapter for one or any combination of
11 causes stated in subsection 2 of this section. The board shall
12 notify the applicant in writing of the reasons for the refusal
13 and shall advise the applicant of the applicant's right to file a
14 complaint with the administrative hearing commission as provided
15 by chapter 621, RSMo. As an alternative to a refusal to issue or
16 renew any certificate, registration or authority, the board may,
17 at its discretion, issue a license which is subject to probation,
18 restriction or limitation to an applicant for licensure for any
19 one or any combination of causes stated in subsection 2 of this
20 section. The board's order of probation, limitation or
21 restriction shall contain a statement of the discipline imposed,
22 the basis therefore, the date such action shall become effective,
23 and a statement that the applicant has thirty days to request in
24 writing a hearing before the administrative hearing commission.
25 If the board issues a probationary, limited or restricted license

1 to an applicant for licensure, either party may file a written
2 petition with the administrative hearing commission within thirty
3 days of the effective date of the probationary, limited or
4 restricted license seeking review of the board's determination.
5 If no written request for a hearing is received by the
6 administrative hearing commission within the thirty-day period,
7 the right to seek review of the board's decision shall be
8 considered as waived.

9 2. The board may cause a complaint to be filed with the
10 administrative hearing commission as provided by chapter 621,
11 RSMo, against any holder of any certificate of registration or
12 authority, permit or license required by this chapter or any
13 person who has failed to renew or has surrendered the person's
14 certificate of registration or authority, permit or license for
15 any one or any combination of the following causes:

16 (1) Use of any controlled substance, as defined in chapter
17 195, RSMo, or alcoholic beverage to an extent that such use
18 impairs a person's ability to perform the work of any profession
19 licensed or regulated by this chapter;

20 (2) The person has been finally adjudicated and found
21 guilty, or entered a plea of guilty or nolo contendere, in a
22 criminal prosecution under the laws of any state or of the United
23 States, for any offense reasonably related to the qualifications,
24 functions or duties of any profession licensed or regulated
25 pursuant to this chapter, for any offense an essential element of

1 which is fraud, dishonesty or an act of violence, or for any
2 offense involving moral turpitude, whether or not sentence is
3 imposed;

4 (3) Use of fraud, deception, misrepresentation or bribery
5 in securing any certificate of registration or authority, permit
6 or license issued pursuant to this chapter or in obtaining
7 permission to take any examination given or required pursuant to
8 this chapter;

9 (4) Misconduct, fraud, misrepresentation, dishonesty,
10 unethical conduct or unprofessional conduct in the performance of
11 the functions or duties of any profession licensed or regulated
12 by this chapter, including, but not limited to, the following:

13 (a) Obtaining or attempting to obtain any fee, charge,
14 tuition or other compensation by fraud, deception or
15 misrepresentation; willfully and continually overcharging or
16 overtreating patients; or charging for visits to the physician's
17 office which did not occur unless the services were contracted
18 for in advance, or for services which were not rendered or
19 documented in the patient's records;

20 (b) Attempting, directly or indirectly, by way of
21 intimidation, coercion or deception, to obtain or retain a
22 patient or discourage the use of a second opinion or
23 consultation;

24 (c) Willfully and continually performing inappropriate or
25 unnecessary treatment, diagnostic tests or medical or surgical

1 services;

2 (d) Delegating professional responsibilities to a person
3 who is not qualified by training, skill, competency, age,
4 experience or licensure to perform such responsibilities;

5 (e) Misrepresenting that any disease, ailment or infirmity
6 can be cured by a method, procedure, treatment, medicine or
7 device;

8 (f) Performing or prescribing medical services which have
9 been declared by board rule to be of no medical or osteopathic
10 value;

11 (g) Final disciplinary action by any professional medical
12 or osteopathic association or society or licensed hospital or
13 medical staff of such hospital in this or any other state or
14 territory, whether agreed to voluntarily or not, and including,
15 but not limited to, any removal, suspension, limitation, or
16 restriction of the person's license or staff or hospital
17 privileges, failure to renew such privileges or license for
18 cause, or other final disciplinary action, if the action was in
19 any way related to unprofessional conduct, professional
20 incompetence, malpractice or any other violation of any provision
21 of this chapter;

22 (h) Signing a blank prescription form; or dispensing,
23 prescribing, administering or otherwise distributing any drug,
24 controlled substance or other treatment without sufficient
25 examination, or for other than medically accepted therapeutic or

1 experimental or investigative purposes duly authorized by a state
2 or federal agency, or not in the course of professional practice,
3 or not in good faith to relieve pain and suffering, or not to
4 cure an ailment, physical infirmity or disease, except as
5 authorized in section 334.104;

6 (i) Exercising influence within a physician-patient
7 relationship for purposes of engaging a patient in sexual
8 activity;

9 (j) Terminating the medical care of a patient without
10 adequate notice or without making other arrangements for the
11 continued care of the patient;

12 (k) Failing to furnish details of a patient's medical
13 records to other treating physicians or hospitals upon proper
14 request; or failing to comply with any other law relating to
15 medical records;

16 (l) Failure of any applicant or licensee, other than the
17 licensee subject to the investigation, to cooperate with the
18 board during any investigation;

19 (m) Failure to comply with any subpoena or subpoena duces
20 tecum from the board or an order of the board;

21 (n) Failure to timely pay license renewal fees specified in
22 this chapter;

23 (o) Violating a probation agreement with this board or any
24 other licensing agency;

25 (p) Failing to inform the board of the physician's current

1 residence and business address;

2 (q) Advertising by an applicant or licensee which is false
3 or misleading, or which violates any rule of the board, or which
4 claims without substantiation the positive cure of any disease,
5 or professional superiority to or greater skill than that
6 possessed by any other physician. An applicant or licensee shall
7 also be in violation of this provision if the applicant or
8 licensee has a financial interest in any organization,
9 corporation or association which issues or conducts such
10 advertising;

11 (5) Any conduct or practice which is or might be harmful or
12 dangerous to the mental or physical health of a patient or the
13 public; or incompetency, gross negligence or repeated negligence
14 in the performance of the functions or duties of any profession
15 licensed or regulated by this chapter. For the purposes of this
16 subdivision, "repeated negligence" means the failure, on more
17 than one occasion, to use that degree of skill and learning
18 ordinarily used under the same or similar circumstances by the
19 member of the applicant's or licensee's profession;

20 (6) Violation of, or attempting to violate, directly or
21 indirectly, or assisting or enabling any person to violate, any
22 provision of this chapter, or of any lawful rule or regulation
23 adopted pursuant to this chapter;

24 (7) Impersonation of any person holding a certificate of
25 registration or authority, permit or license or allowing any

1 person to use his or her certificate of registration or
2 authority, permit, license or diploma from any school;

3 (8) Revocation, suspension, restriction, modification,
4 limitation, reprimand, warning, censure, probation or other final
5 disciplinary action against the holder of or applicant for a
6 license or other right to practice any profession regulated by
7 this chapter by another state, territory, federal agency or
8 country, whether or not voluntarily agreed to by the licensee or
9 applicant, including, but not limited to, the denial of
10 licensure, surrender of the license, allowing the license to
11 expire or lapse, or discontinuing or limiting the practice of
12 medicine while subject to an investigation or while actually
13 under investigation by any licensing authority, medical facility,
14 branch of the armed forces of the United States of America,
15 insurance company, court, agency of the state or federal
16 government, or employer;

17 (9) A person is finally adjudged incapacitated or disabled
18 by a court of competent jurisdiction;

19 (10) Assisting or enabling any person to practice or offer
20 to practice any profession licensed or regulated by this chapter
21 who is not registered and currently eligible to practice pursuant
22 to this chapter; or knowingly performing any act which in any way
23 aids, assists, procures, advises, or encourages any person to
24 practice medicine who is not registered and currently eligible to
25 practice pursuant to this chapter. A physician who works in

1 accordance with standing orders or protocols or in accordance
2 with the provisions of section 334.104 shall not be in violation
3 of this subdivision;

4 (11) Issuance of a certificate of registration or
5 authority, permit or license based upon a material mistake of
6 fact;

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

10 (13) Violation of the drug laws or rules and regulations of
11 this state, any other state or the federal government;

12 (14) Knowingly making, or causing to be made, or aiding, or
13 abetting in the making of, a false statement in any birth, death
14 or other certificate or document executed in connection with the
15 practice of the person's profession;

16 (15) Soliciting patronage in person or by agents or
17 representatives, or by any other means or manner, under the
18 person's own name or under the name of another person or concern,
19 actual or pretended, in such a manner as to confuse, deceive, or
20 mislead the public as to the need or necessity for or
21 appropriateness of health care services for all patients, or the
22 qualifications of an individual person or persons to diagnose,
23 render, or perform health care services;

24 (16) Using, or permitting the use of, the person's name
25 under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or

1 any similar designation with reference to the commercial
2 exploitation of any goods, wares or merchandise;

3 (17) Knowingly making or causing to be made a false
4 statement or misrepresentation of a material fact, with intent to
5 defraud, for payment pursuant to the provisions of chapter 208,
6 RSMo, or chapter 630, RSMo, or for payment from Title XVIII or
7 Title XIX of the federal Medicare program;

8 (18) Failure or refusal to properly guard against
9 contagious, infectious or communicable diseases or the spread
10 thereof; maintaining an unsanitary office or performing
11 professional services under unsanitary conditions; or failure to
12 report the existence of an unsanitary condition in the office of
13 a physician or in any health care facility to the board, in
14 writing, within thirty days after the discovery thereof;

15 (19) Any candidate for licensure or person licensed to
16 practice as a physical therapist, paying or offering to pay a
17 referral fee or, notwithstanding section 334.010 to the contrary,
18 practicing or offering to practice professional physical therapy
19 independent of the prescription and direction of a person
20 licensed and registered as a physician and surgeon pursuant to
21 this chapter, as a dentist pursuant to chapter 332, RSMo, or as a
22 podiatrist pursuant to chapter 330, RSMo, or any licensed and
23 registered physician, dentist, or podiatrist practicing in
24 another jurisdiction whose license is in good standing;

25 (20) Any candidate for licensure or person licensed to

1 practice as a physical therapist, treating or attempting to treat
2 ailments or other health conditions of human beings other than by
3 professional physical therapy and as authorized by sections
4 334.500 to 334.620;

5 (21) Any person licensed to practice as a physician or
6 surgeon, requiring, as a condition of the physician-patient
7 relationship, that the patient receive prescribed drugs, devices
8 or other professional services directly from facilities of that
9 physician's office or other entities under that physician's
10 ownership or control. A physician shall provide the patient with
11 a prescription which may be taken to the facility selected by the
12 patient and a physician knowingly failing to disclose to a
13 patient on a form approved by the advisory commission for
14 professional physical therapists as established by section
15 334.625 which is dated and signed by a patient or guardian
16 acknowledging that the patient or guardian has read and
17 understands that the physician has a pecuniary interest in a
18 physical therapy or rehabilitation service providing prescribed
19 treatment and that the prescribed treatment is available on a
20 competitive basis. This subdivision shall not apply to a
21 referral by one physician to another physician within a group of
22 physicians practicing together;

23 (22) A pattern of personal use or consumption of any
24 controlled substance unless it is prescribed, dispensed or
25 administered by another physician who is authorized by law to do

1 so;

2 (23) Revocation, suspension, limitation or restriction of
3 any kind whatsoever of any controlled substance authority,
4 whether agreed to voluntarily or not;

5 (24) For a physician to operate, conduct, manage, or
6 establish an abortion facility, or for a physician to perform an
7 abortion in an abortion facility, if such facility comes under
8 the definition of an ambulatory surgical center pursuant to
9 sections 197.200 to 197.240, RSMo, and such facility has failed
10 to obtain or renew a license as an ambulatory surgical center;

11 (25) Being unable to practice as a physician and surgeon or
12 with a specialty with reasonable skill and safety to patients by
13 reasons of medical or osteopathic incompetency, or because of
14 illness, drunkenness, excessive use of drugs, narcotics,
15 chemicals, or as a result of any mental or physical condition.
16 The following shall apply to this subdivision:

17 (a) In enforcing this subdivision the board shall, after a
18 hearing by the board, upon a finding of probable cause, require a
19 physician to submit to a reexamination for the purpose of
20 establishing his or her competency to practice as a physician or
21 surgeon or with a specialty conducted in accordance with rules
22 adopted for this purpose by the board, including rules to allow
23 the examination of the pattern and practice of such physician's
24 or surgeon's professional conduct, or to submit to a mental or
25 physical examination or combination thereof by at least three

1 physicians, one selected by the physician compelled to take the
2 examination, one selected by the board, and one selected by the
3 two physicians so selected who are graduates of a professional
4 school approved and accredited as reputable by the association
5 which has approved and accredited as reputable the professional
6 school from which the licentiate graduated. However, if the
7 physician is a graduate of a medical school not accredited by the
8 American Medical Association or American Osteopathic Association,
9 then each party shall choose any physician who is a graduate of a
10 medical school accredited by the American Medical Association or
11 the American Osteopathic Association;

12 (b) For the purpose of this subdivision, every physician
13 licensed pursuant to this chapter is deemed to have consented to
14 submit to a mental or physical examination when directed in
15 writing by the board and further to have waived all objections to
16 the admissibility of the examining physician's testimony or
17 examination reports on the ground that the examining physician's
18 testimony or examination is privileged;

19 (c) In addition to ordering a physical or mental
20 examination to determine competency, the board may,
21 notwithstanding any other law limiting access to medical or other
22 health data, obtain medical data and health records relating to a
23 physician or applicant without the physician's or applicant's
24 consent;

25 (d) Written notice of the reexamination or the physical or

1 mental examination shall be sent to the physician, by registered
2 mail, addressed to the physician at the physician's last known
3 address. Failure of a physician to designate an examining
4 physician to the board or failure to submit to the examination
5 when directed shall constitute an admission of the allegations
6 against the physician, in which case the board may enter a final
7 order without the presentation of evidence, unless the failure
8 was due to circumstances beyond the physician's control. A
9 physician whose right to practice has been affected under this
10 subdivision shall, at reasonable intervals, be afforded an
11 opportunity to demonstrate that the physician can resume the
12 competent practice as a physician and surgeon with reasonable
13 skill and safety to patients;

14 (e) In any proceeding pursuant to this subdivision neither
15 the record of proceedings nor the orders entered by the board
16 shall be used against a physician in any other proceeding.
17 Proceedings under this subdivision shall be conducted by the
18 board without the filing of a complaint with the administrative
19 hearing commission;

20 (f) When the board finds any person unqualified because of
21 any of the grounds set forth in this subdivision, it may enter an
22 order imposing one or more of the disciplinary measures set forth
23 in subsection 4 of this section.

24 3. Collaborative practice arrangements, protocols and
25 standing orders shall be in writing and signed and dated by a

1 physician prior to their implementation.

2 4. After the filing of such complaint before the
3 administrative hearing commission, the proceedings shall be
4 conducted in accordance with the provisions of chapter 621, RSMo.
5 Upon a finding by the administrative hearing commission that the
6 grounds, provided in subsection 2 of this section, for
7 disciplinary action are met, the board may, singly or in
8 combination, warn, censure or place the person named in the
9 complaint on probation on such terms and conditions as the board
10 deems appropriate for a period not to exceed ten years, or may
11 suspend the person's license, certificate or permit for a period
12 not to exceed three years, or restrict or limit the person's
13 license, certificate or permit for an indefinite period of time,
14 or revoke the person's license, certificate, or permit, or
15 administer a public or private reprimand, or deny the person's
16 application for a license, or permanently withhold issuance of a
17 license or require the person to submit to the care, counseling
18 or treatment of physicians designated by the board at the expense
19 of the individual to be examined, or require the person to attend
20 such continuing educational courses and pass such examinations as
21 the board may direct.

22 5. In any order of revocation, the board may provide that
23 the person may not apply for reinstatement of the person's
24 license for a period of time ranging from two to seven years
25 following the date of the order of revocation. All stay orders

1 shall toll this time period.

2 6. Before restoring to good standing a license, certificate
3 or permit issued pursuant to this chapter which has been in a
4 revoked, suspended or inactive state for any cause for more than
5 two years, the board may require the applicant to attend such
6 continuing medical education courses and pass such examinations
7 as the board may direct.

8 7. In any investigation, hearing or other proceeding to
9 determine a licensee's or applicant's fitness to practice, any
10 record relating to any patient of the licensee or applicant shall
11 be discoverable by the board and admissible into evidence,
12 regardless of any statutory or common law privilege which such
13 licensee, applicant, record custodian or patient might otherwise
14 invoke. In addition, no such licensee, applicant, or record
15 custodian may withhold records or testimony bearing upon a
16 licensee's or applicant's fitness to practice on the ground of
17 privilege between such licensee, applicant or record custodian
18 and a patient.

19 334.506. 1. Nothing in this chapter shall prevent a
20 physical therapist, whose license is in good standing, from
21 providing educational resources and training, developing fitness
22 or wellness programs for asymptomatic persons, or providing
23 screening or consultative services within the scope of physical
24 therapy practice without the prescription and direction of a
25 person licensed and registered as a physician and surgeon

1 pursuant to this chapter, as a chiropractor pursuant to chapter
2 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
3 podiatrist pursuant to chapter 330, RSMo, or any licensed and
4 registered physician, dentist, or podiatrist practicing in
5 another jurisdiction whose license is in good standing, except
6 that no physical therapist shall initiate treatment for a new
7 injury or illness without the prescription or direction of a
8 person licensed and registered as a physician and surgeon
9 pursuant to this chapter, as chiropractor pursuant to chapter
10 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
11 podiatrist pursuant to chapter 330, RSMo, or any licensed and
12 registered physician, dentist, or podiatrist practicing in
13 another jurisdiction whose license is in good standing.

14 2. Nothing in this chapter shall prevent a physical
15 therapist, whose license is in good standing, from examining and
16 treating, without the prescription and direction of a person
17 licensed and registered as a physician and surgeon pursuant to
18 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
19 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
20 to chapter 330, RSMo, or any licensed and registered physician,
21 dentist, or podiatrist practicing in another jurisdiction whose
22 license is in good standing, any person with a recurring,
23 self-limited injury within one year of diagnosis by a person
24 licensed and registered as a physician and surgeon pursuant to
25 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as

1 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
2 to chapter 330, RSMo, or any licensed and registered physician,
3 dentist, or podiatrist practicing in another jurisdiction whose
4 license is in good standing, or any person with a chronic illness
5 that has been previously diagnosed by a person licensed and
6 registered as a physician and surgeon pursuant to this chapter,
7 as a chiropractor pursuant to chapter 331, RSMo, as a dentist
8 pursuant to chapter 332, RSMo, or a podiatrist pursuant to
9 chapter 330, RSMo, or any licensed and registered physician,
10 dentist, or podiatrist practicing in another jurisdiction whose
11 license is in good standing, except that a physical therapist
12 shall contact the patient's current physician, chiropractor,
13 dentist, or podiatrist, within seven days of initiating physical
14 therapy services, pursuant to this subsection, shall not change
15 an existing physical therapy referral available to the physical
16 therapist without approval of the patient's current physician,
17 chiropractor, dentist, or podiatrist, and shall refer to a person
18 licensed and registered as a physician and surgeon pursuant to
19 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
20 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
21 to chapter 330, RSMo, or any licensed and registered physician,
22 dentist, or podiatrist practicing in another jurisdiction whose
23 license is in good standing, any patient whose medical condition
24 should, at the time of examination or treatment, be determined to
25 be beyond the scope of practice of physical therapy. A physical

1 therapist shall refer to a person licensed and registered as a
2 physician and surgeon pursuant to this chapter, as a chiropractor
3 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter
4 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo,or
5 any licensed and registered physician, dentist, or podiatrist
6 practicing in another jurisdiction whose license is in good
7 standing, any person whose condition, for which physical therapy
8 services are rendered pursuant to this subsection, has not been
9 documented to be progressing toward documented treatment goals
10 after six visits or fourteen days, whichever shall come first.
11 If the person's condition for which physical therapy services are
12 rendered under this subsection shall be documented to be
13 progressing toward documented treatment goals, a physical
14 therapist may continue treatment without referral from a
15 physician, chiropractor, dentist or podiatrist, whose license is
16 in good standing. If treatment rendered under this subsection is
17 to continue beyond thirty days, a physical therapist shall notify
18 the patient's current physician, chiropractor, dentist, or
19 podiatrist before continuing treatment beyond the thirty-day
20 limitation. A physical therapist shall also perform such
21 notification before continuing treatment rendered under this
22 subsection for each successive period of thirty days.

23 3. The provision of physical therapy services of evaluation
24 and screening pursuant to this section, shall be limited to a
25 physical therapist, and any authority for evaluation and

1 screening granted within this section, may not be delegated.

2 Upon each reinitiation of physical therapy services, a physical

3 therapist shall provide a full physical therapy evaluation prior

4 to the reinitiation of physical therapy treatment. Physical

5 therapy treatment provided pursuant to the provisions of

6 subsection 2 of this section, may be delegated by physical

7 therapists to physical therapist assistants only if the patient's

8 current physician, chiropractor, dentist, or podiatrist has been

9 so informed as part of the physical therapist's seven-day

10 notification upon reinitiation of physical therapy services as

11 required in subsection 2 of this section. Nothing in this

12 subsection shall be construed as to limit the ability of physical

13 therapists or physical therapist assistants to provide physical

14 therapy services in accordance with the provisions of this

15 chapter, and upon the referral of a physician and surgeon

16 licensed pursuant to this chapter, a chiropractor pursuant to

17 chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a

18 podiatrist pursuant to chapter 330, RSMo, or any licensed and

19 registered physician, dentist, or podiatrist practicing in

20 another jurisdiction whose license is in good standing. Nothing

21 in this subsection shall prohibit a person licensed or registered

22 as a physician or surgeon licensed pursuant to this chapter, a

23 chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to

24 chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo,

25 or any licensed and registered physician, dentist, or podiatrist

1 practicing in another jurisdiction whose license is in good
2 standing, from acting within the scope of their practice as
3 defined by the applicable chapters of RSMo.

4 4. No person licensed to practice, or applicant for
5 licensure, as a physical therapist or physical therapist
6 assistant shall make a medical diagnosis.

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

20 2. Persons desiring to practice as physical therapists in
21 this state shall appear before the board at such time and place
22 as the board may direct and be examined as to their fitness to
23 engage in such practice. Applications for examination shall be
24 in writing, on a form furnished by the board and shall include
25 evidence satisfactory to the board that the applicant possesses

1 the qualifications set forth in subsection 1 of this section.
2 Each application shall contain a statement that it is made under
3 oath or affirmation and that its representations are true and
4 correct to the best knowledge and belief of the person signing
5 the statement, subject to the penalties of making a false
6 affidavit or declaration. [The board shall not issue a permanent
7 license to practice as a physical therapist or allow any person
8 to sit for the Missouri state board examination for physical
9 therapists who has failed three or more times any physical
10 therapist licensing examination administered in one or more
11 states or territories of the United States or the District of
12 Columbia.]

13 3. The board shall not issue a permanent license to
14 practice as a physical therapist or allow any person to sit for
15 the Missouri state board examination for physical therapists who
16 has failed three or more times any physical therapist licensing
17 examination administered in one or more states or territories of
18 the United States or the District of Columbia.

19 4. The board may waive the provisions of subsection 3 if
20 the applicant has met one of the following provisions:

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

1 been disciplined or limited in any state or territory of the
2 United States, the District of Columbia or Canada;

3 (2) The applicant has failed the licensure examination
4 three times or more and then obtains a professional degree in
5 physical therapy at a level higher than previously completed, the
6 applicant can sit for the licensure examination three additional
7 times.

8 5. The examination of qualified candidates for licenses to
9 practice physical therapy shall include a written examination and
10 shall embrace the subjects taught in reputable programs of
11 physical therapy education, sufficiently strict to test the
12 qualifications of the candidates as practitioners. [The
13 examination shall be given by the board at least once each year
14 and shall be administered to all candidates, and the examination
15 given at any particular time shall be the same for all candidates
16 and the same subjects shall be included and the same questions
17 shall be asked. Candidates shall be required to achieve a
18 passing score, as determined by the board, on an examination
19 before being issued a license.

20 4.] 6. The examination shall embrace, in relation to the
21 human being, the subjects of anatomy, chemistry, kinesiology,
22 pathology, physics, physiology, psychology, physical therapy
23 theory and procedures as related to medicine, surgery and
24 psychiatry, and such other subjects, including medical ethics, as
25 the board deems useful to test the fitness of the candidate to

1 practice physical therapy.

2 [5. Examination grades or scores shall be preserved by the
3 board subject to public inspection. Examination papers retained
4 by the board shall be subject to public inspection for a period
5 of three years, after which they may be destroyed.]

6 334.540. 1. The board shall issue a license to any
7 physical therapist who is licensed in another jurisdiction and
8 who has had no violations, suspensions or revocations of a
9 license to practice physical therapy in any jurisdiction,
10 provided that, such person is licensed in a jurisdiction whose
11 requirements are substantially equal to, or greater than, the
12 requirements for licensure of physical therapists in Missouri at
13 the time the applicant applies for licensure.

14 2. Every applicant for a license pursuant to this section,
15 upon making application and showing the necessary qualifications
16 as provided in subsection 1 of this section, shall be required to
17 pay the same fee as the fee required to be paid by applicants who
18 apply to take the examination before the board. Within the
19 limits provided in this section, the board may negotiate
20 reciprocal compacts with licensing boards of other states for the
21 admission of licensed practitioners from Missouri in other
22 states.

23 3. Notwithstanding the provisions of subsections 1 and 2 of
24 this section, the board shall not issue a license to any
25 applicant who has failed three or more times any physical

1 therapist licensing examination administered in one or more
2 states or territories of the United States or the District of
3 Columbia.

4 4. The board may waive the provisions of subsection 3 if
5 the applicant has met one of the following provisions:

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

14 (2) The applicant has failed the licensure examination
15 three times or more and then obtains a professional degree in
16 physical therapy at a level higher than previously completed, the
17 applicant can sit for the licensure examination three additional
18 times.

19 334.550. [1. Upon the applicant paying a temporary license
20 fee, the board shall issue without examination a temporary
21 license to practice physical therapy for a period of time not to
22 extend beyond the time when the results of the next examination
23 are announced to any person who meets the qualifications of
24 subsection 1 of section 334.530; provided that, the applicant has
25 not previously been examined in one or more states or territories

1 of the United States or the District of Columbia. The temporary
2 license may be renewed at the discretion of the board and payment
3 of the temporary license fee.

4 2. The board may once renew a temporary license issued
5 pursuant to this section if the licensee fails to sit for the
6 next scheduled examination; provided that, the applicant shows
7 good and exceptional cause for failing to sit for the
8 examination. The applicant shall state the good and exceptional
9 cause in writing and shall verify such statement by oath. The
10 board shall define good and exceptional cause by rules and
11 regulations.

12 3. The board may issue a temporary license to any
13 first-time applicant for licensure by examination if such person
14 submits an agreement-to-supervise form which is signed by the
15 applicant's supervising physical therapist.] An applicant who
16 has not been previously examined in another jurisdiction and
17 meets the qualifications of subsection 1 of section 334.530, may
18 pay a temporary license fee and submit an agreement-to-supervise
19 form, which is signed by the applicant's supervising physical
20 therapist, to the board and obtain without examination a
21 nonrenewable temporary license. Such temporary licensee may only
22 engage in the practice of physical therapy under the supervision
23 of a licensed physical therapist. The board shall define the
24 scope of such supervision by rules and regulations. The
25 temporary license shall expire on either the date the applicant

1 receives the results of the applicant's initial examination or
2 within ninety days of its issuance, whichever occurs first.

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

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

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

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

1 3. The examination of qualified candidates for licensure to
2 practice as physical therapist assistants shall embrace a written
3 examination and which shall cover the curriculum taught in
4 accredited associate degree programs of physical therapy
5 assistant education. Such examination shall be sufficient to
6 test the qualification of the candidates as practitioners. [The
7 examination shall be given by the board at least once each year.
8 The board shall not issue a license to practice as a physical
9 therapist assistant or allow any person to sit for the Missouri
10 state board examination for physical therapist assistants who has
11 failed three or more times any physical therapist licensing
12 examination administered in one or more states or territories of
13 the United States or the District of Columbia. The examination
14 given at any particular time shall be the same for all candidates
15 and the same curriculum shall be included and the same questions
16 shall be asked.]

17 4. The board shall not issue a license to practice as a
18 physical therapist assistant or allow any person to sit for the
19 Missouri state board examination for physical therapist
20 assistants who has failed three or more times any physical
21 therapist licensing examination administered in one or more
22 states or territories of the United States or the District of
23 Columbia.

24 5. The board may waive the provisions of subsection 4 if
25 the applicant has met one of the following provisions:

1 (1) The applicant is licensed and has maintained an active
2 clinical practice for the previous three years in another state
3 of the United States, the District of Columbia or Canada and the
4 applicant has achieved a passing score on a licensing examination
5 administered in a state or territory of the United States, the
6 District of Columbia and no license issued to the applicant has
7 been disciplined or limited in any state or territory of the
8 United States, the District of Columbia or Canada.

9 6. The examination shall include, as related to the human
10 body, the subjects of anatomy, kinesiology, pathology,
11 physiology, psychology, physical therapy theory and procedures as
12 related to medicine and such other subjects, including medical
13 ethics, as the board deems useful to test the fitness of the
14 candidate to practice as a physical therapist assistant.

15 [5. Examination grades or scores shall be preserved by the
16 board subject to public inspection. Examination papers retained
17 by the board shall be subject to public inspection for a period
18 of three years and thereafter may be destroyed.

19 6.] 7. The board shall license without examination any
20 legally qualified person who is a resident of this state and who
21 was actively engaged in practice as a physical therapist
22 assistant on August 28, 1993. The board may license such person
23 pursuant to this subsection until ninety days after the effective
24 date of this section.

25 [7.] 8. A candidate to practice as a physical therapist

1 assistant who does not meet the educational qualifications may
2 submit to the board an application for examination if such person
3 can furnish written evidence to the board that the person has
4 been employed in this state for at least three of the last five
5 years under the supervision of a licensed physical therapist and
6 such person possesses the knowledge and training equivalent to
7 that obtained in an accredited school. The board may license
8 such persons pursuant to this subsection until ninety days after
9 rules developed by the state board of healing arts regarding
10 physical therapist assistant licensing become effective.

11 334.660. 1. The board shall license without examination
12 legally qualified persons who hold certificates of licensure,
13 registration or certification in any state or territory of the
14 United States or the District of Columbia, who have had no
15 violations, suspensions or revocations of such license,
16 registration or certification, if such persons have passed a
17 written examination to practice as a physical therapist assistant
18 that was substantially equal to the examination requirements of
19 this state and in all other aspects, including education, the
20 requirements for such certificates of licensure, registration or
21 certification were, at the date of issuance, substantially equal
22 to the requirements for licensure in this state. [The board
23 shall not issue a license to any applicant who has failed three
24 or more times any physical therapist assistant licensing
25 examination administered in one or more states or territories of

1 the United States or the District of Columbia.]

2 2. Board shall not issue a license to any applicant who has
3 failed three or more times any physical therapist assistant
4 licensing examination administered in one or more states or
5 territories of the United States or the District of Columbia.

6 3. The board may waive the provisions of subsection 1 if
7 the applicant has met one of the following provisions:

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

16 4. Every applicant for a license pursuant to this section,
17 upon making application and providing documentation of the
18 necessary qualifications as provided in this section, shall pay
19 the same fee required of applicants to take the examination
20 before the board. Within the limits of this section, the board
21 may negotiate reciprocal contracts with licensing boards of other
22 states for the admission of licensed practitioners from Missouri
23 in other states.

24 334.665. [Upon the applicant paying a temporary fee, the
25 board shall issue, without examination, a temporary license to

1 practice as a physical therapist assistant for a period of time
2 not to exceed beyond the time when the results of the next
3 examination are announced to any person who meets the
4 qualifications of section 334.655. The temporary license may be
5 renewed at the discretion of the board and upon payment of a
6 temporary license fee.] An applicant who has not been previously
7 examined in another jurisdiction and meets the qualifications of
8 subsection 1 of section 334.655 may pay a temporary license fee
9 and submit an agreement-to-supervise form which is signed by the
10 applicant's supervising physical therapist to the board and
11 obtain without examination a nonrenewable temporary license.
12 Such temporary licensee may only practice under the supervision
13 of a licensed physical therapist. A licensed physical therapist
14 shall supervise no more than one temporary licensee. The board
15 shall define the scope of such supervision by rules and
16 regulations. The temporary license shall expire on either the
17 date the applicant receives the results of the applicant's
18 initial examination or within ninety days of its issuance,
19 whichever occurs first.

20 335.016. As used in this chapter, unless the context
21 clearly requires otherwise, the following words and terms mean:

22 (1) "Accredited", the official authorization or status
23 granted by an agency for a program through a voluntary process;

24 (2) "Advanced practice nurse", a nurse who has had
25 education beyond the basic nursing education and is certified by

1 a nationally recognized professional organization as having a
2 nursing specialty, or who meets criteria for advanced practice
3 nurses established by the board of nursing. The board of nursing
4 may promulgate rules specifying which professional nursing
5 organization certifications are to be recognized as advanced
6 practice nurses, and may set standards for education, training
7 and experience required for those without such specialty
8 certification to become advanced practice nurses. Advanced
9 practice nurses and only such individuals may use the title
10 "Advanced Practice Registered Nurse" and the abbreviation "APRN";

11 (3) "Approval", official recognition of nursing education
12 programs which meet standards established by the board of
13 nursing;

14 (4) "Board" or "state board", the state board of nursing;

15 (5) "Executive director", a qualified individual employed
16 by the board as executive secretary or otherwise to administer
17 the provisions of this chapter under the board's direction. Such
18 person employed as executive director shall not be a member of
19 the board;

20 (6) "Inactive nurse", as defined by rule pursuant to
21 section 335.061;

22 (7) A "licensed practical nurse" or "practical nurse", a
23 person licensed pursuant to the provisions of this chapter to
24 engage in the practice of practical nursing;

25 (8) "Licensure", the issuing of a license to practice

1 professional or practical nursing to candidates who have met the
2 specified requirements and the recording of the names of those
3 persons as holders of a license to practice professional or
4 practical nursing;

5 (9) "Practical nursing", the performance for compensation
6 of selected acts for the promotion of health and in the care of
7 persons who are ill, injured, or experiencing alterations in
8 normal health processes. Such performance requires substantial
9 specialized skill, judgment and knowledge. All such nursing care
10 shall be given under the direction of a person licensed by a
11 state regulatory board to prescribe medications and treatments or
12 under the direction of a registered professional nurse. For the
13 purposes of this chapter, the term "direction" shall mean
14 guidance or supervision provided by a person licensed by a state
15 regulatory board to prescribe medications and treatments or a
16 registered professional nurse, including, but not limited to,
17 oral, written, or otherwise communicated orders or directives for
18 patient care. When practical nursing care is delivered pursuant
19 to the direction of a person licensed by a state regulatory board
20 to prescribe medications and treatments or under the direction of
21 a registered professional nurse, such care may be delivered by a
22 licensed practical nurse without direct physical oversight;

23 (10) "Professional nursing", the performance for
24 compensation of any act which requires substantial specialized
25 education, judgment and skill based on knowledge and application

1 of principles derived from the biological, physical, social and
2 nursing sciences, including, but not limited to:

3 (a) Responsibility for the teaching of health care and the
4 prevention of illness to the patient and his or her family;

5 (b) Assessment, nursing diagnosis, nursing care, and
6 counsel of persons who are ill, injured or experiencing
7 alterations in normal health processes;

8 (c) The administration of medications and treatments as
9 prescribed by a person licensed by a state regulatory board to
10 prescribe medications and treatments;

11 (d) The coordination and assistance in the delivery of a
12 plan of health care with all members of a health team;

13 (e) The teaching and supervision of other persons in the
14 performance of any of the foregoing;

15 (11) A "registered professional nurse" or "registered
16 nurse", a person licensed pursuant to the provisions of this
17 chapter to engage in the practice of professional nursing.

18 335.212. As used in sections 335.212 to 335.242, the
19 following terms mean:

20 (1) "Board", the Missouri state board of nursing;

21 (2) "Department", the Missouri department of health and
22 senior services;

23 (3) "Director", director of the Missouri department of
24 health and senior services;

25 (4) "Eligible student", a resident who has made application

1 to be a full-time student in a formal course of instruction
2 leading to an associate degree, a diploma, a bachelor of science,
3 or a master of science in nursing or leading to the completion of
4 educational requirements for a licensed practical nurse;

5 (5) "Participating school", an institution within this
6 state which is approved by the board for participation in the
7 professional and practical nursing student loan program
8 established by sections 335.212 to 335.242, having a nursing
9 department and offering a course of instruction based on nursing
10 theory and clinical nursing experience;

11 (6) "Qualified applicant", an eligible student approved by
12 the board for participation in the professional and practical
13 nursing student loan program established by sections 335.212 to
14 335.242;

15 (7) "Qualified employment", employment on a full-time basis
16 in Missouri in a position requiring licensure as a licensed
17 practical nurse or registered professional nurse in any hospital
18 as defined in section 197.020, RSMo, or public or nonprofit
19 agency, institution, or organization located in an area of need
20 as determined by the department of health and senior services.
21 Any forgiveness of such principal and interest for any qualified
22 applicant engaged in qualified employment on a less than
23 full-time basis may be prorated to reflect the amounts provided
24 in this section;

25 (8) "Resident", any person who has lived in this state for

1 one or more years for any purpose other than the attending of an
2 educational institution located within this state.

3 335.245. As used in sections 335.245 to 335.259, the
4 following terms mean:

5 (1) "Department", the Missouri department of health and
6 senior services;

7 (2) "Eligible applicant", a Missouri licensed nurse who has
8 attained either an associate degree, a diploma, a bachelor of
9 science, or graduate degree in nursing from an accredited
10 institution approved by the board of nursing or a student nurse
11 in the final year of a full-time baccalaureate school of nursing
12 leading to a baccalaureate degree or graduate nursing program
13 leading to a master's degree in nursing and has agreed to serve
14 in an area of defined need as established by the department;

15 (3) "Participating school", an institution within this
16 state which grants an associate degree in nursing, grants a
17 bachelor or master of science degree in nursing or provides a
18 diploma nursing program which is accredited by the state board of
19 nursing, or a regionally accredited institution in this state
20 which provides a bachelor of science completion program for
21 registered professional nurses;

22 (4) "Qualified employment", employment on a full-time basis
23 in Missouri in a position requiring licensure as a licensed
24 practical nurse or registered professional nurse in any hospital
25 as defined in section 197.020, RSMo, or public or nonprofit

1 agency, institution, or organization located in an area of need
2 as determined by the department of health and senior services.
3 Any forgiveness of such principal and interest for any qualified
4 applicant engaged in qualified employment on a less than
5 full-time basis may be prorated to reflect the amounts provided
6 in this section.

7 337.085. 1. There is hereby established in the state
8 treasury a fund to be known as the "State Committee of
9 Psychologists Fund". All fees of any kind and character
10 authorized under sections 337.010 to 337.090 to be charged by the
11 committee or division shall be collected by the director of the
12 division of professional registration and shall be transmitted to
13 the department of revenue for deposit in the state treasury for
14 credit to this fund. Such funds, upon appropriation, shall be
15 disbursed only in payment of expenses of maintaining the
16 committee and for the enforcement of the provisions of law
17 concerning professions regulated by the committee. No other
18 money shall be paid out of the state treasury for carrying out
19 these provisions. Warrants shall be issued on the state
20 treasurer for payment out of the fund.

21 2. The provisions of section 33.080, RSMo, to the contrary
22 notwithstanding, money in this fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the
24 fund at the end of the biennium exceeds two times the amount of
25 the appropriation from the committee's fund for the preceding

1 fiscal year or, if the committee requires by rule renewal less
2 frequently than yearly then three times the appropriation from
3 the committee's fund for the preceding fiscal year. The amount,
4 if any, in the fund which shall lapse is that amount in the fund
5 which exceeds the appropriate multiple of the appropriations from
6 the committee's fund for the preceding fiscal year.

7 3. All funds pertaining to the Missouri state committee of
8 psychologists deposited in the state treasury to the credit of
9 the committee of registration for the healing arts fund shall be
10 transferred from that fund to the state committee of
11 psychologists fund by the division director.

12 337.507. 1. Applications for examination and licensure as
13 a professional counselor shall be in writing, submitted to the
14 division on forms prescribed by the division and furnished to the
15 applicant. The application shall contain the applicant's
16 statements showing his education, experience and such other
17 information as the division may require. Each application shall
18 contain a statement that it is made under oath or affirmation and
19 that the information contained therein is true and correct to the
20 best knowledge and belief of the applicant, subject to the
21 penalties provided for the making of a false affidavit or
22 declaration. Each application shall be accompanied by the fees
23 required by the committee.

24 2. The division shall mail a renewal notice to the last
25 known address of each licensee prior to the registration renewal

1 date. Failure to provide the division with the information
2 required for registration, or to pay the registration fee after
3 such notice shall effect a revocation of the license after a
4 period of sixty days from the registration renewal date. The
5 license shall be restored if, within two years of the
6 registration date, the applicant provides written application and
7 the payment of the registration fee and a delinquency fee.

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

11 4. The committee shall set the amount of the fees which
12 sections 337.500 to 337.540 authorize and require by rules and
13 regulations promulgated pursuant to section 536.021, RSMo. The
14 fees shall be set at a level to produce revenue which shall not
15 substantially exceed the cost and expense of administering the
16 provisions of sections 337.500 to 337.540. All fees provided for
17 in sections 337.500 to 337.540 shall be collected by the director
18 who shall deposit the same with the state treasurer in a fund to
19 be known as the "Committee of Professional Counselors Fund".

20 5. The provisions of section 33.080, RSMo, to the contrary
21 notwithstanding, money in this fund shall not be transferred and
22 placed to the credit of general revenue until the amount in the
23 fund at the end of the biennium exceeds two times the amount of
24 the appropriation from the committee's fund for the preceding
25 fiscal year or, if the committee requires by rule renewal less

1 frequently than yearly then three times the appropriation from
2 the committee's fund for the preceding fiscal year. The amount,
3 if any, in the fund which shall lapse is that amount in the fund
4 which exceeds the appropriate multiple of the appropriations from
5 the committee's fund for the preceding fiscal year.

6 6. The committee shall hold public examinations at least
7 two times per year, at such times and places as may be fixed by
8 the committee, notice of such examinations to be given to each
9 applicant at least ten days prior thereto.

10 337.615. 1. Each applicant for licensure as a clinical
11 social worker shall furnish evidence to the committee that:

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

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

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

23 (4) The applicant is at least eighteen years of age, is of
24 good moral character, is a United States citizen or has status as
25 a legal resident alien, and has not been convicted of a felony

1 during the ten years immediately prior to application for
2 licensure.

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

11 3. The committee shall issue a license to each person who
12 files an application and fee as required by the provisions of
13 sections 337.600 to 337.639 and who furnishes evidence
14 satisfactory to the committee that the applicant has complied
15 with the provisions of subdivisions (1) to (4) of subsection 1 of
16 this section or with the provisions of subsection 2 of this
17 section. The committee shall issue a provisional clinical social
18 worker license to any applicant who meets all requirements of
19 subdivisions (1), (3) and (4) of subsection 1 of this section,
20 but who has not completed the twenty-four months of supervised
21 clinical experience required by subdivision (2) of subsection 1
22 of this section, and such applicant may reapply for licensure as
23 a clinical social worker upon completion of the twenty-four
24 months of supervised clinical experience.

25 337.665. 1. Each applicant for licensure as a

1 baccalaureate social worker shall furnish evidence to the
2 committee that:

3 (1) The applicant has a baccalaureate degree in social work
4 from an accredited social work degree program approved by the
5 council of social work education;

6 (2) The applicant has achieved a passing score, as defined
7 by the committee, on an examination approved by the committee.
8 The eligibility requirements for such examination shall be
9 determined by the state committee for social work;

10 (3) The applicant has completed three thousand hours of
11 supervised baccalaureate experience with a licensed clinical
12 social worker or licensed baccalaureate social worker in no less
13 than twenty-four and no more than forty-eight consecutive
14 calendar months;

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

20 (5) The applicant has submitted a written application on
21 forms prescribed by the state board;

22 (6) The applicant has submitted the required licensing fee,
23 as determined by the division.

24 2. Any applicant who answers in the affirmative to any
25 question on the application that relates to possible grounds for

1 denial of licensure pursuant to section 337.680 shall submit a
2 sworn affidavit setting forth in detail the facts which explain
3 such answer and copies of appropriate documents related to such
4 answer.

5 3. Any person [not a resident of this state] holding a
6 valid unrevoked and unexpired license, certificate or
7 registration from another state or territory of the United States
8 having substantially the same requirements as this state for
9 baccalaureate social workers may be granted a license to engage
10 in the person's occupation in this state upon application to the
11 committee accompanied by the appropriate fee as established by
12 the committee pursuant to section 337.662.

13 4. The committee shall issue a license to each person who
14 files an application and fee as required by the provisions of
15 sections 337.650 to 337.689 and who furnishes evidence
16 satisfactory to the committee that the applicant has complied
17 with the provisions of subsection 1 of this section or with the
18 provisions of subsection 2 of this section. The committee shall
19 issue a one-time provisional baccalaureate social worker license
20 to any applicant who meets all requirements of subdivisions (1),
21 (2), (4), (5) and (6) of subsection 1 of this section, but who
22 has not completed the supervised baccalaureate experience
23 required by subdivision (3) of subsection 1 of this section, and
24 such applicant may apply for licensure as a baccalaureate social
25 worker upon completion of the supervised baccalaureate

1 experience.

2 337.712. 1. Applications for licensure as a marital and
3 family therapist shall be in writing, submitted to the division
4 on forms prescribed by the division and furnished to the
5 applicant. The application shall contain the applicant's
6 statements showing the applicant's education, experience and such
7 other information as the division may require. Each application
8 shall contain a statement that it is made under oath or
9 affirmation and that the information contained therein is true
10 and correct to the best knowledge and belief of the applicant,
11 subject to the penalties provided for the making of a false
12 affidavit or declaration. Each application shall be accompanied
13 by the fees required by the division.

14 2. The division shall mail a renewal notice to the last
15 known address of each licensee prior to the licensure renewal
16 date. Failure to provide the division with the information
17 required for license, or to pay the licensure fee after such
18 notice shall effect a revocation of the license after a period of
19 sixty days from the licensure renewal date. The license shall be
20 restored if, within two years of the licensure date, the
21 applicant provides written application and the payment of the
22 licensure fee and a delinquency fee.

23 3. A new certificate to replace any certificate lost,
24 destroyed or mutilated may be issued subject to the rules of the
25 division upon payment of a fee.

1 4. The division shall set the amount of the fees
2 authorized. The fees shall be set at a level to produce revenue
3 which shall not substantially exceed the cost and expense of
4 administering the provisions of sections 337.700 to 337.739. All
5 fees provided for in sections 337.700 to 337.739 shall be
6 collected by the director who shall deposit the same with the
7 state treasurer to a fund to be known as the "Marital and Family
8 Therapists' Fund".

9 5. The provisions of section 33.080, RSMo, to the contrary
10 notwithstanding, money in this fund shall not be transferred and
11 placed to the credit of general revenue until the amount in the
12 fund at the end of the biennium exceeds two times the amount of
13 the appropriations from the marital and family therapists' fund
14 for the preceding fiscal year or, if the division requires by
15 rule renewal less frequently than yearly then three times the
16 appropriation from the fund for the preceding fiscal year. The
17 amount, if any, in the fund which shall lapse is that amount in
18 the fund which exceeds the appropriate multiple of the
19 appropriations from the marital and family therapists' fund for
20 the preceding fiscal year.

21 338.013. 1. Any person desiring to assist a pharmacist in
22 the practice of pharmacy as defined in this chapter shall apply
23 to the board of pharmacy for registration as a pharmacy
24 technician. [Such applicant shall not have engaged in conduct or
25 behavior determined to be grounds for discipline pursuant to this

chapter.] Such applicant shall be, at a minimum, legal working age and shall forward to the board the appropriate fee and written application on a form provided by the board. Such registration shall be the sole authorization permitted to allow persons to assist licensed pharmacists in the practice of pharmacy as defined in this chapter.

2. The board may refuse to issue a certificate of registration as a pharmacy technician to an applicant that has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, to a violation of any state, territory or federal drug law, or to any felony or has violated any provision of subsection 2 of section 338.055. Alternately, the board may issue such person a registration, but may authorize the person to work as a pharmacy technician provided that person adheres to certain terms and conditions imposed by the board. The board shall place on the employment disqualification list the name of an applicant who the board has refused to issue a certificate of registration as a pharmacy technician, or the name of a person who the board has issued a certificate of registration as a pharmacy technician but has authorized to work under certain terms and conditions. The board shall notify the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

3. If an applicant has submitted the required fee and an

1 application for registration to the board of pharmacy, the
2 applicant for registration as a pharmacy technician may assist a
3 licensed pharmacist in the practice of pharmacy as defined in
4 this chapter for a period of up to ninety days prior to the
5 issuance of a certificate of registration. The applicant shall
6 keep a copy of the submitted application on the premises where
7 the applicant is employed. When the board refuses to issue a
8 certificate of registration as a pharmacy technician to an
9 applicant, the applicant shall immediately cease assisting a
10 licensed pharmacist in the practice of pharmacy.

11 [3.] 4. A certificate of registration issued by the board
12 shall be conspicuously displayed in the pharmacy or place of
13 business where the registrant is employed.

14 [4.] 5. Every pharmacy technician who desires to continue
15 to be registered as provided in this section shall, within thirty
16 days before the registration expiration date, file an application
17 for the renewal, accompanied by the fee prescribed by the board.
18 No registration as provided in this section shall be valid if the
19 registration has expired and has not been renewed as provided in
20 this subsection.

21 [5.] 6. The board shall maintain an employment
22 disqualification list [of the names of all pharmacy technicians
23 who have been adjudicated and found guilty, or have entered a
24 plea of guilty or nolo contendere to violation of any state,
25 territory or federal drug law, been found guilty, pled guilty or

1 nolo contendere to any felony or have violated any provision of
2 subdivision (2), (3), (4), (6), (7), (11), (12) or (15) of
3 subsection 2 of section 338.055]. No person whose name appears
4 on the employment disqualification list shall work as a pharmacy
5 technician, except as otherwise authorized by the board. The
6 board may authorize a person whose name appears on the employment
7 disqualification list to work or continue to work as a pharmacy
8 technician provided the person adheres to certain terms and
9 conditions imposed by the board.

10 7. The board may place on the employment disqualification
11 list the name of a pharmacy technician who has been adjudicated
12 and found guilty, or has entered a plea of guilty or nolo
13 contendere, to a violation of any state, territory or federal
14 drug law, or to any felony or has violated any provision of
15 subsection 2 of section 338.055.

16 [6.] 8. After an investigation and a determination has been
17 made to place a person's name on the employment disqualification
18 list, the board shall notify such person in writing mailed to the
19 person's last known address that:

20 (1) An allegation has been made against the person, the
21 substance of the allegation and that an investigation has been
22 conducted which tends to substantiate the allegation;

23 (2) Such person's name [will be included] has been added in
24 the employment disqualification list of the board;

25 (3) The consequences to the person of being listed and the

1 length of time the person's name will be on the list; and

2 (4) The person's right[s and the procedure to challenge the
3 inclusion of the person's name on the disqualification list] to
4 file a complaint with the administrative hearing commission as
5 provided in chapter 621, RSMo.

6 [7.] 9. [If no reply has been received by the board within
7 thirty days after the board mailed the notice, the board may
8 include the name of such person on such disqualification list.]
9 The length of time a person's name shall remain on the
10 disqualification list shall be determined by the board. [The
11 board may, also, provide for alternative sanctions, including,
12 but not limited to, conditional employment based on a requirement
13 that the person submit certain documentation within a certain
14 period of time. Any person who receives notice that the board
15 intends to place the person's name on the employment
16 disqualification list may file an appeal with the administrative
17 hearing commission as provided in chapter 621, RSMo.]

18 [8.] 10. No hospital or licensed pharmacy shall knowingly
19 employ any person whose name appears on the employee
20 disqualification list, except that a hospital or licensed
21 pharmacy may employ a person whose name appears on the employment
22 disqualification list but the board has authorized to work under
23 certain terms and conditions. Any hospital or licensed pharmacy
24 shall report to the board any final disciplinary action taken
25 against a pharmacy technician or the voluntary resignation of a

1 pharmacy technician against whom any complaints or reports have
2 been made which might have led to final disciplinary action that
3 can be a cause of action for discipline by the board as provided
4 for in subsection 2 of section 338.055. Compliance with the
5 foregoing sentence may be interposed as an affirmative defense by
6 the employer. Any hospital or licensed pharmacy which reports to
7 the board in good faith shall not be liable for civil damages.

8 338.055. 1. The board may refuse to issue any certificate
9 of registration or authority, permit or license required pursuant
10 to this chapter for one or any combination of causes stated in
11 subsection 2 of this section. The board shall notify the
12 applicant in writing of the reasons for the refusal and shall
13 advise the applicant of his or her right to file a complaint with
14 the administrative hearing commission as provided by chapter 621,
15 RSMo.

16 2. The board may cause a complaint to be filed with the
17 administrative hearing commission as provided by chapter 621,
18 RSMo, against any holder of any certificate of registration or
19 authority, permit or license required by this chapter or any
20 person who has failed to renew or has surrendered his or her
21 certificate of registration or authority, permit or license for
22 any one or any combination of the following causes:

23 (1) Use of any controlled substance, as defined in chapter
24 195, RSMo, or alcoholic beverage to an extent that such use
25 impairs a person's ability to perform the work of any profession

1 licensed or regulated by this chapter;

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

10 (3) Use of fraud, deception, misrepresentation or bribery
11 in securing any certificate of registration or authority, permit
12 or license issued pursuant to this chapter or in obtaining
13 permission to take any examination given or required pursuant to
14 this chapter;

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

18 (5) [Incompetency] Incompetence, misconduct, gross
19 negligence, fraud, misrepresentation or dishonesty in the
20 performance of the functions or duties of any profession licensed
21 or regulated by this chapter;

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

25 (7) Impersonation of any person holding a certificate of

1 registration or authority, permit or license or allowing any
2 person to use his or her certificate of registration or
3 authority, permit, license, or diploma from any school;

4 (8) Denial of licensure to an applicant or disciplinary
5 action against an applicant or the holder of a license or other
6 right to practice any profession regulated by this chapter
7 granted by another state, territory, federal agency, or country
8 whether or not voluntarily agreed to by the licensee or
9 applicant, including but not limited to, surrender of the license
10 upon grounds for which [revocation or suspension] denial or
11 discipline is authorized in this state;

12 (9) A person is finally adjudged incapacitated by a court
13 of competent jurisdiction;

14 (10) Assisting or enabling any person to practice or offer
15 to practice any profession licensed or regulated by this chapter
16 who is not registered and currently eligible to practice under
17 this chapter;

18 (11) Issuance of a certificate of registration or
19 authority, permit or license based upon a material mistake of
20 fact;

21 (12) Failure to display a valid certificate or license if
22 so required by this chapter or any rule promulgated hereunder;

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

24 (14) Use of any advertisement or solicitation which is
25 false, misleading or deceptive to the general public or persons

1 to whom the advertisement or solicitation is primarily directed;

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

4 (16) The intentional act of substituting or otherwise
5 changing the content, formula or brand of any drug prescribed by
6 written or oral prescription without prior written or oral
7 approval from the prescriber for the respective change in each
8 prescription; provided, however, that nothing contained herein
9 shall prohibit a pharmacist from substituting or changing the
10 brand of any drug as provided under section 338.056, and any such
11 substituting or changing of the brand of any drug as provided for
12 in section 338.056 shall not be deemed unprofessional or
13 dishonorable conduct unless a violation of section 338.056
14 occurs;

15 (17) Personal use or consumption of any controlled
16 substance unless it is prescribed, dispensed, or administered by
17 a health care provider who is authorized by law to do so.

18 3. After the filing of such complaint, the proceedings
19 shall be conducted in accordance with the provisions of chapter
20 621, RSMo. Upon a finding by the administrative hearing
21 commission that the grounds, provided in subsection 2, for
22 disciplinary action are met, the board may, singly or in
23 combination, censure or place the person named in the complaint
24 on probation on such terms and conditions as the board deems
25 appropriate for a period not to exceed five years, or may

1 suspend, for a period not to exceed three years, or revoke the
2 license, certificate, or permit. The board may impose additional
3 discipline on a licensee, registrant, or permittee found to have
4 violated any disciplinary terms previously imposed under this
5 section or by agreement. The additional discipline may include,
6 singly or in combination, censure, placing the licensee,
7 registrant, or permittee named in the complaint on additional
8 probation on such terms and conditions as the board deems
9 appropriate, which additional probation shall not exceed five
10 years, or suspension for a period not to exceed three years, or
11 revocation of the license, certificate, or permit.

12 4. If the board concludes that a [pharmacist] licensee or
13 registrant has committed an act or is engaging in a course of
14 conduct which would be grounds for disciplinary action which
15 constitutes a clear and present danger to the public health and
16 safety, the board may file a complaint before the administrative
17 hearing commission requesting an expedited hearing and specifying
18 the activities which give rise to the danger and the nature of
19 the proposed restriction or suspension of the [pharmacist's]
20 licensee's or registrant's license. Within fifteen days after
21 service of the complaint on the [pharmacist] licensee or
22 registrant, the administrative hearing commission shall conduct a
23 preliminary hearing to determine whether the alleged activities
24 of the [pharmacist] licensee or registrant appear to constitute a
25 clear and present danger to the public health and safety which

1 justify that the [pharmacist's] licensee's or registrant's
2 license or registration be immediately restricted or suspended.
3 The burden of proving that the actions of a [pharmacist is]
4 licensee or registrant constitute a clear and present danger to
5 the public health and safety shall be upon the state board of
6 pharmacy. The administrative hearing commission shall issue its
7 decision immediately after the hearing and shall either grant to
8 the board the authority to suspend or restrict the license or
9 dismiss the action.

10 5. If the administrative hearing commission grants
11 temporary authority to the board to restrict or suspend the
12 [pharmacist's] licensee's or registrant's license, such temporary
13 authority of the board shall become final authority if there is
14 no request by the [pharmacist] licensee or registrant for a full
15 hearing within thirty days of the preliminary hearing. The
16 administrative hearing commission shall, if requested by the
17 [pharmacist] licensee or registrant named in the complaint, set a
18 date to hold a full hearing under the provisions of chapter 621,
19 RSMo, regarding the activities alleged in the initial complaint
20 filed by the board.

21 6. If the administrative hearing commission dismisses the
22 action filed by the board pursuant to subsection 4 of this
23 section, such dismissal shall not bar the board from initiating a
24 subsequent action on the same grounds.

25 338.065. 1. [After August 28, 1990,] At such time as the

1 final trial proceedings are concluded whereby a licensee or
2 registrant, or any person who has failed to renew or has
3 surrendered his or her certificate of registration or authority,
4 permit, or license, has been adjudicated and found guilty, or has
5 entered a plea of guilty or nolo contendere, in a felony
6 prosecution pursuant to the laws of the state of Missouri, the
7 laws of any other state, territory, or the laws of the United
8 States of America for any offense reasonably related to the
9 qualifications, functions or duties of a licensee, permittee, or
10 registrant pursuant to this chapter or any felony offense, an
11 essential element of which is fraud, dishonesty or an act of
12 violence, or for any felony offense involving moral turpitude,
13 whether or not sentence is imposed, the board of pharmacy may
14 hold a disciplinary hearing to singly or in combination censure
15 or place the licensee, permittee, or registrant named in the
16 complaint on probation on such terms and conditions as the board
17 deems appropriate for a period not to exceed five years, or may
18 suspend, for a period not to exceed three years, or revoke the
19 license, certificate, registration or permit.

20 2. Anyone who has been revoked or denied a license, permit
21 or certificate to practice in another state may automatically be
22 denied a license or permit to practice in this state. However,
23 the board of pharmacy may establish other qualifications by which
24 a person may ultimately be qualified and licensed to practice in
25 Missouri.

1 338.145. 1. The president of the board may, upon majority
2 vote of the board, administer oaths, issue subpoenas duces tecum,
3 and require production of documents and records from any person
4 or entity not licensed by the board when such documents and
5 records are not otherwise available to the board pursuant to the
6 board's inspection authority granted in sections 338.100 and
7 338.150. Subpoenas duces tecum shall be served by a person
8 authorized to serve subpoenas of courts of record. In lieu of
9 requiring attendance of a person to produce original documents in
10 response to a subpoena duces tecum, the board may require sworn
11 copies of such documents to be filed with it or delivered to its
12 designated representative.

13 2. The board may enforce its subpoenas duces tecum by
14 applying to the circuit court of Cole County, the county of the
15 investigation, hearing or proceeding, or any county where the
16 records reside or may be found, for an order upon any person who
17 shall fail to obey a subpoena duces tecum to show cause why such
18 subpoena duces tecum should not be enforced, which such order and
19 a copy of the application therefore shall be served upon the
20 person in the same manner as a summons in a civil action. If the
21 circuit court shall, after a hearing, determine that the subpoena
22 duces tecum should be sustained and enforced, such court shall
23 proceed to enforce the subpoena duces tecum in the same manner as
24 though the subpoena had been issued in a civil case in the
25 circuit court.

1 338.155. 1. Any person who in good faith and without
2 malice reports, provides information, or cooperates in any manner
3 with the board, or assists the board in any manner, including,
4 but not limited to, any applicant or licensee, whether or not the
5 applicant or licensee is the subject of an investigation, record
6 custodians, consultants, attorneys, board members, agents,
7 employees, staff or expert witnesses, in the course of any
8 investigation, hearing or other proceeding conducted by or before
9 the board pursuant to the provisions of this chapter shall not be
10 subject to an action for civil damages as a result of providing
11 such information and cooperating with the board.

12 2. No physician or other authorized prescriber who, in good
13 faith, cooperates with the board by writing a prescription or
14 drug order at the request of the board pursuant to a routine
15 inspection or a lawful investigation, shall, by virtue of that
16 cooperation, be in violation of this chapter or any drug laws of
17 this state and shall be acting as an agent of the state and, as
18 such, shall have sovereign immunity for those actions.

19 3. No licensee, registrant, permit holder, or other
20 individual or entity subject to the board's jurisdiction who, in
21 good faith, fills a prescription presented by the board as part
22 of an inspection or investigation shall, by virtue of that act,
23 be in violation of this chapter or the drug laws of this state,
24 provided the prescription is otherwise prepared and dispensed in
25 a lawful manner.

1 338.220. 1. It shall be unlawful for any person,
2 copartnership, association, corporation or any other business
3 entity to open, establish, operate, or maintain any pharmacy, as
4 defined by statute without first obtaining a permit or license to
5 do so from the Missouri board of pharmacy. The following classes
6 of pharmacy permits or licenses are hereby established:

- 7 (1) Class A: Community/ambulatory;
- 8 (2) Class B: Hospital outpatient pharmacy;
- 9 (3) Class C: Long-term care;
- 10 (4) Class D: [Home health care] Nonsterile compounding;
- 11 (5) Class E: Radio pharmaceutical;
- 12 (6) Class F: Renal dialysis;
- 13 (7) Class G: Medical gas;
- 14 (8) Class H: Sterile product compounding;
- 15 (9) Class I: Consultant services;
- 16 (10) Class J: Shared service;
- 17 (11) Class K: Internet.

18 2. Application for such permit or license shall be made
19 upon a form furnished to the applicant; shall contain a statement
20 that it is made under oath or affirmation and that its
21 representations are true and correct to the best knowledge and
22 belief of the person signing same, subject to the penalties of
23 making a false affidavit or declaration; and shall be accompanied
24 by a permit or license fee. The permit or license issued shall
25 be renewable upon payment of a renewal fee. Separate

1 applications shall be made and separate permits or licenses
2 required for each pharmacy opened, established, operated, or
3 maintained by the same owner.

4 3. All permits, licenses or renewal fees collected pursuant
5 to the provisions of sections 338.210 to 338.370 shall be
6 deposited in the state treasury to the credit of the Missouri
7 board of pharmacy fund, to be used by the Missouri board of
8 pharmacy in the enforcement of the provisions of sections 338.210
9 to 338.370, when appropriated for that purpose by the general
10 assembly.

11 345.015. As used in sections 345.010 to 345.080, the
12 following terms mean:

13 (1) "Audiologist", a person who is licensed as an
14 audiologist pursuant to sections 345.010 to 345.080 to practice
15 audiology;

16 (2) "Audiology aide", a person who is registered as an
17 audiology aide by the board, who does not act independently but
18 works under the direction and supervision of a licensed
19 audiologist. Such person assists the audiologist with activities
20 which require an understanding of audiology but do not require
21 formal training in the relevant academics. To be eligible for
22 registration by the board, each applicant shall submit a
23 registration fee, be of good moral and ethical character; and:

24 (a) Be at least eighteen years of age;

25 (b) Furnish evidence of the person's educational

1 qualifications which shall be at a minimum:

2 a. Certification of graduation from an accredited high
3 school or its equivalent; and

4 b. On-the-job training;

5 (c) Be employed in a setting in which direct and indirect
6 supervision are provided on a regular and systematic basis by a
7 licensed audiologist. However, the aide shall not administer or
8 interpret hearing screening or diagnostic tests, fit or dispense
9 hearing instruments, make ear impressions, make diagnostic
10 statements, determine case selection, present written reports to
11 anyone other than the supervisor without the signature of the
12 supervisor, make referrals to other professionals or agencies,
13 use a title other than speech-language pathology aide or clinical
14 audiology aide, develop or modify treatment plans, discharge
15 clients from treatment or terminate treatment, disclose clinical
16 information, either orally or in writing, to anyone other than
17 the supervising speech-language pathologist/audiologist, or
18 perform any procedure for which he or she is not qualified, has
19 not been adequately trained or both;

20 (3) "Board", the state board of registration for the
21 healing arts;

22 (4) "Clinical fellowship", the supervised professional
23 employment period following completion of the academic and
24 practicum requirements of an accredited training program as
25 defined in sections 345.010 to 345.080;

1 (5) "Commission", the advisory commission for
2 speech-language pathologists and audiologists;

3 (6) "Hearing instrument" or "hearing aid", any wearable
4 device or instrument designed for or offered for the purpose of
5 aiding or compensating for impaired human hearing and any parts,
6 attachments or accessories, including ear molds, but excluding
7 batteries, cords, receivers and repairs;

8 (7) "Person", any individual, organization, or corporate
9 body, except that only individuals may be licensed pursuant to
10 sections 345.010 to 345.080;

11 (8) "Practice of audiology":

12 (a) The application of accepted audiologic principles,
13 methods and procedures for the measurement, testing,
14 interpretation, appraisal and prediction related to disorders of
15 the auditory system, balance system or related structures and
16 systems;

17 (b) Provides consultation, counseling to the patient,
18 client, student, their family or interested parties;

19 (c) Provides academic, social and medical referrals when
20 appropriate;

21 (d) Provides for establishing goals, implementing
22 strategies, methods and techniques, for habilitation,
23 rehabilitation or aural rehabilitation, related to disorders of
24 the auditory system, balance system or related structures and
25 systems;

1 (e) Provides for involvement in related research, teaching
2 or public education;

3 (f) Provides for rendering of services or participates in
4 the planning, directing or conducting of programs which are
5 designed to modify audition, communicative, balance or cognitive
6 disorder, which may involve speech and language or education
7 issues;

8 (g) Provides and interprets behavioral and neurophysiologic
9 measurements of auditory balance, cognitive processing and
10 related functions, including intraoperative monitoring;

11 (h) Provides involvement in any tasks, procedures, acts or
12 practices that are necessary for evaluation of audition, hearing,
13 training in the use of amplification or assistive listening
14 devices;

15 (i) Provides selection and assessment of hearing
16 instruments;

17 (j) Provides for taking impressions of the ear, making
18 custom ear molds, ear plugs, swim molds and industrial noise
19 protectors;

20 (k) Provides assessment of external ear and cerumen
21 management;

22 (l) Provides advising, fitting, mapping assessment of
23 implantable devices such as cochlear or auditory brain stem
24 devices;

25 (m) Provides information in noise control and hearing

1 conservation including education, equipment selection, equipment
2 calibration, site evaluation and employee evaluation;

3 (n) Provides performing basic speech-language screening
4 test;

5 (o) Provides involvement in social aspects of
6 communication, including challenging behavior and ineffective
7 social skills, lack of communication opportunities;

8 (p) Provides support and training of family members and
9 other communication partners for the individual with auditory
10 balance, cognitive and communication disorders;

11 (q) Provides aural rehabilitation and related services to
12 individuals with hearing loss and their families;

13 (r) Evaluates, collaborates and manages audition problems
14 in the assessment of the central auditory processing disorders
15 and providing intervention for individuals with central auditory
16 processing disorders;

17 (s) Develops and manages academic and clinical problems in
18 communication sciences and disorders;

19 (t) Conducts, disseminates and applies research in
20 communication sciences and disorders;

21 (9) "Practice of speech-language pathology":

22 (a) Provides screening, identification, assessment,
23 diagnosis, treatment, intervention, including but not limited to,
24 prevention, restoration, amelioration and compensation, and
25 follow-up services for disorders of:

1 a. Speech: articulation, fluency, voice, including
2 respiration, phonation and resonance;

3 b. Language, involving the parameters of phonology,
4 morphology, syntax, semantics and pragmatic; and including
5 disorders of receptive and expressive communication in oral,
6 written, graphic and manual modalities;

7 c. Oral, pharyngeal, cervical esophageal and related
8 functions, such as, dysphagia, including disorders of swallowing
9 and oral functions for feeding; orofacial myofunctional
10 disorders;

11 d. Cognitive aspects of communication, including
12 communication disability and other functional disabilities
13 associated with cognitive impairment;

14 e. Social aspects of communication, including challenging
15 behavior, ineffective social skills, lack of communication
16 opportunities;

17 (b) Provides consultation and counseling and makes
18 referrals when appropriate;

19 (c) Trains and supports family members and other
20 communication partners of individuals with speech, voice,
21 language, communication and swallowing disabilities;

22 (d) Develops and establishes effective augmentative and
23 alternative communication techniques and strategies, including
24 selecting, prescribing and dispensing of argumentative aids and
25 devices; and the training of individuals, their families and

1 other communication partners in their use;

2 (e) Selects, fits and establishes effective use of
3 appropriate prosthetic/adaptive devices for speaking and
4 swallowing, such as tracheoesophageal valves, electrolarynges,
5 speaking valves;

6 (f) Uses instrumental technology to diagnose and treat
7 disorders of communication and swallowing, such as
8 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

9 (g) Provides aural rehabilitative and related counseling
10 services to individuals with hearing loss and to their families;

11 (h) Collaborates in the assessment of central auditory
12 processing disorders in cases in which there is evidence of
13 speech, language or other cognitive communication disorders;
14 provides intervention for individuals with central auditory
15 processing disorders;

16 (i) Conducts pure-tone air conduction hearing screening and
17 screening tympanometry for the purpose of the initial
18 identification or referral;

19 (j) Enhances speech and language proficiency and
20 communication effectiveness, including but not limited to, accent
21 reduction, collaboration with teachers of English as a second
22 language and improvement of voice, performance and singing;

23 (k) Trains and supervises support personnel;

24 (l) Develops and manages academic and clinical programs in
25 communication sciences and disorders;

1 (m) Conducts, disseminates and applies research in
2 communication sciences and disorders;

3 (n) Measures outcomes of treatment and conducts continuous
4 evaluation of the effectiveness of practices and programs to
5 improve and maintain quality of services;

6 (10) "Speech-language pathologist", a person who is
7 licensed as a speech-language pathologist pursuant to sections
8 345.010 to 345.080; who engages in the practice of
9 speech-language pathology as defined in sections 345.010 to
10 345.080;

11 (11) "Speech-language pathology aide", a person who is
12 registered as a speech-language aide by the board, who does not
13 act independently but works under the direction and supervision
14 of a licensed speech-language pathologist. Such person assists
15 the speech-language pathologist with activities which require an
16 understanding of speech-language pathology but do not require
17 formal training in the relevant academics. To be eligible for
18 registration by the board, each applicant shall submit a
19 registration fee, be of good moral and ethical character; and:

20 (a) Be at least eighteen years of age;

21 (b) Furnish evidence of the person's educational
22 qualifications which shall be at a minimum:

23 a. Certification of graduation from an accredited high
24 school or its equivalent; and

25 b. On-the-job training;

1 (c) Be employed in a setting in which direct and indirect
2 supervision is provided on a regular and systematic basis by a
3 licensed speech-language pathologist. However, the aide shall
4 not administer or interpret hearing screening or diagnostic
5 tests, fit or dispense hearing instruments, make ear impressions,
6 make diagnostic statements, determine case selection, present
7 written reports to anyone other than the supervisor without the
8 signature of the supervisor, make referrals to other
9 professionals or agencies, use a title other than speech-language
10 pathology aide or clinical audiology aide, develop or modify
11 treatment plans, discharge clients from treatment or terminate
12 treatment, disclose clinical information, either orally or in
13 writing, to anyone other than the supervising speech-language
14 pathologist/audiologist, or perform any procedure for which he or
15 she is not qualified, has not been adequately trained or both;

16 (12) "Speech-language pathology assistant", a person who is
17 registered as a speech-language pathology assistant by the board,
18 who does not act independently but works under the direction and
19 supervision of a licensed speech-language pathologist and whose
20 activities require both academic and practical training in the
21 field of speech-language pathology although less training than
22 those established by sections 345.010 to 345.080 as necessary for
23 licensing as a speech-language pathologist. To be eligible for
24 registration by the board, each applicant shall submit the
25 registration fee, be of good moral character[;] and[:

1 (a)] furnish evidence of the person's educational
2 qualifications which meet the following:

3 [a.] (a) Hold a bachelor's level degree in speech-language
4 pathology [or an associate's degree as a speech-language
5 pathology assistant] from an institution accredited or approved
6 by the Council on Academic Accreditation of the American
7 Speech-Language-Hearing Association in the area of speech-
8 language pathology; and

9 [b.] (b) Submit official transcripts from one or more
10 accredited colleges or universities presenting evidence of the
11 completion of bachelor's [or associate's] level course work and
12 clinical practicum requirements equivalent to that required or
13 approved by the Council on Academic Accreditation of the American
14 Speech-Language-Hearing Association[;

15 (b) The requirements of paragraph (a) of this subdivision
16 shall be the minimum requirements for a speech-language pathology
17 assistant until January 1, 2005. After January 1, 2005, to be
18 eligible for registration by the board, each applicant shall
19 submit the registration fee, be of good moral character and
20 furnish evidence of the person's educational qualifications which
21 meet the following:

22 a. Hold a minimum of an associate's degree as a
23 speech-language pathology assistant from an institution
24 accredited or approved by the Council on Academic Accreditation
25 of the American Speech-Language-Hearing Association; and

1 b. Submit official transcripts from one or more accredited
2 colleges or universities presenting evidence of the completion of
3 course work and clinical practicum requirements equivalent to
4 that required or approved by the Council on Academic
5 Accreditation of the American Speech-Language- Hearing
6 Association;

7 (c) Furnish evidence of successful completion of a uniform,
8 functionally based proficiency evaluation as determined by the
9 board;

10 (d) The individuals meeting the requirements prior to
11 January 1, 2005, may be granted continued registration from the
12 board provided the individual meets the following:

13 a. Furnish evidence of employment in which direct and
14 indirect supervision have been provided on a regular and
15 systematic basis by a licensed speech-language pathologist; and

16 b. The individual is in good standing with the board with
17 regard to practice prior to January 1, 2005].

18 346.135. 1. All fees and charges payable pursuant to this
19 chapter shall be collected by the division and transmitted to the
20 department of revenue for deposit in the state treasury to the
21 credit of the fund to be known as the "Hearing Instrument
22 Specialist Fund", which is hereby created. Money in the hearing
23 instrument specialist fund shall be available by appropriation to
24 the council to pay its expenses in administering sections 346.010
25 to 346.250.

1 2. Money in the hearing instrument specialist fund shall
2 not be transferred and placed to the credit of general revenue
3 until the amount in the fund at the end of the biennium exceeds
4 two times the amount of the appropriation from the council's
5 funds for the preceding fiscal year or, if the division requires
6 by rule renewal less frequently than yearly then three times the
7 appropriation from the fund for the preceding fiscal year. The
8 amount, if any, in the fund which shall lapse is that amount in
9 the fund which exceeds the appropriate multiple of the
10 appropriation from the council's funds for the preceding year.

11 374.695. Sections 374.695 to 374.789 may be known and shall
12 be cited as the "Professional Bail Bondsman and Surety Recovery
13 Agent Licensure Act".

14 374.700. As used in sections [374.700 to 374.775] 374.695
15 to 374.789, the following terms shall mean:

16 (1) "Bail bond agent", a surety agent or an agent of a
17 property bail bondsman who is duly licensed [under] pursuant to
18 the provisions of sections [374.700 to 374.775] 374.695 to
19 374.789, is employed by and is working under the authority of a
20 licensed general bail bond agent;

21 (2) "Bail bond or appearance bond", a bond for a specified
22 monetary amount which is executed by the defendant and a
23 qualified licensee pursuant to sections 374.695 to 374.789, and
24 which is issued to a court or authorized officer as security for
25 the subsequent court appearance of the defendant upon the

1 defendant's release from actual custody pending the appearance;

2 [(2)] (3) "Department", the department of insurance of the
3 state of Missouri;

4 [(3)] (4) "Director", the director of the department of
5 insurance;

6 [(4)] (5) "General bail bond agent", a surety agent or a
7 property bail bondsman, as defined in sections 374.700 to
8 374.775, who is licensed in accordance with sections 374.700 to
9 374.775 and who devotes at least fifty percent of his working
10 time to the bail bond business in this state;

11 (6) "Insurer", any surety insurance company which is
12 qualified by the department to transact surety business in
13 Missouri;

14 (7) "Licensee", a bail bond agent or a general bail bond
15 agent;

16 [(5)] (8) "Property bail bondsman", a person who pledges
17 United States currency, United States postal money orders or
18 cashier's checks or other property as security for a bail bond in
19 connection with a judicial proceeding, and who receives or is
20 promised therefor money or other things of value;

21 [(6)] (9) "Surety bail bond agent", any person appointed by
22 an insurer by power of attorney to execute or countersign bail
23 bonds in connection with judicial proceedings, and who receives
24 or is promised money or other things of value therefor;

25 [(7)] (10) "Surety recovery agent", a person not performing

1 the duties of a sworn peace officer who tracks down, captures and
2 surrenders to the custody of a court a fugitive who has violated
3 a bail bond agreement, excluding a bail bond agent or general
4 bail bond agent;

5 (11) "Taking a bail" or "take bail", the acceptance by a
6 person authorized to take bail of the undertaking of a sufficient
7 surety for the appearance of the defendant according to the terms
8 of the undertaking or that the surety will pay to the court the
9 sum specified. Taking of bail or take bail does not include the
10 fixing of the amount of bail and no person other than a competent
11 court shall fix the amount of bail.

12 374.702. 1. No person shall engage in the bail bond
13 business as a bail bond agent or a general bail bond agent
14 without being licensed as provided in sections 374.695 to
15 374.775.

16 2. No judge, attorney, court official, law enforcement
17 officer, state, county, or municipal employee who is either
18 elected or appointed shall be licensed as a bail bond agent or a
19 general bail bond agent.

20 3. A licensed bail bond agent shall not execute or issue an
21 appearance bond in this state without holding a valid appointment
22 from a general bail bond agent and without attaching to the
23 appearance bond an executed and prenumbered power of attorney
24 referencing the general bail bond agent or insurer.

25 4. A person licensed as an active bail bond agent shall

1 hold the license for at least two years prior to owning or being
2 an officer of a licensed general bail bond agent.

3 5. A general bail bond agent shall not engage in the bail
4 bond business:

5 (1) Without having been licensed as a general bail bond
6 agent pursuant to sections 374.695 to 374.775; or

7 (2) Except through an agent licensed as a bail bond agent
8 pursuant to sections 374.695 to 374.775.

9 6. A general bail bond agent shall not permit any
10 unlicensed person to solicit or engage in the bail bond business
11 on the general bail bond agent's behalf, except for individuals
12 who are employed solely for the performance of clerical,
13 stenographic, investigative, or other administrative duties which
14 do not require a license pursuant to sections 374.695 to 374.789.

15 7. Any person who is convicted of a violation of this
16 section is guilty of a class A misdemeanor. For any subsequent
17 convictions, a person who is convicted of a violation of this
18 section is guilty of a class D felony.

19 374.705. 1. The department shall administer and enforce
20 the provisions of sections [374.700 to 374.775] 374.695 to
21 374.789, prescribe the duties of its officers and employees with
22 respect to sections [374.700 to 374.775] 374.695 to 374.789, and
23 promulgate, pursuant to section 374.045 and chapter 536, RSMo,
24 such rules and regulations within the scope and purview of the
25 provisions of sections [374.700 to 374.775] 374.695 to 374.789 as

1 the director considers necessary and proper for the effective
2 administration and interpretation of the provisions of sections
3 [374.700 to 374.775] 374.695 to 374.789.

4 2. The director shall set the amount of all fees authorized
5 and required by the provisions of sections [374.700 to 374.775]
6 374.695 to 374.789 by rules and regulations promulgated pursuant
7 to chapter 536, RSMo. All such fees shall be set at a level
8 designed to produce revenue which shall not substantially exceed
9 the cost and expense of administering the provisions of sections
10 [374.700 to 374.775] 374.695 to 374.789. However, such fees
11 shall not exceed one hundred fifty dollars every two years for
12 biennial licenses and renewable licenses for general bail bond
13 agents as provided for in section 374.710.

14 374.710. 1. Except as otherwise provided in sections
15 [374.700 to 374.775] 374.695 to 374.775, no person or other
16 entity shall practice as a bail bond agent or general bail bond
17 agent, as defined in section 374.700, in Missouri unless and
18 until the department has issued to him or her a license, to be
19 renewed [each year] every two years as hereinafter provided, to
20 practice as a bail bond agent or general bail bond agent.

21 2. An applicant for a bail bond and general bail bond agent
22 license shall submit with the application proof that he or she
23 has received twenty-four hours of initial basic training in areas
24 of instruction in subjects determined by the director deemed
25 appropriate to professionals in the bail bonds profession. Bail

1 bond agents and general bail bond agents who are licensed at the
2 date which this act becomes law shall be exempt from such twenty-
3 four hours of initial basic training.

4 3. In addition to the twenty-four hours of initial basic
5 training to become a bail bond agent or general bail bond agent,
6 there shall be eight hours of biennial continuing education for
7 all bail bond agents and general bail bond agents to maintain
8 their state license. The director shall determine said
9 appropriate areas of instruction for said biennial continuing
10 education. The director shall determine which institutions,
11 organizations, associations, and individuals shall be eligible to
12 provide the initial basic training and the biennial continuing
13 education instruction. The department may allow state
14 institutions, organizations, associations, or individuals to
15 provide courses for the initial basic training and the biennial
16 continuing education training. The cost shall not exceed two
17 hundred dollars for the initial basic training and one hundred
18 fifty dollars for biennial continuing education.

19 4. Upon completion of said basic training or biennial
20 continuing education and the licensee meeting the other
21 requirements as provided under sections 374.695 to 374.789, the
22 director shall issue a two-year license for the bail bond agent
23 or general bail bond agent for a fee not to exceed one hundred
24 fifty dollars.

25 5. Nothing in sections [374.700 to 374.775] 374.695 to

1 374.775 shall be construed to prohibit any person from posting or
2 otherwise providing a bail bond in connection with any legal
3 proceeding, provided that such person receives no fee,
4 remuneration or consideration therefor.

5 374.715. 1. Applications for examination and licensure as
6 a bail bond agent or general bail bond agent shall be in writing
7 and on forms prescribed and furnished by the department, and
8 shall contain such information as the department requires. Each
9 application shall be accompanied by proof satisfactory to the
10 department that the applicant is a citizen of the United States,
11 is at least twenty-one years of age, has a high school diploma or
12 general education development certificate (GED), is of good moral
13 character, and meets the qualifications for surety on bail bonds
14 as provided by supreme court rule. Each application shall be
15 accompanied by the examination and application fee set by the
16 department. Individuals currently employed as bail bond agents
17 and general bail bond agents shall not be required to meet the
18 education requirements needed for licensure pursuant to this
19 section.

20 2. In addition, each applicant for licensure as a general
21 bail bond agent shall furnish proof satisfactory to the
22 department that the applicant[,] or, if the applicant is a
23 corporation [or partnership], that each officer [or partner]
24 thereof has completed at least two years as a bail bond agent[,]
25 as defined in sections 374.700 to 374.775], and that the

1 applicant possesses liquid assets of at least ten thousand
2 dollars, along with a duly executed assignment of ten thousand
3 dollars to the state of Missouri[, which]. The assignment shall
4 become effective upon the applicant's violating any provision of
5 sections [374.700 to 374.775] 374.695 to 374.789. The assignment
6 required by this section shall be in the form[,] and executed in
7 the manner[,] prescribed by the department. The director may
8 require by regulation conditions by which additional assignments
9 of assets of the general bail bond agent may occur when the
10 circumstances of the business of the general bail bond agent
11 warrants additional funds. However, such additional funds shall
12 not exceed twenty-five thousand dollars.

13 374.716. 1. Every bail bond agent shall account for each
14 power of attorney assigned by the general bail bond agent on a
15 weekly basis and remit all sums collected and owed to the general
16 bail bond agent pursuant to his or her written contract. The
17 general bail bond agent shall maintain the weekly accounting and
18 remittance records for a period of three years. Such records
19 shall be subject to inspection by the director or his or her
20 designee during regular business hours or at other reasonable
21 times.

22 2. For every bond written in this state, the licensee shall
23 provide to the principal a copy of the bail contract.

24 374.717. No insurer or licensee, court, or law enforcement
25 officer shall:

1 (1) Pay a fee or rebate or give or promise anything of
2 value in order to secure a settlement, compromise, remission, or
3 reduction of the amount of any bail bond to:

4 (a) A jailer, police officer, peace officer, committing
5 judge, or any other person who has power to arrest or to hold in
6 custody any person; or

7 (b) Any public official or public employee;

8 (2) Pay a fee or rebate or give anything of value to an
9 attorney in bail bond matters, except in defense of any action on
10 a bond;

11 (3) Pay a fee or rebate or give anything of value to the
12 principal or anyone on the principal's behalf;

13 (4) Accept anything of value from a principal except the
14 premium and expenses incurred, provided that the licensee shall
15 be permitted to accept collateral security of other indemnity
16 from the principal in accordance with the provisions of section
17 374.719.

18 374.719. 1. A licensee may accept collateral security from
19 the principal in a fiduciary capacity, which collateral shall be
20 returned upon final termination of liability on the bond. When a
21 licensee accepts collateral, the licensee shall provide a
22 prenumbered written receipt, which shall include a detailed
23 account of the collateral received by the licensee. The
24 acceptance of collateral security by a bail bond agent shall be
25 reported to the general bail bond agent.

1 2. The collateral security required by the licensee shall
2 be reasonable in relation to the amount of the bond.

3 3. If a failure to appear, absconding or attempting to
4 abscond, or a judgment of forfeiture on the bond has occurred,
5 the collateral security may be used to reimburse the licensee for
6 any costs and expenses incurred associated with the forfeiture.

7 4. The general bail bond agent shall retain records of the
8 acceptance, return, or judgment of forfeiture resulting in the
9 use of the collateral to reimburse the licensee for a period of
10 three years.

11 374.730. All licenses issued to bail bond agents and
12 general bail bond agents under the provisions of sections 374.700
13 to 374.775 shall be renewed [~~annually~~] biennially, which renewal
14 shall be in the form and manner prescribed by the department and
15 shall be accompanied by the renewal fee set by the department.

16 374.735. 1. The department may, in its discretion, grant a
17 license without requiring an examination to a bail bond agent who
18 has been licensed in another state immediately preceding his or
19 her applying to the department, if the department is satisfied by
20 proof adduced by the applicant that [~~his~~]:

21 (1) The qualifications of the other state are at least
22 equivalent to the requirements for initial licensure as a bail
23 bond agent in [~~Missouri under~~] this state pursuant to the
24 provisions of sections [~~374.700 to 374.775~~] 374.695 to 374.775,
25 provided that the other state licenses Missouri residents in the

1 same manner; and

2 (2) The applicant has no suspensions or revocations of a
3 license to engage in the bail bond or fugitive recovery business
4 in any jurisdiction.

5 2. Every applicant for a license pursuant to this section,
6 upon showing the necessary qualifications as provided in this
7 section, shall be required to pay the same fee as the fee
8 required to be paid by resident applicants.

9 3. Within the limits provided in this section, the
10 department may negotiate reciprocal compacts with licensing
11 entities of other states for the admission of licensed bail bond
12 agents from Missouri in other states.

13 4. All applicants applying for licenses in this state after
14 the enactment of said act shall complete the education
15 requirement as stated in section 374.710. If the bail bond agent
16 or general bail bond agent has been licensed in another state and
17 has a license in Missouri at the time said act becomes law, said
18 individual shall not be required to complete the twenty-four
19 hours of initial basic training.

20 374.740. Any person applying to be licensed as a
21 nonresident [bail bond agent or nonresident] general bail bond
22 agent who has been licensed in another state shall devote fifty
23 percent of his or her working time in the state of Missouri and
24 shall file proof with the director of insurance as to his or her
25 compliance, and accompany his or her application with the fees

1 set by the [board] director by regulation and, if applying for a
2 nonresident general bail bond agent's license, with a duly
3 executed assignment of twenty-five thousand dollars to the state
4 of Missouri, which assignment shall become effective upon the
5 applicant's violating any provision of sections [374.700 to
6 374.775] 374.695 to 374.789. Failure to comply with this section
7 will result in revocation of the nonresidence license. The
8 assignment required by this section shall be in the form and
9 executed in the manner prescribed by the department. All
10 licenses issued [under] pursuant to this section shall be subject
11 to the same renewal requirements set for other licenses issued
12 [under] pursuant to sections [374.700 to 374.775] 374.695 to
13 374.789.

14 374.755. 1. The department may cause a complaint to be
15 filed with the administrative hearing commission as provided by
16 chapter 621, RSMo, against any holder of any license required by
17 sections [374.700 to 374.775] 374.695 to 374.775 or any person
18 who has failed to renew or has surrendered his or her license for
19 any one or any combination of the following causes:

20 (1) Use of any controlled substance, as defined in chapter
21 195, RSMo, or alcoholic beverage to an extent that such use
22 impairs a person's ability to perform the work of the profession
23 licensed under sections [374.700 to 374.775] 374.695 to 374.775;

24 (2) [Having entered a plea of guilty or having been found
25 guilty of a felony] Final adjudication or a plea of guilty or

1 nolo contendere within the past fifteen years in a criminal
2 prosecution under any state or federal law for a felony or a
3 crime involving moral turpitude whether or not a sentence is
4 imposed, prior to issuance of license date;

5 (3) Use of fraud, deception, misrepresentation or bribery
6 in securing any license [issued pursuant to sections 374.700 to
7 374.775] or in obtaining permission to take any examination
8 [given or] required pursuant to sections [374.700 to 374.775]
9 374.695 to 374.775;

10 (4) Obtaining or attempting to obtain any compensation as a
11 member of the profession licensed by sections [374.700 to
12 374.775] 374.695 to 374.775 by means of fraud, deception or
13 misrepresentation;

14 (5) Misappropriation of the premium, collateral, or other
15 things of value given to a bail bond agent or a general bail bond
16 agent for the taking of bail, incompetency, misconduct, gross
17 negligence, fraud, or misrepresentation [or dishonesty] in the
18 performance of the functions or duties of the profession licensed
19 or regulated by sections [374.700 to 374.775] 374.695 to 374.775;

20 (6) Violation of[, or assisting or enabling any other
21 person to violate, any provision of sections 374.700 to 374.775
22 or of any lawful rule or regulation promulgated pursuant to
23 sections 374.700 to 374.775] any provision of or any obligation
24 imposed by the laws of this state, department of insurance rules
25 and regulations, or aiding or abetting other persons to violate

1 such laws, orders, rules or regulations, or subpoenas;

2 (7) Transferring a license or permitting another person to
3 use a license of the licensee;

4 (8) Disciplinary action against the holder of a license or
5 other right to practice the profession regulated by sections
6 [374.700 to 374.775] 374.695 to 374.789 granted by another state,
7 territory, federal agency or country upon grounds for which
8 revocation or suspension is authorized in this state;

9 (9) Being finally adjudged insane or incompetent by a court
10 of competent jurisdiction;

11 (10) Assisting or enabling any person to practice or offer
12 to practice the profession licensed or regulated by sections
13 [374.700 to 374.775] 374.695 to 374.789 who is not currently
14 licensed and eligible to practice [under] pursuant to sections
15 [374.700 to 374.775] 374.695 to 374.789;

16 (11) [Paying a fee or rebate, or giving or promising
17 anything of value, to a jailer, policeman, peace officer, judge
18 or any other person who has the power to arrest or to hold
19 another person in custody, or to any public official or employee,
20 in order to secure a settlement, compromise, remission or
21 reduction of the amount of any bail bond or estreatment thereof]
22 Acting in the capacity of an attorney at a trial or hearing of a
23 person for whom the attorney is acting as surety;

24 (12) [Paying a fee or rebate, or giving anything of value
25 to an attorney in bail bond matters, except in defense of any

1 action on a bond;

2 (13) Paying a fee or rebate, or giving or promising
3 anything of value, to the principal or anyone in his behalf;

4 (14) Participating in the capacity of an attorney at a
5 trial or hearing of one on whose bond he is surety] Failing to
6 provide a copy of the bail contract, renumbered written receipt
7 for acceptance of money, or other collateral for the taking of
8 bail to the principal, if requested by any person who is a party
9 to the bail contract, or any person providing funds or collateral
10 for bail on the principal's behalf.

11 2. After the filing of such complaint, the proceedings
12 shall be conducted in accordance with the provisions of chapter
13 621, RSMo. Upon a finding by the administrative hearing
14 commission that one or more of the causes stated in subsection 1
15 of this section have been met, the [department] director may [do
16 any or all of the following:

17 (1) Censure the person involved;

18 (2) Place the person involved on probation on such terms
19 and conditions as the department deems appropriate for a period
20 not to exceed ten years;

21 (3) Suspend, for a period not to exceed three years, the
22 license of the person involved;

23 (4) Revoke the license of the person involved] suspend or
24 revoke the license or enter into an agreement for a monetary or
25 other penalty pursuant to section 374.280.

1 3. In lieu of filing a complaint at the administrative
2 hearing commission, the director and the bail bond agent or
3 general bail bond agent may enter into an agreement for a
4 monetary or other penalty pursuant to section 374.280.

5 4. In addition to any other remedies available, the
6 director may issue a cease and desist order or may seek an
7 injunction in a court of competent jurisdiction pursuant to the
8 provisions of section 374.046 whenever it appears that any person
9 is acting as a bail bond agent or general bail bond agent without
10 a license or violating any other provisions of sections 374.695
11 to 374.789.

12 374.757. 1. Any agent licensed by sections [374.700 to
13 374.775] 374.695 to 374.775 who intends to apprehend any person
14 in this state shall inform law enforcement authorities in the
15 city or county in which such agent intends such apprehension,
16 before attempting such apprehension. Such agent shall present to
17 the local law enforcement authorities a certified copy of the
18 bond and all other appropriate paperwork identifying the
19 principal and the person to be apprehended. Local law
20 enforcement may accompany the agent. Failure of any agent to
21 whom this section applies to comply with the provisions of this
22 section shall be a class A misdemeanor for the first violation
23 and a class D felony for subsequent violations; and shall also be
24 a violation of section 374.755 and may in addition be punished
25 pursuant to that section.

1 2. The surety recovery agent shall inform the local law
2 enforcement in the county or city where such agent is planning to
3 enter a residence. Such agent shall have a certified copy of the
4 bond and all appropriate paperwork to identify the principal.
5 Local law enforcement, when notified, may accompany the surety
6 recovery agent to that location to keep the peace if an active
7 warrant is effective for a felony or misdemeanor. If a warrant
8 is not active, the local law enforcement officers may accompany
9 the surety recovery agent to such location. Failure to report to
10 the local law enforcement agency is a class A misdemeanor. For
11 any subsequent violations, failure to report to the local law
12 enforcement agency is a class D felony.

13 374.759. 1. Any bail bond agent licensed in the state of
14 Missouri shall have access to all publicly available court
15 records of the defendant by available means to make a realistic
16 assessment of defendant's probability of attending all court
17 dates as set in his or her charges relating to bond request.

18 2. Any defendant shall have free access to any bail bond
19 agent via one phone call so long as the call is made to a local
20 phone number. All other numbers may be available as a collect
21 call to any nonlocal number.

22 3. All Missouri licensed bail bond agents or licensed
23 general agents shall be qualified, without further requirements,
24 in all jurisdictions of this state, as provided in rules
25 promulgated by the supreme court of Missouri and not by any

1 circuit court rule.

2 374.763. 1. If any final judgment ordering forfeiture of a
3 defendant's bond is not paid within [the] a six-month period of
4 time [ordered by the court], the court shall extend the judgment
5 date or notify the department of the failure to satisfy such
6 judgment. The director shall draw upon the assets of the surety,
7 remit the sum to the court, and obtain a receipt of such sum from
8 the court. The director may take action as provided by section
9 374.755 [or 374.430], regarding the license of the surety and any
10 bail bond agents writing upon the surety's liability.

11 2. The department shall furnish to the presiding judge of
12 each circuit court of this state, on at least a monthly basis, a
13 list of all duly licensed and qualified bail bond agents and
14 general bail bond agents whose licenses are not subject to
15 pending suspension or revocation proceedings, and who are not
16 subject to unsatisfied bond forfeiture judgments. In lieu of
17 such list, the department may provide this information to each
18 presiding judge in an electronic format.

19 3. All duly licensed and qualified bail bond agents and
20 general bail bond agents shall be qualified, without further
21 requirement, to write bail upon a surety's liability in all
22 courts of this state as provided in rules promulgated by the
23 supreme court of Missouri and not by any circuit court rule.

24 374.764. 1. The director shall examine and inquire into
25 all alleged violations or complaints filed with the department of

1 insurance of the bail bond law of the state, and inquire into and
2 investigate the bail bond business transacted in the state by any
3 bail bond agent, general bail bond agent, or surety recovery
4 agent.

5 2. The director or any of his or her duly appointed agents
6 may compel the attendance before him or her, and may examine,
7 under oath, the directors, officers, bail bond agents, general
8 bail bond agents, surety recovery agents, employees, or any other
9 person in reference to the condition, affairs, management of the
10 bail bond or surety recovery business, or any matters relating
11 thereto. He or she may administer oaths or affirmations and
12 shall have power to summon and compel the attendance of witnesses
13 and to require and compel the production of records, books,
14 papers, contracts, or other documents if necessary.

15 3. The director may make and conduct the investigation in
16 person or the director may appoint one or more persons to make
17 and conduct the investigation. If made by a person other than
18 the director, the person duly appointed by the director shall
19 have the same powers as granted to the director pursuant to this
20 section. A certificate of appointment under the official seal of
21 the director shall be sufficient authority and evidence thereof
22 for the person to act. For the purpose of making the
23 investigations, or having the same made, the director may employ
24 the necessary clerical, actuarial, and other assistance.

25 374.783. 1. No person shall hold himself or herself out as

1 being a surety recovery agent in this state, unless such person
2 is licensed in accordance with the provisions of sections 374.783
3 to 374.789. Licensed bail bond agents and general bail bond
4 agents may perform fugitive recovery without being licensed as a
5 surety recovery agent.

6 2. The director shall have authority to license all surety
7 recovery agents in this state. The director shall have control
8 and supervision over the licensing of such agents and the
9 enforcement of the terms and provisions of sections 374.783 to
10 374.789.

11 3. The director shall have the power to:

12 (1) Set and determine the amount of the fees authorized and
13 required pursuant to sections 374.783 to 374.789. The fees shall
14 be set at a level sufficient to produce revenue which shall not
15 substantially exceed the cost and expense of administering
16 sections 374.783 to 374.789. However, such fees shall not exceed
17 one hundred fifty dollars for a two-year license; and

18 (2) Determine the sufficient qualifications of applicants
19 for a license.

20 4. The director shall license for a period of two years all
21 surety recovery agents in this state who meet the requirements of
22 sections 374.783 to 374.789.

23 374.784. 1. Applications for examination and licensure as
24 a surety recovery agent shall be submitted on forms prescribed by
25 the department and shall contain such information as the

1 department requires, along with a copy of the front and back of a
2 photographic identification card.

3 2. Each application shall be accompanied by proof
4 satisfactory to the director that the applicant is a citizen of
5 the United States, is at least twenty-one years of age, and has a
6 high school diploma or a general educational development
7 certificate (GED). An applicant shall furnish evidence of such
8 person's qualifications by completing an approved surety recovery
9 agent course with at least twenty-four hours of initial minimum
10 training. The director shall determine which institutions,
11 organizations, associations, and individuals shall be eligible to
12 provide said training. Said instructions and fees associated
13 therewith shall be identical or similar to those prescribed in
14 section 374.710 for bail bond agents and general bail bond
15 agents.

16 3. In addition to said twenty-four hours of initial minimum
17 training, licensees shall be required to receive eight hours of
18 biennial continuing education of which said instructions and fees
19 shall be identical or similar to those prescribed in section
20 374.710 for bail bond agents and general bail bond agents.

21 4. Applicants for surety recovery agents licensing shall be
22 exempt from said requirements of the twenty-four hours of initial
23 minimum training if applicants provide proof of prior training as
24 a law enforcement officer with at least two years of such service
25 within the ten years prior to the application being submitted to

1 the department.

2 5. The director may refuse to issue any license pursuant to
3 sections 374.783 to 374.789, for any one or any combination of
4 causes stated in section 374.787. The director shall notify the
5 applicant in writing of the reason or reasons for refusal and
6 shall advise the applicant of the right to file a complaint with
7 the administrative hearing commission to appeal the refusal as
8 provided by chapter 621, RSMo.

9 374.785. 1. The director shall issue a license for a
10 period of two years to any surety recovery agent who is licensed
11 in another jurisdiction and who:

12 (1) Has no violations, suspensions, or revocations of a
13 license to engage in fugitive recovery in any jurisdiction; and

14 (2) Is licensed in a jurisdiction whose requirements are
15 substantially equal to or greater than the requirements for a
16 surety recovery agent license in Missouri at the time the
17 applicant applies for a license.

18 2. Any surety recovery agent who is licensed in another
19 state shall also be subject to the same training requirements as
20 in-state surety recovery agents prescribe to under section
21 374.784.

22 3. For the purpose of surrender of the defendant, a surety
23 recovery agent may apprehend the defendant anywhere within the
24 state of Missouri before or after the forfeiture of the
25 undertaking without personal liability for false imprisonment or

1 may empower any surety recovery agent to make apprehension by
2 providing written authority endorsed on a certified copy of the
3 undertaking and paying the lawful fees.

4 4. Every applicant for a license pursuant to this section,
5 upon making application and showing the necessary qualifications
6 as provided in this section, shall be required to pay the same
7 fee as required of resident applicants. Within the limits
8 provided in this section, the director may negotiate reciprocal
9 compacts with licensing entities of other states for the
10 admission of licensed surety recovery agents from Missouri in
11 other states.

12 374.786. 1. Every person licensed pursuant to sections
13 374.783 to 374.789 shall, before the license renewal date, apply
14 to the director for renewal for the ensuing licensing period.
15 The application shall be made on a form furnished to the
16 applicant and shall state the applicant's full name, the
17 applicant's business address, the address at which the applicant
18 resides, the date the applicant first received a license, and the
19 applicant's surety recovery agent identification number, if any.

20 2. A renewal form shall be mailed to each person licensed
21 in this state at the person's last known address. The failure to
22 mail the renewal form or the failure of a person to receive it
23 does not relieve any person of the duty to be licensed and to pay
24 the license fee required nor exempt such person from the
25 penalties provided for failure to be licensed.

1 3. Each applicant for renewal shall accompany such
2 application with a renewal fee to be paid to the department for
3 the licensing period for which renewal is sought.

4 4. The director may refuse to renew any license required
5 pursuant to sections 374.783 to 374.789, for any one or any
6 combination of causes stated in section 374.787. The director
7 shall notify the applicant in writing of the reasons for refusal
8 to renew and shall advise the applicant of his or her right to
9 file a complaint with the administrative hearing commission as
10 provided by chapter 621, RSMo.

11 374.787. 1. The director may cause a complaint to be filed
12 with the administrative hearing commission as provided by chapter
13 621, RSMo, against any surety recovery agent or any person who
14 has failed to renew or has surrendered his or her license for any
15 one or any combination of the following causes:

16 (1) Violation of any provisions of, or any obligations
17 imposed by, the laws of this state, the department of insurance
18 rules and regulations, or aiding or abetting other persons to
19 violate such laws, orders, rules, or regulations;

20 (2) Final adjudication or a plea of guilty or nolo
21 contendere in a criminal prosecution under state or federal law
22 for a felony or a crime involving moral turpitude, whether or not
23 a sentence is imposed;

24 (3) Using fraud, deception, misrepresentation, or bribery
25 in securing a license or in obtaining permission to take any

1 examination required by sections 374.783 to 374.789;

2 (4) Obtaining or attempting to obtain any compensation as a
3 surety recovery agent by means of fraud, deception, or
4 misrepresentation;

5 (5) Acting as a surety recovery agent or aiding or abetting
6 another in acting as a surety recovery agent without a license;

7 (6) Incompetence, misconduct, gross negligence, fraud, or
8 misrepresentation in the performance of the functions or duties
9 of a surety recovery agent;

10 (7) Having a license revoked or suspended that was issued
11 by another state.

12 2. After the filing of the complaint, the proceedings shall
13 be conducted in accordance with the provision of chapter 621,
14 RSMo. Upon a finding by the administrative hearing commission
15 that one or more of the causes stated in subsection 1 of this
16 section have been met, the director may suspend or revoke the
17 license or enter into an agreement for a monetary or other
18 penalty pursuant to section 374.280.

19 3. In lieu of filing a complaint with the administrative
20 hearing commission, the director and the surety recovery agent
21 may enter into an agreement for a monetary or other penalty
22 pursuant to section 374.280.

23 4. In addition to any other remedies available, the
24 director may issue a cease and desist order or may seek an
25 injunction in a court of law pursuant to section 374.046 whenever

1 it appears that any person is acting as a surety recovery agent
2 without a license.

3 374.788. 1. A bail bond agent having probable grounds to
4 believe a subject free on his or her bond has failed to appear as
5 directed by a court, has breached the terms of the subject's
6 surety agreement, or has taken a substantial step toward
7 absconding, may utilize all lawful means to apprehend the
8 subject. To surrender a subject to a court, a licensed bail bond
9 or surety recovery agent having probable grounds to believe the
10 subject is free on his or her bond may:

11 (1) Detain the subject in a lawful manner, for a reasonable
12 time, provided that in the event travel from another state is
13 involved, the detention period may include reasonable travel time
14 not to exceed seventy-two hours;

15 (2) Transport a subject in a lawful manner from state to
16 state and county to county to a place of authorized surrender;
17 and

18 (3) Enter upon private or public property in a lawful
19 manner to execute apprehension of a subject.

20 2. A surety recovery agent who apprehends a subject
21 pursuant to the provisions of subsection 1 of this section shall
22 surrender custody of the subject to the court of jurisdiction.

23 3. When a surety recovery agent is in the process of
24 performing fugitive recovery, a photographic identification card
25 shall be prominently displayed on his or her person.

1 374.789. 1. A person is guilty of a class D felony if he
2 or she does not hold a valid surety recovery agent license or a
3 bail bond license and commits any of the following acts:

4 (1) Holds himself or herself out to be a licensed surety
5 recovery agent within this state;

6 (2) Claims that he or she can render surety recovery agent
7 services; or

8 (3) Engages in fugitive recovery in this state.

9 2. Any person who engages in fugitive recovery in this
10 state and wrongfully causes damage to any person or property,
11 including, but not limited to, unlawful apprehension, unlawful
12 detainment, or assault, shall be liable for such damages and may
13 be liable for punitive damages.

14 436.215. Sections 436.215 to 436.272 may be cited as the
15 "Uniform Athlete Agents Act".

16 436.218. As used in sections 436.215 to 436.272, the
17 following terms mean:

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

22 (2) "Athlete agent", an individual who enters into an
23 agency contract with a student-athlete or directly or indirectly
24 recruits or solicits a student-athlete to enter into an agency
25 contract. The term does not include a spouse, parent, sibling,

1 grandparent, or guardian of the student-athlete or an individual
2 acting solely on behalf of a professional sports team or
3 professional sports organization. The term includes an
4 individual who represents to the public that the individual is an
5 athlete agent;

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

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

15 (5) "Director", the director of the division of
16 processional registration;

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

18 (7) "Endorsement contract", an agreement under which a
19 student-athlete is employed or receives consideration to use on
20 behalf of the other party any value that the student-athlete may
21 have because of publicity, reputation, following, or fame
22 obtained because of athletic ability or performance;

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

1 association for the promotion or regulation of collegiate
2 athletics;

3 (9) "Person", an individual, corporation, business trust,
4 estate, trust, partnership, limited liability company,
5 association, joint venture, government, governmental subdivision,
6 agency, or instrumentality, public corporation, or any other
7 legal or commercial entity;

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

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

15 (12) "Registration", registration as an athlete agent under
16 sections 436.215 to 436.272;

17 (13) "State", a state of the United States, the District of
18 Columbia, Puerto Rico, the United States Virgin Islands, or any
19 territory or insular possession subject to the jurisdiction of
20 the United States;

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

1 sport.

2 436.221. 1. The director shall administer the provisions
3 of sections 436.215 to 436.272.

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

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

17 4. The director may enforce its subpoenas including
18 subpoenas duces tecum by applying to a circuit court of Cole
19 County, the county of the investigation, hearing or proceeding,
20 or any county where the person resides or may be found for an
21 order upon any person who shall fail to obey a subpoena to show
22 cause why such subpoena should not be enforced, which such order
23 and a copy of the application therefore shall be served upon the
24 person in the same manner as a summons in a civil action and if
25 the circuit court shall after a hearing determine that the

1 subpoena should be sustained and enforced such court shall
2 proceed to enforce the subpoena in the same manner as though the
3 subpoena had been issued in a civil case in the circuit court.

4 436.224. 1. Except as otherwise provided in subsection 2
5 of this section, an individual may not act as an athlete agent in
6 this state before being issued a certificate of registration
7 under section 436.230 or 436.236.

8 2. An individual with a temporary license under section
9 436.236 may act as an athlete agent before being issued a
10 certificate of registration for all purposes except signing an
11 agency contract if:

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

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

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

20 436.227. 1. An applicant for registration shall submit an
21 application for registration to the director in a form prescribed
22 by the director. The application must be in the name of an
23 individual and signed by the applicant under penalty of perjury
24 and must state or contain:

25 (1) The name of the applicant and the address of the

1 applicant's principal place of business;

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

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

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

8 (a) Formal training as an athlete agent;

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

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

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

14 (6) The name, sport, and last known team for each
15 individual for whom the applicant provided services as an athlete
16 agent during the five years next preceding the date of submission
17 of the application;

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

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

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

25 (8) Whether the applicant or any other person named under

1 subdivision (7) of this subsection has been convicted of a crime
2 that if committed in this state would be a felony or other crime
3 involving moral turpitude, and a description of the crime;

4 (9) Whether there has been any administrative or judicial
5 determination that the applicant or any other person named under
6 subdivision (7) of this subsection has made a false, misleading,
7 deceptive, or fraudulent representation;

8 (10) Any instance in which the prior conduct of the
9 applicant or any other person named under subdivision (7) of this
10 subsection resulted in the imposition of a sanction, suspension,
11 or declaration of ineligibility to participate in an
12 interscholastic or intercollegiate athletic event on a student-
13 athlete or educational institution;

14 (11) Any sanction, suspension, or disciplinary action taken
15 against the applicant or any other person named under subdivision
16 (7) of this subsection arising out of occupational or
17 professional conduct; and

18 (12) Whether there has been any denial of an application
19 for, suspension or revocation of, or refusal to renew, the
20 registration or licensure of the applicant or any other person
21 named under subdivision (7) of this subsection as an athlete
22 agent in any state.

23 436.230. 1. Except as otherwise provided in subsection 2
24 of this section, the director shall issue a certificate of
25 registration to an individual who complies with subsection 1 of

1 section 436.227.

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

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

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

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

15 (4) Engaged in conduct prohibited by section 436.254;

16 (5) Had a registration or licensure as an athlete agent
17 suspended, revoked, or denied or been refused renewal of
18 registration or licensure in any state;

19 (6) Engaged in conduct or failed to engage in conduct the
20 consequence of which was that a sanction, suspension, or
21 declaration of ineligibility to participate in an interscholastic
22 or intercollegiate athletic event was imposed on a student-
23 athlete or educational institution; or

24 (7) Engaged in conduct that significantly adversely
25 reflects on the applicant's credibility, honesty, or integrity.

1 4. In making a determination under subsection 3 of this
2 section, the director shall consider:

3 (1) How recently the conduct occurred;

4 (2) The nature of the conduct and the context in which it
5 occurred; and

6 (3) Any other relevant conduct of the applicant.

7 5. An athlete agent may apply to renew a registration by
8 submitting an application for renewal in a form prescribed by the
9 director. The application for renewal must be signed by the
10 applicant under penalty of perjury under section 575.040, RSMo,
11 and shall contain current information on all matters required in
12 an original registration.

13 6. A certificate of registration or a renewal of a
14 registration is valid for two years.

15 436.233. 1. The director may revoke, suspend, or refuse to
16 renew any certificate of registration required under this chapter
17 for one or any combination of causes stated in subsection 2 of
18 this section. The director shall notify the applicant in writing
19 of the reasons for the refusal and shall advise the applicant of
20 the applicant's right to file a complaint with the administrative
21 hearing commission as provided by chapter 621, RSMo.

22 2. The director may cause a complaint to be filed with the
23 administrative hearing commission as provided by chapter 621,
24 RSMo, against any holder of any certificate of registration
25 required by this chapter or any person who has failed to renew or

1 has surrendered the person's certificate of registration for any
2 one or any combination of the following causes:

3 (1) The person has been finally adjudicated and found
4 guilty, or entered a plea of guilty or nolo contendere, in a
5 criminal prosecution under the laws of any state or of the United
6 States, for any offense reasonably related to the qualifications,
7 functions or duties under this chapter, for any offense an
8 essential element of which is fraud, dishonesty or an act of
9 violence, or for any offense involving moral turpitude, whether
10 or not sentence is imposed;

11 (2) Use of fraud, deception, misrepresentation or bribery
12 in securing any certificate of registration under this chapter;

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

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

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

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

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

1 (4) Violation of, or attempting to violate, directly or
2 indirectly, or assisting or enabling any person to violate, any
3 provision of this chapter, or of any lawful rule or regulation
4 adopted under this chapter;

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

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

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

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

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

22 3. After the filing of such complaint before the
23 administrative hearing commission, the proceedings shall be
24 conducted in accordance with the provisions of chapter 621, RSMo.
25 Upon a finding by the administrative hearing commission that the

1 grounds provided in subsection 2 of this section for disciplinary
2 action are met the director may singly or in combination warn,
3 censure, or place the person named in the complaint on probation
4 on such terms and conditions as the director deems appropriate
5 for a period not to exceed six months, or may suspend the
6 person's certificate of registration period not to exceed one
7 year, or restrict or limit the person's certificate of
8 registration for an indefinite period of time, or revoke the
9 person's certificate of registration.

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

15 436.236. The director may issue a temporary certificate of
16 registration valid for sixty days while an application for
17 registration or renewal is pending.

18 436.239. 1. An application for registration or renewal of
19 registration shall be accompanied by a fee which shall be
20 determined by the director and established by rule. All fees
21 payable under the provisions of this section shall be collected
22 by the division of professional registration and transmitted to
23 the department of revenue for deposit in the state treasury to
24 the credit of the fund to be known as the "Athlete Agent Fund"
25 which is hereby established. The provisions of section 33.080,

1 RSMo, to the contrary notwithstanding, money in the athlete agent
2 fund shall not be transferred and placed to the credit of general
3 revenue until the amount in the athlete agent fund at the end of
4 the biennium exceeds two times the amount of the appropriations
5 from such fund for the preceding fiscal year or, if the director
6 allows renewal of registration less frequently than yearly, then
7 three times the appropriations from such fund for the preceding
8 fiscal year; provided that no amount from such fund may be
9 transferred to the credit of general revenue earlier than two
10 years following the effective date of this section. The amount
11 if any which may be transferred to the credit of general revenue
12 after two years following the effective date of this section is
13 that amount in the athlete agent fund which exceeds the
14 appropriate multiple of the appropriations from such fund for the
15 preceding fiscal year.

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

1 authority and any rule proposed or adopted after August 28, 2003,
2 shall be invalid and void.

3 436.242. 1. An agency contract must be in a record signed
4 by the parties.

5 2. An agency contract must state or contain:

6 (1) The amount and method of calculating the consideration
7 to be paid by the student-athlete for services to be provided by
8 the athlete agent under the contract and any other consideration
9 the athlete agent has received or will receive from any other
10 source for entering into the contract or for providing the
11 services;

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

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

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

19 (5) The duration of the contract; and

20 (6) The date of execution.

21 3. An agency contract shall contain in close proximity to
22 the signature of the student-athlete a conspicuous notice in
23 boldface type in capital letters stating:

24 "WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT: (1) YOU

1 MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR
2 SPORT; (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL
3 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN
4 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND (3) YOU MAY
5 CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
6 CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY."

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

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

11 436.245. 1. Within seventy-two hours after entering into
12 an agency contract or before the next scheduled athletic event in
13 which the student-athlete may participate whichever occurs first
14 the athlete agent shall give notice in writing of the existence
15 of the contract to the athletic director of the educational
16 institution at which the student-athlete is enrolled or the
17 athlete agent has reasonable grounds to believe the student-
18 athlete intends to enroll.

19 2. Within seventy-two hours after entering into an agency
20 contract or before the next athletic event in which the student-
21 athlete may participate whichever occurs first the student-
22 athlete shall in writing inform the athletic director of the
23 educational institution at which the student-athlete is enrolled
24 that he or she has entered into an agency contract.

25 436.248. 1. A student-athlete may cancel an agency

1 contract by giving notice in writing to the athlete agent of the
2 cancellation within fourteen days after the contract is signed.

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

5 3. If a student-athlete cancels an agency contract within
6 fourteen days of signing the contract, the student-athlete is not
7 required to pay any consideration under the contract or to return
8 any consideration received from the agent to induce the student-
9 athlete to enter into the contract.

10 436.251. 1. An athlete agent shall retain the following
11 records for a period of five years:

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

14 (2) Any agency contract entered into by the athlete agent;
15 and

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

18 2. Records required by subsection 1 of this section to be
19 retained are open to inspection by the director during normal
20 business hours.

21 436.254. 1. An athlete agent may not do any of the
22 following with the intent to induce a student-athlete to enter
23 into an agency contract:

24 (1) Give any materially false or misleading information or
25 make a materially false promise or representation;

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

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

5 2. An athlete agent may not intentionally:

6 (1) Initiate contact with a student-athlete unless
7 registered under sections 436.215 to 436.272;

8 (2) Refuse or willfully fail to retain or permit inspection
9 of the records required by section 436.251;

10 (3) Violate section 436.224 by failing to register;

11 (4) Provide materially false or misleading information in
12 an application for registration or renewal of registration;

13 (5) Predate or postdate an agency contract; or

14 (6) Fail to notify a student-athlete prior to the student
15 athlete's signing an agency contract for a particular sport that
16 the signing by the student-athlete may make the student-athlete
17 ineligible to participate as a student-athlete in that sport.

18 436.257. The commission of any act prohibited by section
19 436.254 by an athlete agent is a class B misdemeanor.

20 436.260. 1. An educational institution has a right of
21 action against an athlete agent or a former student-athlete for
22 damages caused by a violation of sections 436.215 to 436.272. In
23 an action under this section, the court may award to the
24 prevailing party costs and reasonable attorney's fees.

25 2. Damages of an educational institution under subsection 1

1 of this section include losses and expenses incurred because as a
2 result of the activities of an athlete agent or former student-
3 athlete the educational institution was injured by a violation of
4 sections 436.215 to 436.272 or was penalized, disqualified, or
5 suspended from participation in athletics by a national
6 association for the promotion and regulation of athletics, by an
7 athletic conference, or by reasonable self-imposed disciplinary
8 action taken to mitigate sanctions.

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

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

15 5. Sections 436.215 to 436.272 do not restrict rights,
16 remedies, or defenses of any person under law or equity.

17 436.263. Any person who violates any provisions of sections
18 436.215 to 436.269 is guilty of a class A misdemeanor.

19 436.266. In applying and construing sections 436.215 to
20 436.272, consideration must be given to the need to promote
21 uniformity of the law with respect to the subject matter of
22 sections 436.215 to 436.272 among states that enact it.

23 436.269. If any provision of sections 436.215 to 436.272 or
24 its application to any person or circumstance is held invalid,
25 the invalidity does not affect other provisions or applications

1 of sections 436.215 to 436.272 which can be given effect without
2 the invalid provision or application, and to this end the
3 provisions of sections 436.215 to 436.272 are severable.

4 436.272. Any moneys collected by the director under section
5 436.263 shall immediately be transferred to the department of
6 revenue for deposit in the state treasury to the credit of
7 general revenue.

8 620.127. Notwithstanding any provision of law to the
9 contrary, every application for a license, certificate,
10 registration, or permit, or renewal of a license, certificate,
11 registration, or permit issued in this state shall contain the
12 Social Security number of the applicant. This provision shall
13 not apply to an original application for a license, certificate,
14 registration, or permit submitted by a citizen of a foreign
15 country who has never been issued a Social Security number and
16 who previously has not been licensed by any other state, United
17 States territory, or federal agency. A citizen of a foreign
18 country applying for licensure with the division of professional
19 registration shall be required to submit his or her visa or
20 passport identification number in lieu of the Social Security
21 number.

22 620.145. [1.] The division of professional registration
23 shall maintain, for each board in the division, a registry of
24 each person holding a current license, permit or certificate
25 issued by that board. The registry shall contain the name,

1 Social Security number and address of each person licensed or
2 registered together with other relevant information as determined
3 by the board. The registry for each board shall at all times be
4 available to the board and copies shall be supplied to the board
5 on request. Copies of the registry, except for the registrant's
6 Social Security number, shall be available from the division or
7 the board to any individual who pays the reasonable copying cost.
8 Any individual may copy the registry during regular business
9 hours. The information in the registry shall be furnished upon
10 request to the division of child support enforcement. Questions
11 concerning the currency of license of any individual shall be
12 answered, without charge, by the appropriate board. Each year
13 each board may publish, or cause to be published, a directory
14 containing the name and address of each person licensed or
15 registered for the current year together with any other
16 information the board deems necessary. Any expense incurred by
17 the state relating to such publication shall be charged to the
18 board. An official copy of any such publication shall be filed
19 with the director of the department of economic development.

20 [2. Notwithstanding any provision of law to the contrary,
21 each board shall require each person applying for a license,
22 permit or certificate, or a renewal of a license, permit or
23 certificate to furnish the board with the applicant's Social
24 Security number.]

25 [374.725. Any person who, on September

1 28, 1983, is acting in any capacity which
2 would be classified as practicing as a bail
3 bond agent or general bail bond agent under
4 the provisions of sections 374.700 to 374.775
5 may continue to act in such capacity without
6 being licensed under sections 374.700 to
7 374.775 for a period of twelve months from
8 September 28, 1983.]

9 [374.765. 1. Any person who practices
10 as a bail bond agent or general bail bond
11 agent, or who purports to be a bail bond
12 agent, or general bail bond agent, as defined
13 in section 374.700, without being duly
14 licensed under sections 374.700 to 374.775
15 is:

16 (1) For the first such offense, guilty
17 of an infraction;

18 (2) For the second and each subsequent
19 offense, guilty of a class A misdemeanor.

20 2. Any licensed bail bond agent who
21 knowingly violates the provisions of one or
22 more of subdivisions (3), (4), (10), (11),
23 (12), (13), (14), or (15) of subsection 1 of
24 section 374.755 shall be guilty of a class B
25 misdemeanor.]

26 [436.200. As used in this act the
27 following terms shall mean:

28 (1) "Agent contract", any contract or
29 agreement pursuant to which a student athlete
30 authorizes an athlete agent to represent him
31 in the marketing of his athletic ability or
32 reputation in a sport;

33 (2) "Athlete agent", a person that, for
34 compensation, directly or indirectly recruits
35 or solicits a student athlete to enter into
36 an agent contract, financial services
37 contract or professional sports services
38 contract;

39 (3) "Financial services contract", any
40 contract or agreement pursuant to which a
41 student athlete authorizes an athlete agent
42 to provide financial services for the student
43 athlete, including but not limited to the
44 making and execution of investment and other
45 financial decisions by the athlete agent on
46 behalf of the student athlete;

47 (4) "Person", an individual, company,
48 corporation, association, partnership or

1 other entity;
2 (5) "Professional sports services
3 contract", any contract or agreement pursuant
4 to which a student athlete authorizes an
5 athlete agent to obtain employment for the
6 student athlete with a professional sports
7 team or as a professional athlete;
8 (6) "Student athlete", any athlete who
9 practices for or otherwise participates in
10 intercollegiate athletics at any college or
11 university located within this state.]

12 [436.205. 1. Each athlete agent must
13 register biennially with the secretary of
14 state on forms to be provided by the
15 secretary of state and, at the same time, pay
16 to the secretary of state a registration fee
17 of five hundred dollars for which the
18 secretary of state shall issue a registration
19 certificate entitling the holder to operate
20 as an athlete agent for a period of two
21 years.

22 2. When the business address of any
23 athlete agent operating in this state is
24 changed, the athlete agent must notify the
25 secretary of state within thirty days after
26 the change of address.

27 3. It is unlawful for any person to
28 operate as an athlete agent unless he is
29 registered as provided in this section.
30 Failure of the athlete agent to register is a
31 class B misdemeanor.

32 4. The secretary of state may suspend
33 or revoke the registration of any athlete
34 agent for failing to comply with the
35 provisions of this section. The suspension
36 or revocation of any registration may be
37 reviewed by a court of competent
38 jurisdiction.]

39 [436.209. 1. A student athlete who is
40 subject to the rules and regulations of the
41 National Collegiate Athletic Association, the
42 National Association for Intercollegiate
43 Athletics, or the National Junior College
44 Athletic Association, and who enters into an
45 agent contract, financial services contract
46 or professional sports services contract with
47 an athlete agent must provide written
48 notification to the athletic director or the

1 president of the college or university in
2 which he is enrolled that he has entered into
3 such a contract. Written notification must
4 be given prior to practicing for or
5 participating in any athletic event on behalf
6 of any college or university or within
7 seventy-two hours after entering into the
8 contract, whichever occurs first. Failure of
9 the student athlete to provide this
10 notification is an infraction.

11 2. An athlete agent who enters into an
12 agent contract, financial services contract
13 or professional sports services contract with
14 a student athlete who is subject to the rules
15 and regulations of the National Collegiate
16 Athletic Association, the National
17 Association for Intercollegiate Athletics, or
18 the National Junior College Athletic
19 Association must provide written notification
20 to the athletic director or the president of
21 the college or university in which the
22 student athlete is enrolled that the student
23 athlete has entered into such a contract.
24 Written notification of such a contract must
25 be given prior to the student athlete's
26 practicing for or participating in any
27 athletic event on behalf of any college or
28 university or within seventy-two hours after
29 entering into said contract, whichever occurs
30 first. Failure of the athlete agent to
31 provide this notification is a class B
32 misdemeanor.

33 3. An agent contract, financial
34 services contract or professional sports
35 services contract between a student athlete
36 and an athlete agent must have a notice
37 printed near the space for the student
38 athlete's signature which must contain the
39 following statement in ten-point boldfaced
40 type: "WARNING: IF YOU AS A STUDENT ATHLETE
41 SIGN THIS CONTRACT, YOU MAY LOSE YOUR
42 ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE
43 ATHLETICS. Pursuant to MISSOURI LAW, YOU
44 MUST NOTIFY THE ATHLETIC DIRECTOR OR
45 PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN
46 WRITING PRIOR TO PRACTICING FOR OR
47 PARTICIPATING IN ANY ATHLETIC EVENT ON BEHALF
48 OF ANY COLLEGE OR UNIVERSITY OR WITHIN
49 SEVENTY-TWO HOURS AFTER ENTERING INTO THIS
50 CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO

1 PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

2 4. An agent contract, financial
3 services contract or professional sports
4 services contract entered into between a
5 student athlete and an athlete agent which
6 fails to provide the notification required by
7 this section is null, void and unenforceable.

8 5. Any student athlete or athlete agent
9 who enters into an agent contract, financial
10 services contract or professional sports
11 services contract and fails to provide the
12 notification required by this section, is
13 liable to the college or university in which
14 the student athlete is enrolled for damages
15 that result from the student athlete's
16 subsequent ineligibility. In addition to any
17 damages awarded pursuant to this section,
18 additional damages may be assessed in an
19 amount equal to three times the value of the
20 athletic scholarship furnished by the
21 institution to the student athlete during the
22 student athlete's period of eligibility.

23 6. Within ten days after the date on
24 which the contractual relationship between
25 the athlete agent and the student athlete
26 arises or after notification of such
27 contractual relationship is received by the
28 athletic director or president of the college
29 or university in which the student is
30 enrolled, whichever occurs later, the student
31 athlete shall have the right to rescind the
32 contract or any contractual relationship with
33 the athlete agent by giving notice in writing
34 of his intent to rescind. The student
35 athlete may not under any circumstances
36 effect a waiver of his right to rescind, and
37 any attempt to do so shall be null, void and
38 unenforceable.]

39 [436.212. 1. An athlete agent shall
40 not publish or cause to be published false or
41 misleading information or advertisements, nor
42 give any false information or make false
43 promises to a student athlete concerning
44 employment.

45 2. An athlete agent shall not accept as
46 a client a student athlete referred by an
47 employee of or a coach for a college or
48 university located within this state in
49 exchange for any consideration.

1 3. An athlete agent shall not enter
2 into any agreement, written or oral, by which
3 the athlete agent offers anything of value to
4 any employee of or a coach for a college or
5 university located within this state in
6 return for the referral of any student
7 athlete clients by that employee or coach.

8 4. An athlete agent shall not offer
9 anything of value to induce a student athlete
10 to enter into an agent contract, financial
11 services contract, professional sports
12 services contract or other agreement by which
13 the athlete agent will represent the student
14 athlete. Negotiations regarding the athlete
15 agent's fee shall not be considered an
16 inducement.

17 5. A person shall not conduct business
18 as an athlete agent if he is not registered
19 or if his registration is suspended or
20 revoked.

21 6. Violation of any provision of this
22 section is a class B misdemeanor.]

23 Section B. The repeal and reenactment of sections 374.700,
24 374.705, 374.710, 374.715, 374.730, 374.735, 374.740, 374.755,
25 374.757, and 374.763, and the enactment of sections 374.695,
26 374.702, 374.716, 374.717, 374.719, 374.759, 374.764, 374.785,
27 374.786, 374.787, 374.788, and 374.789, shall become effective
28 January 1, 2005.