

FIRST REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 725

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time March 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1810L.011

AN ACT

To repeal sections 328.010, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 329.250, 329.260, 329.265, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, and 337.739, RSMo, and to enact in lieu thereof fifty-one new sections relating to professional licensing, with an effective date and penalty provisions.

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

Section A. Sections 328.010, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 2 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 3 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 4 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 329.250, 5 329.260, 329.265, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 6 337.535, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 7 337.736, and 337.739, RSMo, are repealed and fifty-one new sections enacted in lieu thereof, 8 to be known as sections 328.010, 328.015, 328.020, 328.070, 328.075, 328.080, 328.085, 9 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 329.015, 329.023, 329.025,

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

10 329.028, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120,
11 329.130, 329.265, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530,
12 337.543, 337.550, 337.555, 337.565, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718,
13 337.727, 337.730, 337.733, and 337.736, to read as follows:

328.010. **As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:**

- 3 (1) **"Barber"**, any person who is engaged in the capacity so as to shave the beard or cut
4 and dress the hair for the general public, shall be construed as practicing the occupation of
5 "barber", and the said barber or barbers shall be required to fulfill all requirements within the
6 meaning of this chapter;
- 7 (2) **"Barber establishment"**, that part of any building wherein or whereupon any
8 occupation of barbering is being practiced including any space or barber chair rented
9 within a licensed establishment by a person licensed under this chapter, for the purpose
10 of rendering barbering services;
- 11 (3) **"Board"**, the board of cosmetology and barber examiners;
- 12 (4) **"Cross-over license"**, a license that is issued to any person who has met the
13 licensure and examination requirements for both barbering and cosmetology;
- 14 (5) **"School of barbering"**, an establishment operated for the purpose of teaching
15 barbering as defined in subdivision (1) of this section.

328.015. **1. Upon appointment by the governor and confirmation by the senate of
2 the board, the board of barber examiners shall be abolished and its duties and
3 responsibilities shall merge into the board as established under section 329.015, RSMo.
4 The board shall be a continuance of and shall carry out the duties of the board of barber
5 examiners.**

**2. Upon appointment by the governor and confirmation by the senate of the board,
7 all of the powers, duties, and functions of the board of barber examiners shall be
8 transferred to, conferred, and imposed upon the board. The board shall be the successor
9 in every way to the powers, duties, and functions of the board of barber examiners.**

**3. Every act performed in the exercise of such powers, duties, and authorities by
11 or under the authority of the board shall be deemed to have the same force and effect as
12 if performed by the board of barber examiners under this chapter, including any
13 amendments thereto effective with the passage of this section or prior to the effective date
14 of this section.**

**4. All rules of the board of barber examiners and any amendments to such rules
16 shall continue to be effective and shall be deemed to be duly adopted rules of the board
17 until revised, amended, or repealed by the board. The board shall review such rules and**

18 shall adopt new rules as required for the administration of this chapter for barbers and
19 cosmetologists.

20 **5. Any person or entity licensed or provisionally licensed by the board of barber**
21 **examiners prior to the appointment by the governor and confirmation by the senate of the**
22 **board, shall be considered licensed in the same manner by the board.**

328.020. It shall be unlawful for any person to [follow] **practice** the occupation of a
2 barber in this state, unless he **or she** shall have first obtained a [certificate of registration]
3 **license**, as provided in this chapter.

328.070. [Such] **The** board shall hold public examinations at least four times in each
2 year, at such times and places as it may deem advisable, notice of such [meetings] **examinations**
3 to be [given by publication thereof] **published** at least ten days prior to [such meetings, in at least
4 two newspapers published in this state, in the locality of each proposed meeting] **the date of the**
5 **examination. The board shall publish its notice of the examination date, place, and time**
6 **in any manner that it deems appropriate. In lieu of holding its own examinations for**
7 **barber applicants, the board may contract with an outside entity qualified to examine**
8 **applicants for licensure.**

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

2. Any person desiring to act as an apprentice supervisor for barbering in this state shall
6 first possess a license to practice the occupation of barbering, apply to the board, pay the
7 appropriate fees, complete an eight-hour apprentice supervision instruction course certified by
8 the board, and be issued a [certificate of registration] **license** as a barber apprentice supervisor
9 prior to supervising barber apprentices.

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

12 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
13 is created under the authority delegated in this section shall become effective only if it complies
14 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
15 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
16 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
17 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
18 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
19 invalid and void.

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

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

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

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

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

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

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

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

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

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

328.085. 1. The board shall grant without examination a license to practice barbering
2 to any applicant who holds a [valid] **current** barber's license which is issued by another state or
3 territory whose requirements for licensure were equivalent to the licensing requirements in effect
4 in Missouri at the time the applicant was licensed or who has practiced the trade in another state
5 for at least two **consecutive** years. **An applicant under this section shall pay the appropriate
6 application and licensure fees at the time of making application. A licensee who is
7 currently under disciplinary action with another board of barbering shall not be licensed
8 by reciprocity under the provisions of this chapter.**

9 2. Any person who has lawfully practiced or received training in another state who does
10 not qualify for licensure without examination may apply to the board for licensure by
11 examination. Upon application to the board, the board shall evaluate the applicant's experience
12 and training to determine the extent to which the applicant's training and experience satisfies
13 current Missouri licensing requirements and shall notify the applicant regarding his deficiencies
14 and inform the applicant of the action which he must take to qualify to take the examination.

15 3. The applicant for licensure under this section shall pay a fee equivalent to the barber
16 examination fee.

 328.090. Any person desiring to teach barbering in this state in a barber school, college
2 or barber shop must first possess a [certificate of registration] **license** to practice the occupation
3 of barbering and make application to [appear before said] **the** board for an examination as a
4 teacher or instructor in said occupation and shall pay the required instructor examination fee.
5 The board shall examine such applicant and after finding that he **or she** is duly qualified to teach
6 said occupation, [said] **the** board shall issue to him **or her** a [certificate of registration] **license**
7 entitling him **or her** to teach barbering in this state, subject to all the provisions of this chapter.
8 Holders of [certificates] **licenses** to teach barbering shall, on or before the expiration of their
9 respective [certificates] **licenses**, make application for the renewal of same, and shall in each case
10 pay the instructor renewal fee. Should any person holding a [certificate] **license** to teach
11 barbering fail to renew same within the time prescribed herein, such person shall be required to
12 pay a reinstatement fee in addition to the regular [registration] **license** fee provided for herein.
13 Any person failing to renew his [certificate of registration] **or her license** to teach barbering for
14 a period not exceeding two years may reinstate said [certificate of registration] **license** upon the
15 payment of the renewal fee in addition to the reinstatement fee, but any person failing to renew
16 his [certificate of registration] **or her license** to teach barbering for a period exceeding two years
17 and desiring to be [reregistered] **licensed** as a teacher of barbering in this state will be required
18 to [appear before said board and] pass a satisfactory examination as to his **or her** qualifications
19 to teach barbering and shall pay the instructor examination fee.

 328.110. 1. Every person engaged in barbering shall on or before the renewal date apply
2 for the renewal of his or her [certificate of registration] **license**.

3 2. Each application for renewal shall state the number of [applicant's] **the licensee's**
4 expiring [certificate] **license**, and be accompanied by his or her renewal fee. Any person holding
5 a [certificate of registration] **license** as a barber, except as herein provided, who fails to apply for
6 renewal within two months of the expiration date of his or her [certificate of registration] **license**,
7 shall pay a reinstatement fee in addition to the regular [registration] **license** renewal fee. Any
8 person who fails to renew his or her [certificate of registration] **license**, except as herein
9 provided, for a period not exceeding two years may reinstate his or her [certificate of registration]

10 **license** upon payment of the [registration] **license** renewal fee for each delinquent year in
11 addition to the reinstatement fee prescribed herein, but any barber, except as herein provided,
12 who fails to renew his or her [certificate of registration] **license** for a period exceeding two years
13 but less than five years and desires to be [reregistered] **licensed** as a barber in this state will be
14 required to [appear before the board and] pass the practicum portion of the [state] **state's**
15 licensing examination as to his or her qualifications to practice barbering and shall pay the barber
16 examination fee.

17 3. A holder of a [certificate of registration] **barber license** who has been honorably
18 discharged from the United States armed forces, and has not renewed his or her [certificate of
19 registration] **license** as herein provided, shall, upon his or her return to barbering within one year
20 from date of honorable discharge, pay one dollar for renewal of same.

328.115. 1. The owner of every shop or establishment in which the occupation of
2 barbering is practiced shall obtain a [certificate of registration] **license** for such shop or
3 establishment issued by the board before barbering is practiced therein. A new [certificate of
4 registration] **license** shall be obtained for a barber shop or establishment before barbering is
5 practiced therein when the shop or establishment changes ownership or location.

6 2. The board shall issue a [certificate of registration] **license** for a shop or establishment
7 upon receipt of [a registration] **the license** fee from the applicant if the board finds that the shop
8 or establishment complies with the sanitary regulations adopted pursuant to section 328.060. All
9 shops or establishments shall continue to comply with the sanitary regulations. Failure of a shop
10 or establishment to comply with the sanitary regulations shall be grounds for the board to file a
11 complaint with the administrative hearing commission to revoke or suspend the [certificate of
12 registration] **license** for the shop or censure or place on probation the holder thereof.

13 3. The [certificate of registration] **license** for a shop or establishment shall be renewable.
14 The applicant for renewal of the [certificate] **license** shall on or before the renewal date submit
15 [a] **the completed renewal application accompanied by the required** renewal fee. If the
16 renewal **application and** fee [is] **are** not submitted [on or before] **within thirty days following**
17 the renewal date [and if the fee remains unpaid for thirty days thereafter], a penalty fee plus the
18 renewal fee shall be paid to renew the [certificate] **license**. If a new shop opens any time during
19 the licensing period and does not register **a license** before opening, there shall be a delinquent
20 fee in addition to the regular fee. The [certificate of registration must] **license shall** be kept
21 posted in plain view within the shop or establishment at all times.

328.120. 1. Any firm, corporation or person, [desiring to conduct a barber school or
2 college in this state, shall first secure from the board a permit to do so, and shall keep the same
3 prominently displayed. There shall be a permit fee to be paid on or before the permit renewal
4 date.] **may make application to the board for a license to own and operate a barber school**

5 or college on the form prescribed by the board. Every barber school or college in which
6 the occupation of barbering is taught shall be required to obtain a license from the board
7 prior to opening. The license shall be issued upon approval of the application by the
8 board, the payment of the required fees, and the board's determination that the applicant
9 meets all other requirements of this chapter and any rules promulgated thereunder. The
10 license shall be kept posted in plain view within the barber school or college at all times.

11 2. A barber school or college license renewal application and fee shall be submitted
12 on or before the renewal date of any school or college license issued under this section. If
13 the barber school or college license renewal fee is not paid on or before the renewal date,
14 a late fee shall be added to the regular license renewal fee.

15 3. The board shall promulgate rules and regulations regarding the course of study in [the]
16 a barber school or college, and may revoke any [permit] license issued hereunder for any
17 violation of the provisions of this section or rule promulgated pursuant to this section. The board
18 shall follow the procedure prescribed by chapter 621, RSMo, to revoke a barber school [permit]
19 license. [Permits] License shall not be restricted to any one group or person but shall be granted
20 to any reasonably qualified person or group under a fair and nondiscriminating method of
21 determination.

22 [2.] 4. There shall be not less than one teacher or instructor for every fifteen students in
23 any barber school or college holding a [permit] license under this section.

24 [3.] 5. The barber school or college shall immediately file with the board the name and
25 age of each student entering the school, and the board shall cause the same to be entered in a
26 register kept for that purpose. A registration fee shall be paid by the student.

27 [4.] 6. The barber school or college shall certify to the board the names of all students
28 who successfully completed a course of study approved by the board and consisting of at least
29 one thousand hours of study under the direct supervision of a licensed instructor in a period of
30 not less than six months.

31 [5.] 7. No rule or portion of a rule promulgated under the authority of this chapter shall
32 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
33 RSMo.

328.130. [There shall be furnished to each person to whom a certificate of registration
2 is issued a card or certificate certifying that] **The board shall issue a printed license to each**
3 **person successfully meeting the board's requirements for licensure, which shall be evidence**
4 the holder thereof is entitled to practice the occupation of [barber] **barbering** in this state[, and
5 it shall be the duty of the holder of such card or certificate to]. **The licensee shall** post [the
6 same] **his or her license** in a conspicuous place in front of his **or her** working chair where it may
7 be readily seen by all persons whom he **or she** may serve.

328.160. Any person practicing the occupation of [barber] **barbering** without having
2 obtained a [certificate of registration or permit] **license** as provided in this chapter, or willfully
3 employing a barber who [has not such certificate or permit] **does not hold a valid license issued**
4 **by the board**, managing or conducting a barber school or college[,] without first securing a
5 [permit] **license** from [such] **the board**, or falsely pretending to be qualified to practice as a
6 barber or instructor or teacher of such occupation under this chapter, or failing to keep [the
7 certificate, card or permit mentioned in] **any license required by** this chapter properly displayed
8 or for any extortion or overcharge practiced, and any barber college, firm, corporation or person
9 operating or conducting a barber college without first having secured the [permit provided for]
10 **license required** by this chapter, or failing to comply with such sanitary rules as the board, in
11 conjunction with the department of health and senior services, prescribes, or for the violation of
12 any of the provisions of this chapter, shall be deemed guilty of a class C misdemeanor.
13 Prosecutions under this chapter shall be initiated and carried on in the same manner as other
14 prosecutions for misdemeanors in this state.

329.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following words and terms mean:

3 (1) "Apprentice" or "student", a person who is engaged in training within a cosmetology
4 establishment or school, and while so training performs any of the practices of the classified
5 occupations within this chapter under the immediate direction and supervision of a [registered]
6 **licensed** cosmetologist or instructor;

7 (2) "Board", the state board of cosmetology **and barber examiners**;

8 (3) "Cosmetologist", any person who, for compensation, engages in the practice of
9 cosmetology, as defined in subdivision (4) of this section;

10 (4) "Cosmetology" includes performing or offering to engage in any acts of the classified
11 occupations of cosmetology for compensation, which shall include:

12 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
13 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair
14 of any person by any means; or removing superfluous hair from the body of any person by means
15 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.

16 Class CH - hairdresser, also includes, any person who either with the person's hands or with
17 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,
18 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination
19 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or
20 similar work upon the scalp, face, neck, arms or bust;

21 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,
22 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,

23 massaging, cleaning a person's hands and arms; pedicuring, which includes, cutting, trimming,
24 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying
25 artificial toenails, massaging and cleaning a person's legs and feet;

26 (c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as
27 defined in paragraphs (a) and (b) of this subdivision;

28 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or
29 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to
30 exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one,
31 or any combination, of the following practices: massaging, cleansing, stimulating, manipulating,
32 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
33 legs or feet and removing superfluous hair by means other than electric needle or any other
34 means of arching or tinting eyebrows or tinting eyelashes, of any person;

35 (5) "Cosmetology establishment", that part of any building wherein or whereupon any
36 of the classified occupations are practiced including any space rented within a licensed
37 establishment by a person licensed under this chapter, for the purpose of rendering cosmetology
38 services;

39 (6) **"Cross-over license", a license that is issued to any person who has met the**
40 **licensure and examination requirements for both barbering and cosmetology;**

41 (7) "Hairdresser", any person who, for compensation, engages in the practice of
42 cosmetology as defined in paragraph (a) of subdivision (4) of this section;

43 [(7)] (8) "Instructor", any person who is licensed to teach cosmetology or any practices
44 of cosmetology pursuant to this chapter;

45 [(8)] (9) "Manicurist", any person who, for compensation, engages in any or all of the
46 practices in paragraph (b) of subdivision (4) of this section;

47 [(9)] (10) **"Parental consent", the written informed consent of a minor's parent or**
48 **legal guardian that must be obtained prior to providing body waxing on or near the**
49 **genitalia;**

50 (11) "School of cosmetology" or "school of manicuring", an establishment operated for
51 the purpose of teaching cosmetology as defined in subdivision (4) of this section.

329.015. 1. There is hereby created and established a "Board of Cosmetology and
2 **Barber Examiners" for the purpose of licensing all persons engaged in the practice of**
3 **cosmetology, manicuring, esthetics, and barbering, including but not limited to shaving or**
4 **trimming the beard or cutting the hair; and to fulfill all other duties and responsibilities**
5 **delegated by chapter 328, RSMo, as it pertains to barbers and this chapter as it pertains**
6 **to cosmetologists. The duties and responsibilities of the board of cosmetology and barber**
7 **examiners as such duties and responsibilities pertain to barbers and cosmetologists shall**

8 not take full force and effect until such time as the governor appoints the members of the
9 board of cosmetology and barber examiners and the appointments are confirmed by the
10 senate. At such time, the powers and duties of the board of barber examiners and the state
11 board of cosmetology shall be merged into the board under section 329.023.

12 2. The governor shall appoint members to the board by and with the advice and
13 consent of the senate. The board shall consist of eleven members each of whom are United
14 States citizens and who have been residents of this state for at least one year immediately
15 preceding their appointment. Of these eleven members, four shall be licensed
16 cosmetologists holding a Class CA license classification, one shall be a licensed
17 cosmetologist who is a cosmetology school owner, one shall be a cosmetologist with a license
18 of any type of cosmetology classification, three shall be licensed barbers, and two shall be
19 voting public members. All members, except the public members, shall be cosmetologists
20 and barbers duly registered as such and licensed under the laws of this state and shall have
21 been actively engaged in the lawful practice of their profession for a period of at least five
22 years immediately preceding their appointment. All members of the board, including
23 public members, shall be chosen from lists submitted by the director of the division of
24 professional registration.

25 3. Upon the appointment of the initial board members, at least two cosmetologist
26 members and two barber members shall be appointed by the governor to serve a term of
27 four years; two cosmetologist members, one barber member and a public member shall be
28 appointed to serve a term of three years, and the remaining members of the initial board
29 shall be appointed for a term of two years. Thereafter, all members shall be appointed by
30 the governor by and with the advice and consent of the senate to serve four-year terms.
31 The governor shall appoint members to fill any vacancies, whether it occurs by the
32 expiration of a term or otherwise; provided, however, that any board member shall serve
33 until his or her successor is appointed and duly qualified. No person shall be eligible for
34 reappointment that has served as a member of the board for a total of twelve years.

35 4. At the time of appointment, the public members shall be citizens of the United
36 States, residents of this state for a period of at least one year immediately preceding their
37 appointment, and a registered voter. The public members of the spouse of such members
38 shall be persons who are not and never were a member of any profession licensed or
39 regulated by the board. The public members and the spouse of such members shall be
40 persons who do not have and never have had a material financial interest in the provision
41 of the professional services regulated by the board, or an activity or organization directly
42 related to any professions licensed or regulated by the board. The duties of the public
43 members shall not include the determination of the technical requirements to be met for

44 licensure, or whether any person meets such technical requirements, or of the technical
45 competence or technical judgment of a licensee or a candidate for licensure.

46 **5. Any member who is a school owner shall not be allowed access to the testing and**
47 **examination materials nor shall any such member be allowed to attend the administration**
48 **of the examinations, except when such member is being examined for licensure.**

49 **6. The members of the board shall receive as compensation for their services the**
50 **sum set by the board not to exceed seventy dollars for each day actually spent in**
51 **attendance at meetings of the board plus actual and necessary expenses.**

329.023. 1. Upon appointment by the governor and confirmation by the senate of
2 **the board, the state board of cosmetology is abolished and its duties and responsibilities**
3 **shall merge into the board as established under section 329.015. The board shall be a**
4 **continuance of and shall carry out the duties of the state board of cosmetology.**

5 **2. Upon appointment by the governor and confirmation by the senate of the board,**
6 **all of the powers, duties, and functions of the state board of cosmetology are transferred**
7 **to, conferred, and imposed upon the board. The board shall be the successor in every way**
8 **to the powers, duties, and functions of the state board of cosmetology.**

9 **3. Every act performed in the exercise of such powers, duties, and authorities by**
10 **or under the authority of the board shall be deemed to have the same force and effect as**
11 **if performed by the state board of cosmetology under this chapter, including any**
12 **amendments thereto effective with the passage of this law or prior to the effective date of**
13 **this section.**

14 **4. All rules and regulations of the state board of cosmetology and any amendments**
15 **thereto shall continue to be effective and shall be deemed to be duly adopted rules and**
16 **regulations of the board until revised, amended, or repealed by the board. The board shall**
17 **review such rules and regulations and shall adopt new rules as required for the**
18 **administration of the licensure law for barbers and cosmetologists.**

19 **5. Any person or entity licensed or provisionally licensed by the state board of**
20 **cosmetology prior to the appointment by the governor and confirmation by the senate of**
21 **the board, shall be considered licensed in the same manner by the board of cosmetology**
22 **and barber examiners.**

329.025. 1. The board shall have power to:

2 **(1) Prescribe by rule for the examination of applicants for licensure to practice the**
3 **classified occupations of barbering and cosmetology and issue licenses;**

4 **(2) Prescribe by rule for the inspection of barber and cosmetology establishments**
5 **and schools and appoint the necessary inspectors and examining assistants;**

6 (3) Prescribe by rule for the inspection of establishments and schools of barbering
7 and cosmetology as to their sanitary conditions and to appoint the necessary inspectors
8 and, if necessary, examining assistants;

9 (4) Set the amount of the fees that this chapter and chapter 328 authorize and
10 require, by rules promulgated under section 536.021, RSMo. The fees shall be set at a level
11 sufficient to produce revenue that shall not substantially exceed the cost and expense of
12 administering this chapter and chapter 328;

13 (5) Employ and remove board personnel, as set forth in subdivision (4) of
14 subsection 15 of section 620.010, RSMo, including an executive secretary or comparable
15 position, inspectors, investigators, legal counsel and secretarial support staff, as may be
16 necessary for the efficient operation of the board, within the limitations of its
17 appropriation;

18 (6) Elect one of its members president, one vice president, and one secretary with
19 the limitation that no single profession can hold the positions of president and vice
20 president at the same time;

21 (7) Promulgate rules necessary to carry out the duties and responsibilities
22 designated by this chapter and chapter 328;

23 (8) Determine the sufficiency of the qualifications of applicants; and

24 (9) Prescribe by rule the minimum standards and methods of accountability for the
25 schools of barbering and cosmetology licensed under this chapter and chapter 328.

26 2. The board shall create no expense exceeding the sum received from time to time
27 from fees imposed under this chapter and chapter 328.

28 3. A majority of the board, with at least one representative of each profession being
29 present, shall constitute a quorum for the transaction of business.

30 4. The board shall meet not less than six times annually.

31 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
32 that is created under the authority delegated in chapters 328 and 329 shall become effective
33 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
34 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
35 nonseverable and if any of the powers vested with the general assembly under chapter 536,
36 RSMo, to review, to delay the effective date or to disapprove and annul a rule are
37 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
38 proposed or adopted after August 28, 2001, shall be invalid and void.

 329.028. 1. There is hereby created in the state treasury a fund to be known as the
2 "Board of Cosmetology and Barber Examiners Fund", which shall consist of all moneys
3 collected by the board. All fees provided for in this chapter and chapter 328 shall be

4 payable to the director of the division of professional registration in the department of
5 economic development, who shall keep a record of the account showing the total payments
6 received and shall immediately thereafter transmit them to the department of revenue for
7 deposit in the state treasury to the credit of the board of cosmetology and barber examiners
8 fund. All the salaries and expenses for the operation of the board shall be appropriated
9 and paid from such fund.

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

18 3. Upon appointment by the governor and confirmation by the senate of the board,
19 all moneys deposited in the board of barbers fund created in section 328.050, RSMo, and
20 the state board of cosmetology fund created in section 329.240, shall be transferred to the
21 board of cosmetology and barber examiners fund created in subsection 1 of this section.
22 The board of barbers fund and the state board of cosmetology fund shall be abolished
23 when all moneys are transferred to the board of cosmetology and barber examiners fund.

329.035. 1. For the purposes of this section, "person employed in retail cosmetic sales"
2 means any person who assists customers to select cosmetics by allowing the customer to apply
3 samples of demonstration cosmetics, assisting the customer to apply cosmetics, or applying the
4 cosmetic to the customer. There shall be no skin-to-skin contact between the salesperson and
5 the customer. Assisted cosmetic applications by the customer or the person employed in retail
6 cosmetic sales shall be performed with single-use applicators, except for perfume or cologne,
7 samples applied to the hand or the arm or dispensed from a tube, pump, spray or shaker
8 container, or samples or applicators that have been cleansed before each use or application. No
9 person employed in retail cosmetic sales as provided in this section shall accept any
10 remuneration from the customer for performing any of the acts described in this section or make
11 such assistance or application conditioned on any sale.

12 2. A [certificate of registration as provided in] **license as required under** section
13 329.030 is not required for persons who are employed in retail cosmetic sales if such persons do
14 not hold themselves out to have a license, permit, certificate of registration or any other authority
15 authorizing such person to practice the professions licensed by the board.

16 3. The board may promulgate rules establishing minimum sanitation standards for
17 persons employed in retail cosmetic sales, but such rules shall not require a sink at the cosmetic
18 counter for a source and drainage of water or any other electrical sanitation equipment required
19 in hairdressing or cosmetologist's or manicurist's shops licensed pursuant to this chapter. The
20 board may inspect retail cosmetic sales establishments to ensure compliance with this section
21 and rules promulgated thereunder.

 329.045. Every establishment in which the occupation of cosmetology is practiced shall
2 be required to obtain a license from the [state] board [of cosmetology]. Every establishment
3 required to be licensed shall pay to the [state] **board** an establishment fee for the first three
4 licensed cosmetologists esthetician and/or manicurists, and/or apprentices and an additional fee
5 for each additional licensee. The fee shall be due and payable on the renewal date and, if the fee
6 remains unpaid thereafter, there shall be a late fee in addition to the regular establishment fee or,
7 if a new establishment opens any time during the licensing period and does not register before
8 opening, there shall be a delinquent fee in addition to the regular establishment fee. The license
9 shall be kept posted in plain view within the establishment at all times.

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

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

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

13 (3) If the applicants are students, they shall have had the required time in a licensed
14 school of no less than one thousand five hundred hours training or the credit hours determined
15 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
16 Regulations, as amended, for the classification of cosmetologist, with the exception of public
17 vocational technical schools in which a student shall complete no less than one thousand two
18 hundred twenty hours training. All students shall complete no less than four hundred hours or
19 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34
20 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students
21 shall complete no less than seven hundred fifty hours or the credit hours determined by the

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

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

29 2. A person may apply to take the examination required by subsection 1 of this section
30 if the person is a graduate of a school of cosmetology or apprentice program in another state or
31 territory of the United States which has substantially the same requirements as an educational
32 establishment licensed pursuant to this chapter. **A person may apply to take the examination
33 required by subsection 1 of this section if the person is a graduate of an educational
34 establishment in a foreign country that provides training for a classified occupation of
35 cosmetology, as defined by section 329.010, and has educational requirements that are
36 substantially the same requirements as an educational establishment licensed under this
37 chapter. The board has sole discretion to determine the substantial equivalency of such
38 educational requirements. The board may require that transcripts from foreign schools
39 be submitted for its review; and may require that the applicant provide an approved
40 English translation of such transcripts.**

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

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

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

329.060. 1. Every person desiring to sit for the examination for any of the occupations
2 provided for in this chapter shall file with the [state] board [of cosmetology] a written application
3 on a form supplied to the applicant, and shall submit proof of the required age, educational
4 qualifications, and of good moral character together with the required cosmetology examination
5 fee. Each application shall contain a statement that it is made under oath or affirmation and that
6 its representations are true and correct to the best knowledge and belief of the person signing
7 same, subject to the penalties of making a false affidavit or declaration.

8 2. Upon the filing of the application and the payment of the fee, the [state] board [of
9 cosmetology] shall, upon request, issue to the applicant, if the applicant is qualified to sit for the
10 examination, a temporary license for a definite period of time, but not beyond the release of the
11 results from the next regular examination of applicants for the practicing of the occupations as
12 provided in this chapter. Any person receiving a temporary license shall be entitled to practice
13 the occupations designated on the temporary license, under the supervision of a person licensed
14 in cosmetology, until the expiration of the temporary license. Any person continuing to practice
15 the occupation beyond the expiration of the temporary license without being licensed in
16 cosmetology as provided in this chapter is guilty of an infraction.

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

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

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

329.090. If the [state] board [of cosmetology] finds the applicant has submitted the
2 credentials required for admission to the examination and has paid the required fee, the board
3 shall admit such applicant to examination for licensure.

329.100. The examination of applicants for licenses to practice under this chapter shall
2 be conducted under the rules prescribed by the [state] board [of cosmetology] and shall include
3 both practical demonstrations and written and oral tests in reference to the practices for which
4 a license is applied and such related studies and subjects as the [state] board [of cosmetology]
5 may determine necessary for the proper and efficient performance of such practices and shall not
6 be confined to any specific system or method, and such examinations shall be consistent with
7 the practical and theoretical requirements of the classified occupation or occupations as provided
8 by this chapter.

329.110. 1. If an applicant for examination for cosmetology passes the examination to
2 the satisfaction of the [state] board [of cosmetology] and has paid the fee required and complied
3 with the requirements pertaining to this chapter, the board shall cause to be issued a license to
4 that effect. The license shall be evidence that the person to whom it is issued is entitled to
5 engage in the practices, occupation or occupations stipulated therein as prescribed in this chapter.

6 The license shall be conspicuously displayed in his or her principal office, place of business, or
7 employment.

8 2. Whenever anyone who has been licensed in accordance with this chapter practices any
9 of the occupations authorized in this chapter outside of or away from the person's principal
10 office, place of business, or employment, he or she shall deliver to each person in his or her care
11 a certificate of identification. This certificate shall contain his or her signature, the number and
12 date of his or her license, the post office address and the date upon which the certificate of
13 identification is delivered to the person under his or her care.

329.120. The holder of a license issued by the [state] board [of cosmetology] who
2 continues in active practice or occupation shall on or before the license renewal date renew the
3 holder's license and pay the renewal fee. A license which has not been renewed prior to the
4 renewal date shall expire on the renewal date. The holder of an expired license may have the
5 license restored within two years of the date of expiration without examination, upon the
6 payment of a delinquent fee in addition to the renewal fee.

329.130. [The state board of cosmetology shall dispense with examinations of an
2 applicant, as provided in this chapter, and shall grant licenses under the respective sections upon
3 the payment of the required fees, provided that the applicant has complied with the requirements
4 of another state, territory of the United States, or, District of Columbia wherein the requirements
5 for licensure are substantially equal to those in force in this state at the time application for the
6 license is filed and upon due proof that the applicant at time of making application holds a
7 current license in the other state, territory of the United States, or District of Columbia, and upon
8 the payment of a fee equal to the examination and licensing fees required to accompany an
9 application for a license in cosmetology.] **1. The board shall grant without examination a
10 license to practice cosmetology to any applicant who holds a current license that is issued
11 by another state, territory of the United States, or the District of Columbia whose
12 requirements for licensure are substantially equal to the licensing requirements in Missouri
13 at the time the application is filed or who has practiced cosmetology for at least two
14 consecutive years in another state, territory of the United States, or the District of
15 Columbia. The applicant under this subsection shall pay the appropriate application and
16 licensure fees at the time of making application.** A licensee who is currently under
17 disciplinary action with another board of cosmetology shall not be licensed by reciprocity under
18 the provisions of this chapter.

19 **2. Any person who lawfully practiced or received training in another state who does
20 not qualify for licensure without examination may apply to the board for licensure by
21 examination. Upon application to the board, the board shall evaluate the applicant's
22 experience and training to determine the extent to which the applicant's training and**

23 **experience satisfies current Missouri licensing requirements and shall notify the applicant**
 24 **regarding his or her deficiencies and inform the applicant of the action that he or she must**
 25 **take to qualify to take the examination. The applicant for licensure under this subsection**
 26 **shall pay the appropriate examination and licensure fees.**

329.265. [Until July 1, 1999, any person licensed in Missouri as a Class CH or CA
 2 cosmetologist pursuant to this chapter may be licensed as an esthetician without examination if
 3 such person applies to the state board of cosmetology and pays a fee, as established by the board.
 4 The state board of cosmetology shall notify, by October 1, 1998, by United States mail at their
 5 last known address, all persons licensed in Missouri as Class CH or CA cosmetologists of their
 6 rights as provided in this section to be licensed as an esthetician without examination.] After
 7 July 1, 1999, any licensed cosmetologist shall be required to complete the required training of
 8 seven hundred and fifty hours and pass the required examination **to be licensed as an**
 9 **esthetician.**

337.500. As used in sections 337.500 to [337.540] **337.565**, unless the context clearly
 2 requires otherwise, the following words and phrases mean:

- 3 (1) ["Committee", the committee for professional counselors] **"Board", the board of**
 4 **counselors and therapists established under section 337.543;**
- 5 (2) "Department", the Missouri department of economic development;
- 6 (3) "Director", the director of the division of professional registration in the department
 7 of economic development;
- 8 (4) "Division", the division of professional registration;
- 9 (5) **"Fund", the board of counselors and therapists fund created by section 337.555;**
- 10 (6) "Licensed professional counselor", any person who offers to render professional
 11 counseling services to individuals, groups, organizations, institutions, corporations, government
 12 agencies or the general public for a fee, monetary or otherwise, implying that the person is
 13 trained, experienced, and licensed in counseling, and who holds a current, valid license to
 14 practice counseling;
- 15 [(6)] (7) "Practice of professional counseling", rendering, offering to render, or
 16 supervising those who render to individuals, couples, groups, organizations, institutions,
 17 corporations, schools, government agencies, or the general public any counseling service
 18 involving the application of counseling procedures, and the principles and methods thereof, to
 19 assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social,
 20 educational, vocational, developmental, or rehabilitative adjustments;
- 21 [(7)] (8) "Professional counseling", includes, but is not limited to:

22 (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures
23 based on principles for assessing, understanding, or influencing behavior (such as principles of
24 learning, conditioning, perception, motivation, thinking, emotions, or social systems);

25 (b) Appraisal or assessment, which means selecting, administering, scoring, or
26 interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes,
27 abilities, achievement, interests, and personal characteristics;

28 (c) The use of referral or placement techniques or both which serve to further the goals
29 of counseling;

30 (d) Therapeutic vocational or personal or both rehabilitation in relation to coping with
31 or adapting to physical disability, emotional disability, or intellectual disability or any
32 combination of the three;

33 (e) Designing, conducting, and interpreting research;

34 (f) The use of group methods or techniques to promote the goals of counseling;

35 (g) The use of informational and community resources for career, personal, or social
36 development;

37 (h) Consultation on any item in paragraphs (a) through (g) above; and

38 (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo, shall
39 be construed to mandate benefits or third-party reimbursement for services of professional
40 counselors in the policies or contracts of any insurance company, health services corporation or
41 other third-party payer;

42 [(8)] (9) "Provisional licensed professional counselor", any person who is a graduate of
43 an acceptable educational institution, as defined by division rules, with at least a master's degree
44 with a major in counseling, or its equivalent, and meets all requirements of a licensed
45 professional counselor, other than the supervised counseling experience prescribed by
46 subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the
47 practice of professional counseling.

337.505. No person shall use the title of "professional counselor", "counselor" or
2 "provisional licensed professional counselor" or engage in the practice of professional counseling
3 in this state unless the person is licensed as required by the provisions of sections 337.500 to
4 [337.540] **337.565**. Sections 337.500 to [337.540] **337.565** do not apply to:

5 (1) Any person registered, certificated or licensed by this state, another state, or any
6 recognized national certification agent, acceptable to the [committee] **board**, to practice any
7 other occupation or profession while rendering counseling service in the performance of the
8 occupation or profession for which the person is registered, certificated, or licensed, including
9 but not limited to physicians, psychologists and attorneys;

10 (2) School counselors, school administration personnel, or classroom teachers, so long
11 as they are performing their assigned duties within the scope of their employment by a board of
12 education or private school;

13 (3) Counselors in postsecondary educational institutions so long as they are practicing
14 within the scope of their employment;

15 (4) Student interns or trainees in counseling procedures pursuing a course of study in
16 counseling in an institution of higher education or training institution if such activities and
17 services constitute a part of their course of study and provided that such persons are designated
18 as "counselor interns";

19 (5) Professionals employed by postsecondary educational institutions as counselor
20 educators so long as they are practicing counseling within the scope of their employment;

21 (6) Duly ordained ministers [or], clergy [or], religious workers, **or staff counselors**
22 while functioning in their ministerial capacity **or in a religious institution or religious**
23 **counseling ministries program**;

24 (7) Alcoholism counselors so long as they serve only individuals with alcohol related
25 concerns;

26 (8) Any nonresident temporarily employed in this state to render counseling services for
27 not more than thirty days in any year, if in the opinion of the [committee] **board** the person
28 would qualify for a license pursuant to the provisions of sections 337.500 to [337.540] **337.565**,
29 and if the person holds a license required for counselors in the person's home state or country;

30 (9) Duly accredited Christian Science practitioners, so long as they are practicing within
31 the scope of Christian Science principles;

32 (10) Counselors employed by the Missouri state department of elementary and secondary
33 education or the Missouri state bureau for the blind while rendering counseling services in the
34 performance of their state assigned duties;

35 (11) Professionals employed by vocational and medical rehabilitation facilities
36 accredited by the commission on the accreditation of rehabilitation facilities, the joint committee
37 on accreditation of hospitals or other agents acceptable to the [committee] **board** while rendering
38 counseling services in the performance of their assigned duties, and so long as they do not use
39 the title of "counselor";

40 (12) Employees or volunteers of sheltered workshops who are providing meaningful
41 employment services for handicapped workers, so long as they do not use the "counselor" title;

42 (13) [Marital therapists or family therapists or both, certified by the American
43 Association of Marriage and Family Therapists or an agent acceptable to the committee, and their
44 supervisees, so long as they serve only individuals with marital or family systems concerns, and,
45 so long as they do not use the titles of "counselor" or "counseling";

46 (14) Staff counselors employed by religious institutions in a religious counseling
47 ministries program;

48 (15)] Drug abuse counselors certified by the department of mental health as meeting
49 standards in rules promulgated pursuant to section 630.655, RSMo, certified by the Missouri
50 substance abuse counselors certification board, or by an agent acceptable to the committee, so
51 long as such counselors are practicing consistent with such standards, and they are serving only
52 individuals with drug-related concerns;

53 [(16) Social workers, certified by the National Association of Social Workers, Inc., or
54 by an agent acceptable to the committee, or workers under their supervision so long as they are
55 doing work consistent with their training and with a code of ethics of the social work profession,
56 and so long as they do not use the title of "professional counselor";

57 (17)] (14) Professionals in the employ of a governmental agency while rendering
58 services in the performance of their duties;

59 [(18) Any person performing counseling, as defined in sections 337.500 to 337.540,
60 without receiving compensation, monetary or otherwise, and so long as they do not use the title
61 of "professional counselor";

62 (19)] (15) Employment counselors and interviewers, personnel officers, personnel
63 analysts and consultants and related workers who in the normal course of their duties and
64 responsibilities as employees of this state may engage in the screening, examination, assessment,
65 referral or selection of individuals for employment or for consideration for employment;

66 [(20)] (16) Counselors and employees of employee assistance programs [which] **that** are
67 members of the Association of Labor-Management Administrators and Consultants on
68 Alcoholism, Inc., a Wisconsin corporation, or its successors or such other accrediting body for
69 EAP Programs acceptable to the [committee] **board** who provide evaluation, assessment,
70 information, and referral services so long as they are performing their assigned duties within the
71 scope of their employment; provided, however, that this exemption shall not apply to individuals
72 employed by employee assistance programs who provide direct long-term therapy and counseling
73 services, as may be defined by regulation, so long as they do not use the title of counselor or
74 counseling;

75 [(21)] (17) Individuals who are duly certified by the employee assistance certification
76 commission as administered by the Association of Labor-Management Administrators and
77 Consultants on Alcoholism, Inc., a Wisconsin corporation, or its successor; so long as the
78 individual is an employee of a generally recognized employee assistance program and so long
79 as such individual is performing services within the scope of such individual's employment and
80 education;

81 [(22)] (18) Weight loss or weight control consultants or advisors in recognized,
82 legitimate programs or business environments so long as they serve only individuals or groups
83 who have weight related concerns and discuss only weight improvement issues and do not use
84 the titles of "counselor" or "counseling" without using an adjective which describes to the
85 ordinary person that the counseling is limited to weight loss or weight control;

86 [(23)] (19) Activity therapists as certified or licensed by their respective professional
87 organizations including, but not limited to art, music, dance, recreation, and occupation, and who
88 have received certification or licensure by their respective professional organizations by January
89 1, 1994, so long as they do not use the titles of "counselor" or "counseling";

90 [(24)] (20) Professionals certified by the American Board of Medical Psychotherapists
91 and who have received certification from the American Board of Medical Psychotherapists by
92 January 1, 1994, so long as they do not use the titles of "counselor" or "counseling"; [and

93 (25) Transactional analysts certified by the International Transactional Analysis
94 Association and who have received certification from the International Transactional Analysis
95 Association as a level one transactional analyst, specializing in clinical application by January
96 1, 1994, so long as they do not use the titles of "counselor" or "counseling";] or

97 [(26)] (21) Any person with a doctoral degree in anthropology received on or prior to
98 December 31, 1989, and which was from an educational institution accredited by one of the
99 regional accrediting associations approved by the council on postsecondary accreditation;
100 provided further that said individual has completed at least twenty-four months of supervised
101 clinical experience in psychotherapy under the supervision of a physician.

337.507. 1. Applications for examination and licensure as a professional counselor shall
2 be in writing, submitted to the [division] **board** on forms prescribed by the [division] **board** and
3 furnished to the applicant. The application shall contain the applicant's statements showing [his]
4 **the applicant's** education, experience and such other information as the [division] **board** may
5 require. Each application shall contain a statement that it is made under oath or affirmation [and]
6 that the information contained therein is true and correct to the best knowledge and belief of the
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.
8 Each application shall be accompanied by the fees required by the [committee] **board**.

9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the [registration] **license** renewal date. **Notwithstanding this notice requirement, the**
11 **failure to receive a license renewal notification from the division shall not excuse the**
12 **licensee from renewing his or her license as required by law.** Failure to provide the division
13 with the information required for [registration] **license renewal**, or to pay the [registration fee
14 after such notice shall effect a revocation of the license after] **license renewal fee within** a
15 period of sixty days from the [registration] **license** renewal date **shall cause the license to**

16 **expire.** The license shall be restored if, within two years of the [registration] **license renewal**
17 date, the applicant [provides] **submits** written application and the payment of the [registration]
18 **license renewal** fee and a delinquency fee.

19 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
20 subject to the rules of the [committee] **board**, upon payment of a fee.

21 4. The [committee] **board** shall set the amount of the fees [which] **authorized by**
22 sections 337.500 to [337.540] authorize and require by rules and regulations promulgated
23 pursuant to section 536.021, RSMo] **337.565**. The fees shall be set at a level to produce revenue
24 [which] **that** shall not substantially exceed the cost and expense of administering the provisions
25 of sections 337.500 to [337.540] **337.565**. All fees provided for in sections 337.500 to [337.540]
26 **337.565** shall be collected by the director who shall deposit the same with the state treasurer in
27 [a fund to be known as the "Committee of Professional Counselors Fund"] **the board of**
28 **counselors and therapists fund established under section 337.555**.

29 5. [The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
30 this fund shall not be transferred and placed to the credit of general revenue until the amount in
31 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
32 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less
33 frequently than yearly then three times the appropriation from the committee's fund for the
34 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
35 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for
36 the preceding fiscal year.

37 6. The committee shall hold public examinations at least two times per year, at such
38 times and places as may be fixed by the committee, notice of such examinations to be given to
39 each applicant at least ten days prior thereto] **The board shall designate an examination as**
40 **defined by rule for applicants seeking licensure as professional counselors or marital and**
41 **family therapists.**

42 **6. If a license has expired for more than two years and the applicant does not hold**
43 **a valid, unrevoked, unsuspended license as a professional counselor in another state at the**
44 **time of application to the board, the applicant shall pay the required fee and obtain**
45 **continuing education relating to the practice of professional counseling as defined by board**
46 **rule. Continuing education required under this subsection shall not exceed twenty hours**
47 **of continuing education credit.**

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

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

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

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

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

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

23 2. [A licensed professional counselor who has had no violations and no suspensions and
24 no revocation of a license to practice professional counseling in any jurisdiction may receive a
25 license in Missouri provided said licensed professional counselor passes a written examination
26 on Missouri laws and regulations governing the practice of professional counseling as defined
27 in section 337.500, and meets one of the following criteria:

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

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

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

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

35 (c) Has had no disciplinary action taken against the license for the preceding five years;

36 or

37 (3) Is currently licensed or certified as a professional counselor in another state, territory
38 of the United States, or the District of Columbia that extends like privileges for reciprocal
39 licensing or certification to persons licensed by this state with similar qualifications] **Any person**
40 **holding a current license, certificate of registration or permit from another state or**

41 **territory of the United States having substantially the same or higher requirements as this**
42 **state for licensed professional counselors may be granted a license without examination to**
43 **engage in the practice of professional counseling in this state upon application to the board,**
44 **payment of the required fee as established by the board under section 337.507, and upon**
45 **certification by the applicant's current licensing entity that he or she holds a current**
46 **license and has had no disciplinary action taken against his or her license for the five years**
47 **immediately preceding application to the board.**

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

54 4. **Notwithstanding the provisions of subsection 3 of this section requiring**
55 **substantially similar licensing requirements, any person holding a current license,**
56 **certificate of registration or permit from another state or territory of the United States as**
57 **a professional counselor may be granted a license without examination to engage in the**
58 **practice of professional counseling in this state upon application to the board, payment of**
59 **the required fee as established by the board, and completion of the following requirements:**

60 (1) **Certification by the applicant's current licensing entity that he or she hold a**
61 **current license and has had no disciplinary action taken against his or her license for the**
62 **five years immediately preceding application to the board; and**

63 (2) **Approval by the American Association of State Counseling Boards or its**
64 **successor organization as a registrant according to the eligibility criteria established by the**
65 **American Association of State Counseling Boards. The successor organization shall be**
66 **defined by board rule.**

67 5. The [committee] **board** shall issue a license to each person who files an application
68 and fee as required by the provisions of sections 337.500 to [337.540] **337.565** and who
69 furnishes evidence satisfactory to the [committee] **board** that the applicant has complied with
70 the provisions of subdivisions (1) and (2) of subsection 1 of this section or with the provisions
71 of subsection 2 [or], 3, **or 4** of this section **and has taken and passed a written, open book**
72 **examination on Missouri laws and regulations governing the practice of professional**
73 **counseling as defined in section 337.500.** The [division] **board** shall issue a provisional
74 professional counselor license to any applicant who meets all requirements of subdivisions (1)
75 and (2) of subsection 1 of this section, but who has not completed the required one or two years
76 of acceptable supervised counseling experience required by paragraphs (a) to (c) of subdivision

77 (1) of subsection 1 of this section, and such applicant may reapply for licensure as a professional
78 counselor upon completion of such acceptable supervised counseling experience.

337.515. Each license issued pursuant to the provisions of sections 337.500 to [337.540]
2 **337.565** shall expire on the renewal date. The [division] **board** shall renew any license upon
3 application for renewal and upon payment of the fee established by the [committee pursuant to]
4 **board under** the provisions of section 337.507.

337.520. 1. The [division] **board** shall promulgate rules and regulations pertaining to:

2 (1) The form and content of license applications required by the provisions of sections
3 337.500 to [337.540] **337.565** and the procedures for filing an application for an initial or
4 renewal license in this state;

5 (2) Fees required by the provisions of sections 337.500 to [337.540] **337.565**;

6 (3) The content, conduct and administration of the licensing examination required by
7 section 337.510;

8 (4) The characteristics of "acceptable supervised counseling experience" as that term is
9 used in section 337.510;

10 (5) The equivalent of the basic educational requirements set forth in section 337.510;

11 (6) The standards and methods to be used in assessing competency as a professional
12 counselor;

13 (7) Establishment and promulgation of procedures for investigating, hearing and
14 determining grievances and violations occurring under the provisions of sections 337.500 to
15 [337.540] **337.565**;

16 (8) Development of an appeal procedure for the review of decisions and rules of
17 administrative agencies existing under the constitution or laws of this state;

18 (9) Establishment of a policy and procedure for reciprocity with other states, including
19 states which do not have counselor licensing laws or states whose licensing laws are not
20 substantially the same as those of this state;

21 (10) The characteristics of "an acceptable educational institution" as that term is used
22 in section 337.510;

23 (11) The characteristics of an acceptable agent for the certification of an exempted
24 occupation as listed in [subdivisions] **subdivision** (11) [and (13)] of section 337.505; and

25 (12) The form and content of "ethical standards for **professional** counselors" as that term
26 is used in subdivision (15) of subsection 2 of section 337.525.

27 2. No rule or portion of a rule promulgated under the authority of sections 337.500 to
28 [337.545] **337.565** shall become effective unless it has been promulgated pursuant to the
29 provisions of section 536.024, RSMo.

337.525. 1. The [committee] **board** may refuse to issue or renew any license required by the provisions of sections 337.500 to [337.540] **337.565** for one or any combination of causes stated in subsection 2 of this section. The [committee] **board** shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his **or her** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The [committee] **board** may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.500 to [337.540] **337.565** or any person who has failed to renew or has surrendered his **or her** license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of professional counselor **except the fact that a person has undergone treatment for past substance abuse or alcohol abuse or has participated in a recovery program shall not by itself be cause for refusal to issue or renew a license;**

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.500 to [337.540] **337.565** or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.500 to [337.540] **337.565;**

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

(5) [Incompetency] **Incompetence**, misconduct, **gross negligence**, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.500 to [337.540] **337.565**, or of any lawful rule or regulation adopted pursuant to sections 337.500 to [337.540] **337.565;**

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

(8) [Revocation or suspension] **Disciplinary action against the holder** of a license or other right to practice counseling granted by another state, territory, federal agency or country upon grounds for which [revocation or suspension] **discipline** is authorized in this state;

37 (9) [A person is finally adjudged] **Final adjudication as** incapacitated by a court of
38 competent jurisdiction;

39 (10) Assisting or enabling any person to practice or offer to practice professional
40 counseling who is not licensed and currently eligible to practice under the provisions of sections
41 337.500 to 337.540;

42 (11) [Issuance of] **Obtaining** a license based upon a material mistake of fact;

43 (12) Failure to display a valid license if so required by sections 337.500 to [337.540]
44 **337.565** or any rule promulgated hereunder;

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

46 (14) Use of any advertisement or solicitation [which] **that** is false, misleading or
47 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
48 directed;

49 (15) [Being guilty of unethical conduct as defined in] **Violation of** the ethical standards
50 for **professional** counselors [adopted by the division and filed with the secretary of state] **as**
51 **defined by board rule.**

52 3. Any person, organization, association or corporation [who reports or provides]
53 **reporting or providing** information to the [committee pursuant to] **board under** the provisions
54 of [this chapter] **sections 337.500 to 337.565** and who does so in good faith shall not be subject
55 to an action for civil damages as a result thereof.

56 4. After the filing of such complaint, the proceedings shall be conducted in accordance
57 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
58 commission that the grounds, provided in subsection 2 of this section, for disciplinary action are
59 met, the [committee] **board** may censure or place the person named in the complaint on
60 probation on such terms and conditions as the [committee] **board** deems appropriate for a period
61 not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
62 license.

337.530. 1. Violation of any provision of sections 337.500 to [337.540] **337.565** shall
2 be a class B misdemeanor.

3 2. All fees or other compensation received for services rendered in violation of sections
4 337.500 to [337.540] **337.565** shall be refunded.

5 3. The [department] **board** may sue in its own name in any court in this state. The
6 [department] **board** shall inquire diligently as to any violation of sections 337.500 to [337.540]
7 **337.565**, [shall] **may** institute actions for penalties herein prescribed, and shall enforce generally
8 the provisions of sections 337.500 to [337.540] **337.565**.

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

12 (1) Offering to engage or engaging in the performance of any acts or practices for which
13 a certificate of registration or authority, permit or license is required **under sections 337.500 to**
14 **337.565** upon a showing that such acts or practices were performed or offered to be performed
15 without a certificate of registration or authority, permit or license; or

16 (2) Engaging in any practice or business authorized by a certificate of registration or
17 authority, permit or license issued [pursuant to this chapter] **under sections 337.500 to 337.565**
18 upon a showing that the holder presents a substantial probability of serious harm to the health,
19 safety or welfare of any resident of this state or client or patient of the licensee.

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

23 6. Any action brought under this section may be in addition to or in lieu of any penalty
24 provided by [this chapter] **sections 337.500 to 337.565** and may be brought concurrently with
25 other actions to enforce [this chapter] **sections 337.500 to 337.565**.

337.543. 1. There is hereby created a "Board of Counselors and Therapists",
2 **which shall guide, advise, and make recommendations to the division and fulfill all other**
3 **responsibilities designated by sections 337.700 to 337.739 as such sections pertain to marital**
4 **and family therapists and sections 337.500 to 337.540 as such sections pertain to licensed**
5 **professional counselors. The duties and responsibilities of the board as such duties and**
6 **responsibilities pertain to marital and family therapists and licensed professional**
7 **counselors shall not take full force and effect until such time as the governor appoints the**
8 **members of the board and the appointments are confirmed by the senate. At such time,**
9 **the powers and duties of the state committee of marital and family therapists and the**
10 **committee for professional counselors shall be merged into the board under section**
11 **337.550.**

12 **2. The board of counselors and therapists shall be appointed by the governor with**
13 **the advice and consent of the senate and shall consist of nine members that are United**
14 **States citizens and residents of this state. Of these nine members, four shall be licensed**
15 **professional counselors who shall constitute the subcommittee for professional counselors,**
16 **and four shall be licensed marital and family therapists who shall constitute the**
17 **subcommittee for marital and family therapists, and one shall be a voting public member.**

18 **3. At least one member of each of the subcommittees and the public member of the**
19 **initial board shall be appointed by the governor with the advice and consent of the senate**

20 to serve a term of four years, two members of each of the subcommittees shall be appointed
21 by the governor with the advice and consent of the senate to serve a term of three years and
22 the remaining members of the initial board shall be appointed for a term of two years.
23 Thereafter, all members shall be appointed by the governor with the advice and consent
24 of the senate to serve four-year terms. No person shall be eligible for reappointment that
25 has served as a member of the board for a total of eight years. The membership of the
26 board shall reflect the differences in levels of education and work experience with
27 consideration being given to race, gender, and ethnic origins. No more than one
28 counselor-educator shall be a member of the board at the same time.

29 **4. At the time of appointment, the public member shall be a citizen of the United**
30 **States, a resident of this state for a period of at least one year immediately preceding the**
31 **appointment, and a registered voter. The public member or the spouse of such member**
32 **shall be a person who is not and never was a member of any profession licensed or**
33 **regulated by the board. The public member and the spouse of such member shall be a**
34 **person who does not have and never has had a material financial interest in the provision**
35 **of the professional services regulated by the board, or an activity or organization directly**
36 **related to any professions licensed or regulated by the board.**

37 **5. Each member of the board shall receive compensation in an amount set by the**
38 **board not to exceed seventy dollars for each day devoted to the affairs of the board,**
39 **including meeting and conference attendance, meeting preparation and travel, and**
40 **activities related to the board and subject to approval by the director of the division. The**
41 **division shall provide all staff for the board to include inspectors, investigators, and clerical**
42 **support.**

337.550. 1. Upon appointment by the governor and confirmation by the senate of
2 **the board, the committee for professional counselors and the state committee of marital**
3 **and family therapists are abolished and their duties and responsibilities shall merge into**
4 **the board as established under section 329.023, RSMo. The board shall be a continuance**
5 **of and shall carry out the duties of the committee for professional counselors and the state**
6 **committee of marital and family therapists.**

7 **2. Upon appointment by the governor and confirmation by the senate of the board,**
8 **all of the powers, duties, and functions of the committee for professional counselors and**
9 **the state committee of marital and family therapists are transferred to, conferred, and**
10 **imposed upon the board. The board shall be the successor in every way to the powers,**
11 **duties, and functions of the committee for professional counselors and the state committee**
12 **of marital and family therapists.**

13 **3. Every act performed in the exercise of such powers, duties, and authorities by**
14 **or under the authority of the board of counselors and therapists shall be deemed to have**
15 **the same force and effect as if performed by the committee for professional counselors or**
16 **state committee of marital and family therapists under sections 337.700 to 337.739 and**
17 **sections 337.500 to 337.540, including any amendments thereto effective with the passage**
18 **of this law or prior to the effective date of this section.**

19 **4. All rules and regulations of the committee for professional counselors and the**
20 **state committee of marital and family therapists and amendments thereto shall continue**
21 **to be effective and shall be deemed to be duly adopted rules and regulations of the board**
22 **until revised, amended, or repealed by the board. The board shall review such rules and**
23 **regulations and shall adopt new rules and regulations as required for the administration**
24 **of the licensure law for professional counselors and marital and family therapists.**

25 **5. Any person licensed or provisionally licensed as a professional counselor by the**
26 **committee for professional counselors or any person licensed by the state committee of**
27 **marital and family therapists prior to the appointment by the governor and confirmation**
28 **by the senate of the board of counselors and therapists, shall be considered licensed as a**
29 **professional counselor, provisionally licensed as a professional counselor, or licensed as a**
30 **marital and family therapist by the board of counselors and therapists. Any person**
31 **pursuing post-degree experience approved by the committee for professional counselors**
32 **or the state committee of marital and family therapists shall be considered approved for**
33 **post-degree experience by the board.**

337.555. 1. There is hereby created in the state treasury a fund to be known as the
2 **"Board of Counselors and Therapists Fund" which shall consist of all moneys collected by**
3 **the board.**

4 **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys**
5 **in this fund shall not be transferred and placed to the credit of general revenue until the**
6 **amount in the fund at the end of the biennium exceeds three times the amount of the**
7 **appropriations from the board of counselors and therapists fund for the preceding fiscal**
8 **year. The amount, if any, in the fund that shall lapse is that amount in the fund that**
9 **exceeds the appropriate multiple of the appropriations from the board of counselors and**
10 **therapists fund for the preceding fiscal year.**

11 **3. Upon appointment by the governor and confirmation by the senate of the board,**
12 **all moneys deposited in the committee for professional counselors fund created in section**
13 **337.507 and the marital and family therapists fund created in section 337.712, shall be**
14 **transferred to the board of counselors and therapists fund created in subsection 1 of this**
15 **section. The committee for professional counselors fund and the marital and family**

16 therapists fund shall be abolished when all moneys are transferred to the board of
17 counselors and therapists fund.

337.565. 1. The board, may issue subpoenas duces tecum and require production
2 of documents and records. A person authorized to serve subpoenas of courts of record
3 shall serve the subpoenas duces tecum. In lieu of requiring attendance of a person to
4 produce original documents in response to a subpoena duces tecum, the board may require
5 sworn copies of such documents to be filed with it or delivered to its designated
6 representative.

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

16 3. Failure of a licensee to comply with the requirements of a validly enforced
17 subpoena duces tecum shall constitute grounds for disciplinary action as defined in sections
18 337.525 and 337.730.

337.700. As used in sections 337.700 to 337.739, the following terms mean:

2 (1) ["Committee", the state committee for family and marital therapists;] "**Board**", the
3 **board of counselors and therapists established under section 337.543;**

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

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

7 (4) "Division", the division of professional registration;

8 (5) "Fund", the [marital and family therapists' fund created in section 337.712] **board**
9 **of counselors and therapists fund created under section 337.555;**

10 (6) "Licensed marital and family therapist", a person to whom a license has been issued
11 pursuant to the provisions of sections 337.700 to 337.739, whose license is in force and not
12 suspended or revoked;

13 (7) "Marital and family therapy", the use of scientific and applied marriage and family
14 theories, methods and procedures for the purpose of describing, evaluating and modifying
15 marital, family and individual behavior within the context of marital and family systems,
16 including the context of marital formation and dissolution. Marriage and family therapy is based

17 on systems theories, marriage and family development, normal and dysfunctional behavior,
18 human sexuality and psychotherapeutic, marital and family therapy theories and techniques and
19 includes the use of marriage and family therapy theories and techniques in the evaluation,
20 assessment and treatment of intrapersonal or interpersonal dysfunctions within the context of
21 marriage and family systems. Marriage and family therapy may also include clinical research
22 into more effective methods for the treatment and prevention of the above-named conditions;

23 (8) "Practice of marital and family therapy", the rendering of professional marital and
24 family therapy services to individuals, family groups and marital pairs, singly or in groups,
25 whether such services are offered directly to the general public or through organizations, either
26 public or private, for a fee, monetary or otherwise.

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

5 (1) Any person registered, certificated or licensed by this state, another state or any
6 recognized national certification agent acceptable to the [division] **board** to practice any other
7 occupation or profession while rendering services similar in nature to marital and family therapy
8 in the performance of the occupation or profession in which the person is registered, certificated
9 or licensed, so long as the person does not use the title of "licensed marital and family therapist",
10 "marital and family therapist", or "provisional marital and family therapist";

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

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

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

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

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

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

8 3. After March 1, 1996,] No person may engage in **the practice of** marital and family
9 therapy for compensation or hold himself or herself out as a "licensed marital and family
10 therapist", "marital and family therapist", or "provisional marital and family therapist" unless the

11 person complies with all educational and examination requirements and is licensed in accordance
12 with the provisions of sections 337.700 to 337.739.

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

9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the licensure renewal date. **Notwithstanding this notice requirement, the failure to**
11 **receive a license renewal notification from the division shall not excuse the licensee from**
12 **renewing his or her license as required by law.** Failure to provide the division with the
13 information required for license **renewal**, or to pay the licensure **renewal** fee after such notice
14 shall effect a revocation of the license after a period of sixty days from the licensure renewal
15 date. The license shall be restored if, within two years of the licensure **renewal** date, the
16 applicant provides written application and the payment of the licensure **renewal** fee and a
17 delinquency fee.

18 3. A new **license** certificate to replace any certificate lost, destroyed or mutilated may
19 be issued subject to the rules of the [division] **board** upon payment of a fee.

20 4. The [division] **board** shall set the amount of the fees authorized. The fees shall be
21 set at a level to produce revenue which shall not substantially exceed the cost and expense of
22 administering the provisions of **sections 337.543 to 337.565 and** sections 337.700 to 337.739.
23 All fees provided for in **sections 337.543 to 337.565 and** sections 337.700 to 337.739 shall be
24 collected by the director who shall deposit the same with the state treasurer to [a fund to be
25 known as] the ["Marital and Family Therapists' Fund"] **board of counselors and therapists**
26 **fund, established under section 337.555.**

27 5. [The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
28 this fund shall not be transferred and placed to the credit of general revenue until the amount in
29 the fund at the end of the biennium exceeds two times the amount of the appropriations from the
30 marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule
31 renewal less frequently than yearly then three times the appropriation from the fund for the
32 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
33 fund which exceeds the appropriate multiple of the appropriations from the marital and family
34 therapists' fund for the preceding fiscal year.] **If a license has expired for more than two years**

35 **and the applicant does not hold a valid, unrevoked, unsuspended license as a professional**
36 **counselor in another state at the time of application to the board, the applicant shall pay**
37 **the required fee and obtain continuing education relating to the practice of marital and**
38 **family therapy as defined by board rule. Continuing education required under this**
39 **subsection shall not exceed twenty hours of continuing education credit.**

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

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

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

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

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

15 2. [A licensed marriage and family therapist who has had no violations and no
16 suspensions and no revocation of a license to practice marriage and family therapy in any
17 jurisdiction may receive a license in Missouri provided said marriage and family therapist passes
18 a written examination on Missouri laws and regulations governing the practice of professional
19 counseling as defined in section 337.700, and meets one of the following criteria:

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

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

24 (a) Meets the educational standards set forth in subdivision (1) of subsection 1 of this
25 section;

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

27 (c) Has had no disciplinary action taken against the license for the preceding five years;

28 or

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

32 **Any person holding a current license, certificate or registration from another state or**
33 **territory of the United States having substantially the same or higher requirements as this**
34 **state for marital and family therapists may be granted a license without examination to**
35 **engage in the practice of marital and family therapy in this state upon application to the**
36 **board, payment of the required fee as established by the board under section 337.712, upon**
37 **certification by the applicant's current licensing entity that he or she holds a current**
38 **license and has had no disciplinary action taken against his or her license for the five years**
39 **immediately preceding application to the board.**

40 3. The [division] **board** shall issue a license to each person who files an application and
41 fee as required by the provisions of **sections 337.543 to 337.565 and** sections 337.700 to
42 337.739, and who furnishes evidence satisfactory to the [division] **board** that the applicant has
43 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the
44 provisions of subsection 2 of this section **and has taken and passed a written, open book**
45 **examination on Missouri laws and regulations governing the practice of marital and family**
46 **therapy as defined in section 337.700.**

 337.718. 1. Each license issued pursuant to the provisions of **sections 337.543 to**
2 **337.565 and** sections 337.700 to 337.739 shall expire on a renewal date established by the
3 director. The term of licensure shall be twenty-four months[; however, the director may establish
4 a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739]. The
5 [division] **board** shall renew any license upon application for a renewal and upon payment of
6 the fee established by the [division] **board** pursuant to the provisions of section 337.712.

7 2. The [division] **board** may issue temporary permits to practice under extenuating
8 circumstances as determined by the [division] **board** and defined by rule.

 337.727. 1. The [division] **board** shall promulgate rules and regulations pertaining to:

2 (1) The form and content of license applications required by the provisions of **sections**
3 **337.543 to 337.565 and** sections 337.700 to 337.739 and the procedures for filing an application
4 for an initial or renewal license in this state;

5 (2) Fees required by the provisions of **sections 337.543 to 337.565 and** sections 337.700
6 to 337.739;

7 (3) The content, conduct and administration of the licensing examination required by
8 section 337.715;

9 (4) The characteristics of supervised clinical experience as that term is used in section
10 337.715;

11 (5) The equivalent of the basic educational requirements set forth in section 337.715;

12 (6) The standards and methods to be used in assessing competency as a licensed marital
13 and family therapist;

14 (7) Establishment and promulgation of procedures for investigating, hearing and
15 determining grievances and violations occurring under the provisions of **sections 337.543 to**
16 **337.565 and** sections 337.700 to 337.739;

17 (8) Development of an appeal procedure for the review of decisions and rules of
18 administrative agencies existing under the constitution or laws of this state;

19 (9) Establishment of a policy and procedure for reciprocity with other states, including
20 states which do not have marital and family therapist licensing laws or states whose licensing
21 laws are not substantially the same as those of this state; and

22 (10) Any other policies or procedures necessary to the fulfillment of the requirements
23 of **sections 337.543 to 337.565 and** sections 337.700 to 337.739.

24 2. No rule or portion of a rule promulgated under the authority of **sections 329.023 to**
25 **337.565 and** sections 337.700 to 337.739 shall become effective until it has been approved by
26 the joint committee on administrative rules in accordance with the procedures provided in this
27 section, and the delegation of the legislative authority to enact law by the adoption of such rules
28 is dependent upon the power of the joint committee on administrative rules to review and
29 suspend rules pending ratification by the senate and the house of representatives as provided in
30 this section.

31 3. Upon filing any proposed rule with the secretary of state, the [division] **board** shall
32 concurrently submit such proposed rule to the committee, which may hold hearings upon any
33 proposed rule or portion thereof at any time.

34 4. A final order of rulemaking shall not be filed with the secretary of state until thirty
35 days after such final order of rulemaking has been received by the committee. The committee
36 may hold one or more hearings upon such final order of rulemaking during the thirty-day period.
37 If the committee does not disapprove such order of rulemaking within the thirty-day period, the
38 [division] **board** may file such order of rulemaking with the secretary of state and the order of
39 rulemaking shall be deemed approved.

40 5. The committee may, by majority vote of the members, suspend the order of
41 rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking
42 only for one or more of the following grounds:

43 (1) An absence of statutory authority for the proposed rule;

44 (2) An emergency relating to public health, safety or welfare;

45 (3) The proposed rule is in conflict with state law;

46 (4) A substantial change in circumstance since enactment of the law upon which the
47 proposed rule is based.

48 6. If the committee disapproves any rule or portion thereof, the [division] **board** shall
49 not file such disapproved portion of any rule with the secretary of state and the secretary of state

50 shall not publish in the Missouri Register any final order of rulemaking containing the
51 disapproved portion.

52 7. If the committee disapproves any rule or portion thereof, the committee shall report
53 its findings to the senate and the house of representatives. No rule or portion thereof disapproved
54 by the committee shall take effect so long as the senate and the house of representatives ratify
55 the act of the joint committee by resolution adopted in each house within thirty legislative days
56 after such rule or portion thereof has been disapproved by the joint committee.

57 8. Upon adoption of a rule as provided in this section, any such rule or portion thereof
58 may be suspended or revoked by the general assembly either by bill or, pursuant to section 8,
59 article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the
60 joint committee on administrative rules. The committee shall be authorized to hold hearings and
61 make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of
62 state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or
63 revocation.

 337.730. 1. The [division] **board** may refuse to issue or renew any license required by
2 the provisions of **sections 337.543 to 337.565 and** sections 337.700 to 337.739 for one or any
3 combination of causes stated in subsection 2 of this section. The division shall notify the
4 applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's
5 right to file a complaint with the administrative hearing commission as provided by chapter 621,
6 RSMo.

7 2. The division may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621, RSMo, against any holder of any license required by
9 **sections 337.543 to 337.565 and** sections 337.700 to 337.739 or any person who has failed to
10 renew or has surrendered the person's license for any one or any combination of the following
11 causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the occupation of a
14 marital and family therapist; except the fact that a person has undergone treatment for past
15 substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause
16 for refusal to issue or renew a license;

17 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
18 in a criminal prosecution under the laws of any state or of the United States, for any offense
19 reasonably related to the qualifications, functions or duties of a marital and family therapist; for
20 any offense an essential element of which is fraud, dishonesty or an act of violence; or for any
21 offense involving moral turpitude, whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
23 pursuant to the provisions of **sections 337.543 to 337.565 and** sections 337.700 to 337.739 or
24 in obtaining permission to take any examination given or required pursuant to the provisions of
25 **sections 337.543 to 337.565 and** sections 337.700 to 337.739;

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

28 (5) [Incompetency] **Incompetence**, misconduct **gross negligence**, fraud,
29 misrepresentation or dishonesty in the performance of the functions or duties of a marital and
30 family therapist;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of **sections**
32 **337.543 to 337.565 and** sections 337.700 to 337.739 or of any lawful rule or regulation adopted
33 pursuant to **sections 337.543 to 337.565 and** sections 337.700 to 337.739;

34 (7) Impersonation of any person holding a license or allowing any person to use the
35 person's license or diploma from any school;

36 (8) [Revocation or suspension] **Disciplinary action against the holder** of a license or
37 other right to practice marital and family therapy granted by another state, territory, federal
38 agency or country upon grounds for which [revocation or suspension] **discipline** is authorized
39 in this state;

40 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

41 (10) Assisting or enabling any person to practice or offer to practice marital and family
42 therapy who is not licensed and is not currently eligible to practice under the provisions of
43 **sections 337.543 to 337.565 and** sections 337.700 to 337.739;

44 (11) Obtaining a license based upon a material mistake of fact;

45 (12) Failure to display a valid license if so required by sections **337.543 to 337.565 and**
46 337.700 to 337.739 or any rule promulgated hereunder;

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

48 (14) Use of any advertisement or solicitation [which] **that** is false, misleading or
49 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
50 directed;

51 (15) [Being guilty of unethical conduct as defined in] **Violation of** the ethical standards
52 for marital and family therapists [adopted by the committee by rule and filed with the secretary
53 of state] **as defined by board rule**.

54 3. Any person, organization, association or corporation [who reports or provides]
55 **reporting or providing** information to the [division] **board** pursuant to the provisions of
56 **sections 337.543 to 337.565 and** sections 337.700 to 337.739 and who does so in good faith
57 shall not be subject to an action for civil damages as a result thereof.

58 4. After filing of such complaint, the proceedings shall be conducted in accordance with
59 the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission
60 that the grounds provided in subsection 2 of this section for disciplinary action are met, the
61 [division] **board** may censure or place the person named in the complaint on probation on such
62 terms and conditions as the [division] **board** deems appropriate for a period not to exceed five
63 years, or may suspend for a period not to exceed three years, or revoke the license.

 337.733. 1. Violation of any provision of **sections 337.543 to 337.565 and** sections
2 337.700 to 337.739 is a class B misdemeanor.

3 2. All fees or other compensation received for services [which] **that** are rendered in
4 violation of **sections 337.543 to 337.565 and** sections 337.700 to 337.739 shall be refunded.

5 3. The [department] **board** on behalf of the division may sue in its own name in any
6 court in this state. The [department] **board** shall inquire as to any violations of sections 337.700
7 to 337.739, may institute actions for penalties prescribed, and shall enforce generally the
8 provisions of sections 337.700 to 337.739.

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

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

16 (2) Engaging in any practice of business authorized by a certificate of registration or
17 authority, permit or license issued pursuant to **sections 337.543 to 337.565 and** sections 337.700
18 to 337.739, upon a showing that the holder presents a substantial probability of serious harm to
19 the health, safety or welfare of any resident of this state or client or patient of the licensee.

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

23 6. Any action brought under this section may be in addition to or in lieu of any penalty
24 provided by sections 337.700 to 337.739 and may be brought concurrently with other actions to
25 enforce the provisions of sections 337.700 to 337.739.

 337.736. Persons licensed under the provisions of **sections 337.543 to 337.565 and**
2 sections 337.700 to 337.739 [may] **shall** not disclose any information acquired from persons
3 consulting them in their professional capacity, or be compelled to disclose such information
4 except:

- 5 (1) With the written consent of the client, or in the case of the client's death or disability,
6 the client's personal representative or other person authorized to sue or the beneficiary of any
7 insurance policy on the client's life, health or physical condition;
- 8 (2) When such information pertains to a criminal act;
- 9 (3) When the person is a child under the age of eighteen years and the information
10 acquired by the licensee indicated that the child was the victim of a crime;
- 11 (4) When the person waives the privilege by bringing charges against the licensee;
- 12 (5) When the licensee is called upon to testify in any court or administrative hearings
13 concerning matters of adoption, adult abuse, child abuse, child neglect or other matters pertaining
14 to the welfare of clients of the licensee; or
- 15 (6) When the licensee is collaborating or consulting with professional colleagues or an
16 administrative superior on behalf of the client.

2 [328.030. A board of examiners consisting of four members, including
3 one voting public member, shall be appointed by the governor, by and with the
4 advice and consent of the senate. Each member of the board shall be a United
5 States citizen, shall have been a resident of Missouri for one year and, except for
6 the public member, shall have been a registered and practicing barber for the five
7 years immediately preceding his or her initial appointment. The public member
8 shall be a registered voter and a person who is not and never was a member of
9 any profession licensed or regulated pursuant to this chapter or the spouse of such
10 person; and a person who does not have and never has had a material, financial
11 interest in either the providing of the professional services regulated by this
12 chapter, or an activity or organization directly related to any profession licensed
13 or regulated pursuant to this chapter. All members, including public members,
14 shall be chosen from lists submitted by the director of the division of professional
15 registration. The duties of the public member shall not include the determination
16 of the technical requirements to be met for licensure or whether any person meets
17 such technical requirements or of the technical competence or technical judgment
18 of a licensee or a candidate for licensure. Each member shall serve for a term of
19 four years and until his or her successor is appointed and qualified, except that
20 the successors to the members whose terms expire in 1981 shall consist of one
21 member whose term shall be for two years, one member whose term shall be for
22 three years, and one member whose term shall be for four years. Each member
23 shall take the oath provided by law for public officers. Vacancies on the board
24 shall be filled by appointment by the governor.]

2 [328.040. The board shall annually elect from its number a president,
3 vice president, and secretary-treasurer, shall have its headquarters in Jefferson
4 City, Missouri, may employ such board personnel, as defined in subdivision (4)
5 of subsection 16 of section 620.010, RSMo, as it shall deem necessary within the
appropriation therefor. The board shall not create any expense exceeding the sum

6 received from time to time as fees as provided by law, shall have a common seal,
7 and the president and vice president shall have the power to administer oaths. A
8 majority of the board, in meeting duly assembled, may perform the duties and
9 exercise the powers devolving upon the board under the provisions of this
10 chapter.]
11

2 [328.050. 1. Each member of the board shall receive as compensation
3 an amount set by the board not to exceed fifty dollars for each day devoted to the
4 affairs of the board, and shall be entitled to reimbursement of his expenses
5 necessarily incurred in the discharge of his official duties. All money payable
6 under this chapter shall be collected by the division of professional registration
7 in the department of economic development which shall transmit them to the
8 department of revenue for deposit in the state treasury to the credit of a "Board
9 of Barbers Fund". Warrants shall be drawn upon the treasurer out of this fund
10 only for the payment of the salaries, office and other necessary expenses of the
11 board. A detailed statement of the expenses incurred by the board, approved by
12 the secretary-treasurer of the board, shall be filed with the commissioner of
13 administration before warrants are drawn for their payment.

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

2 [328.060. 1. The board shall set the amount of the fees which this
3 chapter authorizes and requires by rules and regulations promulgated pursuant to
4 section 536.021, RSMo. The fees shall be set at a level to produce revenue which
5 shall not substantially exceed the cost and expense of administering this chapter.

6 2. The board shall, with the approval of the department of health and
7 senior services, prescribe such sanitary rules as it may deem necessary to prevent
8 the creation and spread of infectious and contagious diseases. A copy of such
9 rules shall be posted in a conspicuous place in every barber shop and barber
10 school or college in this state.]

2 [329.170. Nothing in this chapter shall prohibit service in case of
3 emergency or domestic administration, or services by persons authorized under
4 the laws of this state to practice medicine, surgery, dentistry, chiropody,
5 osteopathy, chiropractic nursing or services by barbers lawfully engaged in the
performance of the usual and ordinary duties of their vocation.]

2 [329.180. There is hereby created and established a "State Board of
3 Cosmetology" for the purpose of licensing all persons engaged in the practice of
4 hair dressing, cosmetology and manicuring in this state. The board shall have
5 control and supervision of the licensed occupations, and enforcement of the terms
6 and provisions of this chapter.]

2 [329.190. 1. The state board of cosmetology shall be composed of seven
3 members, including one voting public member and one member who is a licensed
4 school owner pursuant to subsection 1 of section 329.040, appointed by the
5 governor with the advice and consent of the senate. The term of office of each
6 member shall be four years.

7 2. The members of the board shall receive as compensation for their
8 services the sum set by the board not to exceed fifty dollars for each day actually
9 spent in attendance at meetings of the board, within the state, not to exceed
10 forty-eight days in any calendar year, and in addition thereto they shall be
11 reimbursed for all necessary expenses incurred in the performance of their duties
12 as members of the board.

13 3. All members, except the public member, shall be cosmetologists and
14 manicurists duly registered as such and licensed pursuant to the laws of this state,
15 and shall be United States citizens and shall have been residents of this state for
16 at least one year next preceding their appointments and shall have been actively
17 engaged in the lawful practice of cosmetology for a period of at least five years.
18 The public member shall be at the time of the person's appointment a citizen of
19 the United States; a resident of this state for a period of one year and a registered
20 voter; a person who is not and never was a member of any profession licensed or
21 regulated pursuant to this chapter or the spouse of such person; and a person who
22 does not have and never has had a material, financial interest in either the
23 providing of the professional services regulated by this chapter, or an activity or
24 organization directly related to any profession licensed or regulated pursuant to
25 this chapter. All members, including public members, shall be chosen from lists
26 submitted by the director of the division of professional registration. The duties
27 of the public member shall not include the determination of the technical
28 requirements to be met for licensure or whether any person meets such technical
29 requirements or of the technical competence or technical judgment of a licensee
30 or a candidate for licensure. Any member who is a school owner shall not be
31 allowed access to the testing and examination materials nor to attend the
32 administration of the examinations, except when such member is being examined
33 for licensure.]

2 [329.191. Notwithstanding the provisions of section 329.190, to the
3 contrary, compensation of the state board of cosmetology shall not exceed
4 seventy dollars for each day actually spent in attendance at meetings plus actual
and necessary expenses.]

5

2 [329.200. The governor shall, by and with the advice and consent of the
3 senate, fill any vacancies caused by the expiration of the term of office of any
4 member of the board, and the governor shall also fill any vacancy caused by
5 death, resignation or removal which may occur when the general assembly is not
6 in session, but all such appointees shall continue in office only until the meeting
7 of the general assembly next following such appointment and until their
8 successors shall be appointed and qualified. All vacancies which may exist at or
9 during the meeting of the general assembly caused by death, resignation or
10 removal shall be filled in like manner as those created by the expiration of
11 official terms and shall be only for the unexpired term of the person whose
12 vacancy is to be filled.]

[329.210. 1. The board shall have power to:

2 (1) Prescribe by rule for the examinations of applicants for licensure to
3 practice the classified occupation of cosmetology and issue licenses;

4 (2) Prescribe by rule for the inspection of cosmetology establishments
5 and schools and appoint the necessary inspectors and examining assistants;

6 (3) Prescribe by rule for the inspection of establishments and schools of
7 cosmetology as to their sanitary conditions and to appoint the necessary
8 inspectors and, if necessary, examining assistants; and set the amount of the fees
9 which this chapter authorizes and requires, by rules and regulations promulgated
10 pursuant to section 536.021, RSMo. The fees shall be set at a level sufficient to
11 produce revenue which shall not substantially exceed the cost and expense of
12 administering this chapter;

13 (4) Employ and remove board personnel, as defined in subdivision (4)
14 of subsection 15 of section 620.010, RSMo, as may be necessary for the efficient
15 operation of the board, within the limitations of its appropriation;

16 (5) Elect one of its members president, one vice president and one
17 secretary;

18 (6) Determine the sufficiency of the qualifications of applicants; and

19 (7) Prescribe by rule the minimum standards and methods of
20 accountability for the schools of cosmetology licensed pursuant to this chapter.

21 2. The board shall create no expense exceeding the sum received from
22 time to time from fees imposed pursuant to this chapter.

23 3. Any rule or portion of a rule, as that term is defined in section 536.010,
24 RSMo, that is created under the authority delegated in this chapter shall become
25 effective only if it complies with and is subject to all of the provisions of chapter
26 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
27 536, RSMo, are nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
29 or to disapprove and annul a rule are subsequently held unconstitutional, then the

30 grant of rulemaking authority and any rule proposed or adopted after August 28,
31 2001, shall be invalid and void.]

32

2 [329.220. At all meetings of the board two members shall be necessary
3 to constitute a quorum for the transaction of business but no official action may
4 be taken unless a majority of the whole board may vote therefor.]

4

2 [329.230. The board shall elect one of its members president, one vice
3 president and one secretary, and shall have power to employ and remove such
4 board personnel, as defined in subdivision (4) of subsection 16 of section
5 620.010, RSMo, as may be necessary for the efficient operation of the board,
6 within the limitations of its appropriation, and to formulate rules and regulations
7 governing its actions; provided, however, the board shall create no expense
8 exceeding the sum received from time to time as fees as provided by law.]

8

2 [329.240. 1. All fees provided for in this chapter shall be payable to the
3 director of the division of professional registration in the department of economic
4 development who shall keep a record of the account showing the total payments
5 received and shall immediately thereafter transmit them to the department of
6 revenue for deposit in the state treasury to the credit of a fund to be known as the
7 "State Board of Cosmetology Fund". All the salaries and expenses for the
8 operation of the board shall be appropriated and paid from such fund.

2 2. The provisions of section 33.080, RSMo, to the contrary
3 notwithstanding, money in this fund shall not be transferred and placed to the
4 credit of general revenue until the amount in the fund at the end of the biennium
5 exceeds two times the amount of the appropriation from the board's funds for the
6 preceding fiscal year or, if the board requires by rule permit renewal less
7 frequently than yearly, then three times the appropriation from the board's funds
8 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
9 is that amount in the fund which exceeds the appropriate multiple of the
10 appropriations from the board's funds for the preceding fiscal year.]

17

2 [329.250. Any person who shall act in any capacity other than by
3 demonstration to or before licensed cosmetologists, or maintain any business
4 wherein a license is required pursuant to this chapter, without having such
5 license, or any person who violates any provision of this chapter is guilty of a
6 class C misdemeanor.]

6

2 [329.260. Any person holding a valid license, certificate, permit, or other
3 authority, regulated or granted pursuant to sections 329.010 to 329.250 on August
4 28, 1995, shall be recognized by the board and shall be entitled to retain any
5 existing status, so long as the person complies with the provisions of sections

4

5 329.010 to 329.260 and any rules promulgated pursuant thereto. Such
6 recognition shall be as follows:

7 (1) All persons previously licensed as Class A shall be recognized as
8 Class CH;

9 (2) All persons previously licensed as Class B shall be recognized as
10 Class MO;

11 (3) All persons previously licensed as Class A and Class B shall be
12 recognized as Class CA.]
13

2 [337.535. 1. There is hereby established the "Committee for Professional
3 Counselors" which shall guide, advise, and make recommendations to the
4 division and fulfill other responsibilities designated by this chapter. The
5 committee shall approve the examination required by section 337.510 and shall
6 assist the division in carrying out the provisions of sections 337.500 to 337.540.

7 2. The committee shall consist of six members, including one public
8 member, appointed by the governor with the advice and consent of the senate.
9 Each member of the committee shall be a citizen of the United States and a
10 resident of this state and, except as provided hereinafter, shall be licensed as a
11 professional counselor by this state. Beginning with the appointments made after
12 August 28, 1992, two members shall be appointed for four years, two members
13 shall be appointed for three years and two members shall be appointed for two
14 years. Thereafter, all members shall be appointed to serve four-year terms. No
15 person shall be eligible for reappointment who has served as a member of the
16 committee for a total of eight years. The membership of the committee shall
17 reflect the differences in levels of education and work experience with
18 consideration being given to race, gender and ethnic origins. Not more than two
19 counselor educators shall be members of the committee at the same time. The
20 president of the American Counseling Association of Missouri in office at the
21 time shall, at least ninety days prior to the expiration of the term of the committee
22 member, other than the public member, or as soon as feasible after the vacancy
23 on the committee otherwise occurs, submit to the director of the division of
24 professional registration a list of five professional counselors qualified and
25 willing to fill the vacancy in question, with the request and recommendation that
26 the governor appoint one of the five persons so listed, and with the list so
27 submitted, the president of the American Counseling Association of Missouri
28 shall include in his or her letter of transmittal a description of the method by
29 which the names were chosen by that association.

30 3. A vacancy in the office of a member shall be filled by appointment by
31 the governor for the remainder of the unexpired term.

32 4. Each member of the committee shall receive as compensation, an
33 amount set by the committee not to exceed fifty dollars for each day devoted to
the affairs of the committee, and shall be reimbursed for necessary and actual

34 expenses incurred in the performance of his or her official duties. All staff for
35 the committee shall be provided by the division.

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

42 6. The governor may remove a committee member for misconduct,
43 incompetency or neglect of his or her official duties after giving the committee
44 member written notice of the charges against the committee member and an
45 opportunity to be heard thereon.

46 7. The public member shall be at the time of his or her appointment a
47 citizen of the United States; a resident of this state for a period of one year and
48 a registered voter; a person who is not and never was a member of any profession
49 licensed or regulated pursuant to sections 337.500 to 337.540 or the spouse of
50 such person; and a person who does not have and never has had a material,
51 financial interest in either the providing of the professional services regulated by
52 sections 337.500 to 337.540, or an activity or organization directly related to any
53 profession licensed or regulated pursuant to sections 337.500 to 337.540. The
54 duties of the public member shall not include the determination of the technical
55 requirements to be met for licensure or whether any person meets such technical
56 requirements or of the technical competence or technical judgment of a licensee
57 or a candidate for licensure.]
58

[337.739. 1. There is created and established the "State Committee of
2 Marital and Family Therapists" which shall consist of four family and marital
3 therapists and two voting public members. The committee shall be appointed by
4 the governor with the advice and consent of the senate. Committee members
5 shall serve for a term of five years, except for the members first appointed, one
6 public member and one other member shall be appointed for five years, two
7 members shall be appointed for four years, the other public member and one
8 other member appointed for three years. No person shall be eligible for
9 appointment to the committee who has served as a member of the committee for
10 a total of ten years. Members shall be appointed to represent a diversity in
11 gender, race and ethnicity. No more than three members shall be from the same
12 political party.

13 2. Each nonpublic committee member shall be a resident of the state of
14 Missouri for one year, shall be a United States citizen, and shall meet all the
15 requirements for licensing enumerated in sections 337.700 to 337.739, shall be
16 licensed pursuant to sections 337.700 to 337.739, except the members of the first
17 committee, who shall be licensed within six months of their appointment, and are
18 actively engaged in the practice of marital and family therapy. If a member of the

19 committee shall, during the member's term as a committee member, remove the
20 member's domicile from the state of Missouri, then the committee shall
21 immediately notify the governor, and the seat of that committee member shall be
22 declared vacant. All such vacancies shall be filled by appointment as in the same
23 manner as the first appointment, and the member so appointed shall serve for the
24 unexpired term of the member whose seat has been declared vacant. The public
25 members shall be at the time of each member's appointment a citizen of the
26 United States; a resident of this state for a period of one year and a registered
27 voter; a person who is not and never was a member of any profession licensed or
28 regulated pursuant to this chapter or the spouse of such person; a person who
29 does not have and never has had a material, financial interest in either the
30 provision of the professional services regulated by this chapter, or an activity or
31 organization directly related to any profession licensed or regulated pursuant to
32 this chapter.

33 3. The committee shall hold a regular annual meeting at which it shall
34 select from among its members a chairman and a secretary. A quorum of the
35 committee shall consist of a majority of its members. In the absence of the
36 chairman, the secretary shall conduct the office of the chairman.

37 4. No member of the committee shall receive any compensation for the
38 performance of the member's official duties but shall be entitled to
39 reimbursement for necessary and actual expenses incurred in the performance of
40 the member's duties. The committee shall share resources and facilities with the
41 office for the committee for professional counselors provided for in sections
42 337.500 to 337.540. All staff for the committee shall be provided by the director
43 of the division of professional registration.

44 5. The governor may remove any member of the committee for
45 misconduct, inefficiency, incompetency or neglect of office.]

46

Section B. The enactment of sections 328.015, 329.015, 329.023, 329.025, and 329.028,
2 and the repeal and reenactment of sections 328.010, and 329.010, and the repeal of sections
3 328.030, 328.040, 328.050, 328.060, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220,
4 329.230, and 329.240 of section A of this act shall be effective at such time as the governor
5 appoints the members of the board of cosmetology and barber examiners and such appointments
6 are confirmed by the senate, or on July 1, 2006, whichever occurs sooner. The director of the
7 division of professional registration shall notify the revisor of statutes of the occurrence of the
8 appointment and confirmation of the board of cosmetology and barber examiners.