

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 665

93RD GENERAL ASSEMBLY

Reported from the Committee on Professional Registration and Licensing April 12, 2005 with recommendation that House Committee Substitute for House Bill No. 665 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules April 19, 2005 with recommendation that House Committee Substitute for House Bill No. 665 Do Pass with a time limit of two (2) hours for debate on Perfection.

Taken up for Perfection April 26, 2005. House Committee Substitute for House Bill No. 665 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1811L.03P

AN ACT

To repeal sections 71.620, 256.468, 324.010, 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, 334.735, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.600, 337.603, 337.615, 337.618, 337.653, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.095, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218, 571.030, 620.1900, and 621.045, RSMo, and to enact in lieu thereof one hundred seventeen new sections relating to regulation of professional licensees, with penalty provisions and an effective date for certain sections.

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

- Section A. Sections 71.620, 256.468, 324.010, 328.010, 328.020, 328.030, 328.040,
- 2 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120,
- 3 328.130, 328.160, 329.010, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100,

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.

4 329.110, 329.120, 329.130, 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220,
5 329.230, 329.240, 329.250, 329.260, 329.265, 334.735, 335.068, 337.500, 337.505, 337.507,
6 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.600, 337.603, 337.615, 337.618,
7 337.653, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733,
8 337.736, 337.739, 338.095, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218, 571.030,
9 620.1900, and 621.045, RSMo, are repealed and one hundred seventeen new sections enacted
10 in lieu thereof, to be known as sections 71.620, 143.775, 143.777, 143.778, 143.779, 190.550,
11 256.468, 324.1100, 324.1102, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114,
12 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128, 324.1130, 324.1132,
13 324.1134, 324.1136, 324.1138, 324.1140, 324.1142, 324.1144, 324.1146, 324.1148, 328.010,
14 328.015, 328.020, 328.070, 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120,
15 328.130, 328.160, 329.010, 329.015, 329.023, 329.025, 329.028, 329.035, 329.045, 329.050,
16 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 329.265, 332.302, 332.303,
17 332.304, 332.305, 332.312, 334.735, 334.1000, 334.1003, 334.1006, 334.1009, 334.1012,
18 334.1015, 334.1018, 334.1021, 334.1024, 335.068, 337.500, 337.505, 337.507, 337.510,
19 337.515, 337.520, 337.525, 337.530, 337.543, 337.550, 337.555, 337.565, 337.600, 337.603,
20 337.615, 337.618, 337.653, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727,
21 337.730, 337.733, 337.736, 338.095, 338.380, 338.560, 344.040, 374.710, 374.730, 374.783,
22 374.786, 436.218, 571.030, 620.1900, 621.045, and 1, to read as follows:

71.620. 1. Hereafter no person following for a livelihood the profession or calling of
2 minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a
3 college, priest, lawyer, certified public accountant, **veterinarian**, dentist, chiropractor,
4 optometrist, chiropodist, physician or surgeon in this state shall be taxed or made liable to pay
5 any municipal or other corporation tax or license fee of any description whatever for the privilege
6 of following or carrying on such profession or calling, and, after December 31, 2003, no
7 investment funds service corporation, as defined in section 143.451, RSMo, may be required to
8 pay, or shall be taxed or made liable to pay any municipal or other corporation tax or license fee
9 of any description whatever for the privilege of following or carrying on its business or
10 occupation, in excess of or in an aggregate amount exceeding twenty-five thousand dollars
11 annually, any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker,
13 veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or
14 salesman in this state shall be taxed or made liable to pay any municipal or other corporation tax
15 or license fee for the privilege of following or carrying on his or her profession by a municipality
16 unless that person maintains a business office within that municipality.

17 3. Notwithstanding any other provision of law to the contrary, after September 1, 2004,
18 no village with less than one thousand three hundred inhabitants shall impose a business license
19 tax in excess of fifteen thousand dollars per license.

143.775. As used in sections 143.775 to 143.779, the following terms mean:

- 2 (1) "Director", the director of revenue;
- 3 (2) "License", a license, certificate, registration, or authorization issued by a
4 licensing authority under sections 209.319 to 209.339, RSMo, sections 256.010 to 256.453,
5 RSMo, section 375.014, RSMo, and chapters 324 to 340, RSMo, and chapters 344 to 346,
6 RSMo, granting a natural person a right or privilege to engage in an occupation or
7 profession that is subject to suspension, revocation, forfeiture, or termination by the
8 licensing authority. Any new requirement to license a profession assigned to the division
9 of professional registration after the effective date of this section shall be included in the
10 definition of a license;
- 11 (3) "Licensee", any person who holds a license;
- 12 (4) "Licensing authority", any department, division, board, agency, or
13 instrumentality of this state that issues a license under sections 209.319 to 209.339, RSMo,
14 sections 256.010 to 256.453, RSMo, section 375.014, RSMo, and chapters 324 to 340, RSMo,
15 and chapters 344 to 346, RSMo. Any board or commission assigned to the division of
16 professional registration after the effective date of this section shall be included in the
17 definition of a licensing authority;
- 18 (5) "Payment plan", a written plan signed by the taxpayer and approved by the
19 director that incorporates an arrangement for periodic payment of state taxes owed;
- 20 (6) "Tax compliance letter", a letter issued by the director that states the taxpayer
21 is in compliance for all of the tax years in which the taxpayer was determined to be
22 delinquent in payment of state taxes or the filing of tax returns.

143.777. 1. The director shall send, via first class mail, a notice to any taxpayer
2 who is the subject of the transmission of data from the licensing authority to the director
3 under section 143.779 and who is delinquent on any state taxes or has failed to file state
4 income tax returns for any of the three years immediately preceding the license renewal.
5 The notice shall state that the taxpayer's license shall be suspended one hundred twenty
6 days from the date of the notice unless, within such time, the taxpayer presents to the
7 appropriate licensing authority a tax compliance letter.

8 **2.** The notice shall include the following information:

- 9 (1) A statement that the taxpayer is delinquent in payment of state taxes owed or
10 has failed to file state income tax returns;

11 (2) The date that the suspension shall go into effect, which shall be one hundred
12 twenty days from the date the notice was issued;

13 (3) A conspicuous statement as follows: "NOTICE TO TAXPAYER: IN ORDER
14 TO PREVENT YOUR LICENSE SUSPENSION FROM GOING INTO EFFECT, YOU
15 ARE RESPONSIBLE FOR PRESENTING A TAX COMPLIANCE LETTER FROM THE
16 MISSOURI DEPARTMENT OF REVENUE TO YOUR LICENSING ENTITY PRIOR
17 TO THE DATE OF SUSPENSION CITED IN THIS NOTICE.";

18 (4) A conspicuous statement as follows: "NOTICE TO TAXPAYER: YOU ARE
19 ENTITLED TO A REVIEW OF THE NOTIFICATION PROCESS WITH THE
20 DIRECTOR OF REVENUE. ANY REQUEST FOR REVIEW MUST BE FILED IN
21 WRITING WITHIN FIFTY (50) DAYS FROM THE DATE OF THIS NOTICE AT THE
22 FOLLOWING ADDRESS: (INSERT ADDRESS).";

23 (5) A conspicuous statement as follows: "NOTICE TO TAXPAYER: IF YOU DO
24 NOT OBTAIN A TAX COMPLIANCE LETTER OR SEEK REVIEW UNDER SECTION
25 143.778, RSMo, YOUR LICENSE SHALL BE SUSPENDED BY OPERATION OF LAW
26 EFFECTIVE THE DATE OF SUSPENSION CITED IN THIS NOTICE.".

27 3. A tax compliance letter shall be issued by the director to the taxpayer if the
28 taxpayer:

29 (1) Files any delinquent state tax return and pays the entire amount of delinquent
30 state taxes, interest, and additions due; or

31 (2) Enters into and complies with a payment plan. If the taxpayer fails to comply
32 with the terms of a payment plan, the director may issue a notice informing the taxpayer
33 that the license shall be suspended by operation of law as of the date of the notice.

34 4. The notice required under subsection 1 of this section shall be sent to the last
35 known address supplied to the director unless no such address has been provided,
36 whereupon the notice shall be sent to the last known address supplied to the licensing
37 authority.

38 5. The notice shall apply only to the license that is the subject of the transmission
39 of data from the licensing authority to the director under section 143.779.

40 6. Within thirty days of the date of the notice required under subsection 1 of this
41 section, the licensing authority shall send a letter to the taxpayer indicating that the license
42 is subject to automatic suspension by operation of law as of the date provided in the notice
43 required under subsection 1 of this section, unless the taxpayer provides the licensing
44 authority a copy of a tax compliance letter by the date provided in the notice required
45 under subsection 1 of this section.

143.778. 1. Within fifty days of the date of the notice, the taxpayer may file with the director at the address provided in the notice, a written request for review of the notice required under subsection 1 of section 143.777, stating the grounds upon which the taxpayer claims the notice was not proper.

2. Upon timely receipt of a request for review from a taxpayer, the director shall review the notice and mail the director's determination to the taxpayer by certified or registered mail within thirty days of receipt of the request. Such determination shall set forth briefly the director's findings of fact, and the basis of the decision and information regarding the taxpayer's right to appeal.

3. The issues that may be determined in a review under this section shall be limited to:

(1) The identity of the taxpayer;

(2) Whether the director has properly applied any credits or payments by the taxpayer; and

(3) Whether the director sent the notice to the proper address under subsection 4 of section 143.777.

4. The determination of the director, after a review under this section, shall be a final agency decision and shall be subject to appeal to the administrative hearing commission under chapter 621, RSMo.

5. A taxpayer shall appeal under chapter 621, RSMo, by filing a petition within thirty days of the date of the director's determination.

6. Suspension of a taxpayer's license shall be automatically stayed pending the appeal under chapter 621, RSMo.

7. A determination made by the director under this section is independent of any action imposed by the licensing authority.

143.779. 1. All state licensing authorities subject to sections 143.775 to 143.779 shall provide specified information, in a format agreed upon by the director and the licensing authorities, to the director within thirty days following the date of the receipt of an application for licensure or at least thirty days after the required renewal date of a licensee's license. Such information shall include, but is not limited to, the following:

(1) Name;

(2) Address of record;

(3) Social Security number;

(4) Type of license.

2. For licensees who are not residents of this state, the licensing authority shall include in the application and renewal forms a method allowing the nonresident licensee

12 to indicate that they received no Missouri source income within the applicable three-year
13 period. The licensing authority shall transmit this information to the director in a
14 mutually agreed upon manner.

15 3. The director shall promulgate rules necessary for the administration of sections
16 143.775 to 143.779. Any rule or portion of a rule, as that term is defined in section 536.010,
17 RSMo, that is created under the authority delegated in this section shall become effective
18 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
19 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
20 nonseverable and if any of the powers vested with the general assembly pursuant to
21 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
22 are subsequently held unconstitutional, then the grant of rulemaking authority and any
23 rule proposed or adopted after August 28, 2005, shall be invalid and void.

190.550. 1. The department of health and senior services shall by rule establish a
2 schedule of fees to be paid by applicants for specific licensure or accreditation under
3 sections 190.001 to 190.250 and sections 190.525 to 190.537; except that, such fee shall not
4 be imposed for specific licensure or accreditation of persons employed by volunteer
5 ambulance services. Any rule or portion of a rule, as that term is defined in section
6 536.010, RSMo, that is created under the authority delegated in this section shall become
7 effective only if it complies with and is subject to all of the provisions of chapter 536,
8 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
9 nonseverable and if any of the powers vested with the general assembly pursuant to
10 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
11 are subsequently held unconstitutional, then the grant of rulemaking authority and any
12 rule proposed or adopted after August 28, 2005, shall be invalid and void.

13 2. All fees imposed under this section shall be collected by the department and
14 deposited in the Missouri public health services fund established in section 192.900, RSMo.
15 Moneys in the fund deposited under this section shall be used upon appropriation by the
16 general assembly for the purpose of implementing the provisions of sections 190.001 to
17 190.250 and sections 190.525 to 190.537. Notwithstanding the provisions of section 33.080,
18 RSMo, moneys deposited to the credit of the fund under this section shall not revert to the
19 credit of general revenue at the end of the biennium.

256.468. 1. An applicant for certification as a registered geologist shall complete and
2 sign a personal data form, prescribed and furnished by the board, and shall provide the
3 appropriate application fee. The personal data of an individual shall be considered confidential
4 information.

5 2. The applicant shall have graduated from a course of study satisfactory to the board and
6 which includes at least thirty semester or forty-five quarter hours of credit in geology.

7 3. The applicant shall provide to the board a detailed summary of actual geologic work,
8 documenting that the applicant meets the minimum requirements for registration as a geologist,
9 including a demonstration that the applicant has at least three years of postbaccalaureate
10 experience in the practice of geology.

11 4. Except as provided in this section, no applicant shall be certified unless he **or she** shall
12 have passed an examination covering the fundamentals, principles and practices of geology
13 prescribed or accepted by the board.

14 5. [The examination requirement of subsection 4 of this section shall be waived for those
15 persons who were practicing geology on August 28, 1994, provided that application is made on
16 or before October 1, 1995, and all applicable fees have been paid. All other requirements of
17 sections 256.450 to 256.483 must be satisfied.

18 6. The examination requirement of subsection 4 of this section and the course of study
19 requirement of subsection 2 of this section shall be waived for persons who meet the following
20 conditions:

21 (1) Are licensed professional engineers in accordance with the provisions of sections
22 327.181 to 327.261, RSMo;

23 (2) Has provided the board a summary of the actual geologic work demonstrating that
24 the applicant has at least ten years of competent postbaccalaureate experience in the practice of
25 geology;

26 (3) Have made timely application and paid the applicable fees as provided in subsection
27 5 of this section; and

28 (4) Had their application denied by the board solely for failure to meet the course of
29 study requirements as provided in subsection 2 of this section.

30 7.] Any person, upon application to the board and demonstration that the person meets
31 the requirements of subsections 1 and 2 of this section and has passed that portion of the
32 professional examination covering the fundamentals of geology, shall be awarded the
33 geologist-registrant in-training certificate.

34 The geologist then may use the title "geologist-registrant in-training" subject to the limitations
35 of sections 256.450 to 256.483.

36 [8.] **6.** The board shall deny registration to an applicant who fails to satisfy the
37 requirements of this section. The board shall not issue a certificate of registration pending the
38 disposition in this or another state of any complaint alleging a violation of this chapter or the
39 laws, rules, regulations and code of professional conduct applicable to registered geologists and
40 regulated geologic work of which violation the board has notice. An applicant who is denied

41 registration shall be notified in writing within thirty days of the board's decision and the notice
42 shall state the reason for denial of registration. Any person aggrieved by a final decision of the
43 board on an application for registration may appeal that decision to the administrative hearing
44 commission in the manner provided in section 621.120, RSMo.

45 [9.] 7. The board shall issue an appropriate certificate evidencing the issuance of the
46 certificate of registration upon payment of the applicable registration fee to any applicant who
47 has satisfactorily met all the requirements of this section for registration as a geologist. Such
48 certificate shall show the full name of the registrant, shall have a serial number, and shall be
49 dated and signed by an appropriate officer of the board under the seal of the board.

50 [10.] 8. The certificate seal shall be prima facie evidence that the person named therein
51 is entitled to all rights and privileges of a registered geologist under sections 256.450 to 256.483
52 and to practice geology as an individual, firm or corporation while such certificate remains
53 unrevoked or unexpired.

54 [11.] 9. The board may issue a certificate of registration to any individual who has made
55 application and provided proof of certification of registration from another state
56 nongovernmental or governmental organization, or country, approved by the board, provided that
57 the registration or licensing requirements are substantially similar to the requirements of this
58 section and the necessary fees have been paid. The board may require, by examination or other
59 procedures, demonstration of competency pertaining to geologic conditions in Missouri.

60 [12.] 10. The board shall reissue the certificate of registration of any registrant who,
61 before the expiration date of the certificate and within a period of time and procedures
62 established by the board, submits the required renewal application and fee.

63 [13.] 11. The board, by rule, may establish conditions and fees for the reissuing of
64 certificates of registration which have lapsed, expired, or have been suspended or revoked.

65 [14.] 12. Registered geologists may purchase from the board, or other approved sources,
66 a seal bearing the registered geologist's name, registration number, and the legend "Registered
67 Geologist".

324.1100. As used in sections 324.1100 to 324.1148, the following terms mean:

2 (1) "Board", the board of private investigator examiners established in section
3 324.1102;

4 (2) "Client", any person who engages the services of a private investigator;

5 (3) "Department", the department of economic development;

6 (4) "Law enforcement officer", a law enforcement officer as defined in section
7 556.061, RSMo;

8 (5) "Organization", a corporation, trust, estate, partnership, cooperative, or
9 association;

- 10 (6) "Person", an individual or organization;
- 11 (7) "Private investigator", any person who receives any consideration, either
12 directly or indirectly, for engaging in the private investigator business;
- 13 (8) "Private investigator agency", a person who regularly employs any other
14 person, other than an organization, to engage in the private investigator business;
- 15 (9) "Private investigator business", the furnishing of, making of, or agreeing to
16 make, any investigation for the purpose of obtaining information pertaining to:
- 17 (a) Crimes or wrongs done or threatened against the United States or any state or
18 territory of the United States;
- 19 (b) The identity, habits, conduct, business, occupation, honesty, integrity,
20 credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement,
21 whereabouts, affiliations, associations, transactions, acts, reputation, or character of any
22 person;
- 23 (c) The location, disposition, or recovery of lost or stolen property;
- 24 (d) Securing evidence to be used before any court, board, officer, or investigating
25 committee;
- 26 (e) Sale of personal identification information to the public; or
- 27 (f) The cause of responsibility for libel, losses, accident, or damage or injury to
28 persons or property or protection of life or property.

324.1102. 1. The "Board of Private Investigator Examiners" is hereby created
2 within the division of professional registration. The board shall be a body corporate and
3 may sue and be sued.

4 2. The board shall be composed of five members, including two voting public
5 members, appointed by the governor with the advice and consent of the senate. Except for
6 the public members, each member of the board shall be a citizen of the United States, a
7 resident of Missouri, at least thirty years of age, and shall have been actively engaged in
8 the private investigator business for the previous five years. No more than one private
9 investigator board member may be employed by, or affiliated with, the same private
10 investigator agency. The initial private investigator board members shall not be required
11 to be licensed but shall obtain a license within one hundred eighty days after the effective
12 date of the rules promulgated pursuant to sections 324.1100 to 324.1148 regarding
13 licensure. The public members shall each be a registered voter and a person who is not
14 and never was a member of any profession licensed or regulated pursuant to sections
15 324.1100 to 324.1148 or the spouse of such person; and a person who does not have and
16 never has had a material, financial interest in either the providing of the professional
17 services regulated by sections 324.1100 to 324.1148, or an activity or organization directly

18 related to any profession licensed or regulated under sections 324.1100 to 324.1148. The
19 duties of the public members shall not include the determination of the technical
20 requirements to be met for licensure or whether any person meets such technical
21 requirements or of the technical competence or technical judgment of a licensee or a
22 candidate for licensure.

23 3. The members shall be appointed for terms of two years, except those first
24 appointed, in which case two members, who shall be private investigators, shall be
25 appointed for terms of four years, two members shall be appointed for terms of three
26 years, and one member shall be appointed for a one-year term. Any vacancy on the board
27 shall be filled for the unexpired term of the member and in the manner as the first
28 appointment. No member may serve consecutive terms.

29 4. The members of the board may receive compensation, as determined by the
30 director for their services, if appropriate, and shall be reimbursed for actual and necessary
31 expenses incurred in performing their official duties on the board.

32 5. There is hereby created in the state treasury the "Board of Private Investigator
33 Examiners Fund", hereafter the fund, which shall consist of money collected pursuant to
34 sections 324.1100 to 324.1148. The fund shall be administered by the board of private
35 investigator examiners, which shall collect the fees authorized by sections 324.1100 to
36 324.1148 and transmit them to the director of revenue for deposit to the state treasury to
37 the credit of the fund. Money in the fund shall be used solely for the purposes of the board
38 of private investigator examiners, as authorized by sections 324.1100 to 324.1148.

39 6. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund
40 shall be transferred to the general revenue fund, and any appropriation made to the fund
41 shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as
42 other funds are invested. Interest and moneys earned on such investments shall be credited
43 to the fund.

 324.1104. Unless expressly exempted from the provisions of sections 324.1100 to
2 324.1148:

3 (1) It shall be unlawful for any person to engage in the private investigator business
4 in this state unless such person is licensed as a private investigator pursuant to sections
5 324.1100 to 324.1148;

6 (2) It shall be unlawful for any person to engage in business in this state as a private
7 investigator agency unless such person is licensed pursuant to sections 324.1100 to
8 324.1148.

 324.1106. The following persons shall not be deemed to be engaging in the private
2 investigator business:

3 (1) A person employed exclusively and regularly by one employer in connection
4 only with the affairs of such employer and where there exists an employer-employee
5 relationship;

6 (2) Any officer or employee of the United States, or of this state or a political
7 subdivision thereof while engaged in the performance of the officer's or employee's official
8 duties;

9 (3) A consumer reporting agency as defined in 15 U.S.C. Section 1681(a) and its
10 contract and salaried employees;

11 (4) An attorney performing duties as an attorney, or an attorney's paralegal or
12 employee retained by such attorney assisting in the performance of such duties or
13 investigation on behalf of such attorney;

14 (5) A collection agency or an employee thereof while acting within the scope of
15 employment, while making an investigation incidental to the business of the agency,
16 including an investigation of the location of a debtor or a debtor's property where the
17 contract with an assignor creditor is for the collection of claims owed or due, or asserted
18 to be owed or due, or the equivalent thereof;

19 (6) Insurers and insurance producers licensed by the state, performing duties in
20 connection with insurance transacted by them;

21 (7) Any bank subject to the jurisdiction of the director of the division of finance of
22 the state of Missouri or the comptroller of currency of the United States;

23 (8) An insurance adjuster. For the purposes of sections 324.1100 to 324.1148, an
24 "insurance adjuster" means any person who receives any consideration, either directly or
25 indirectly, for adjusting in the disposal of any claim under or in connection with a policy
26 of insurance or engaging in soliciting insurance adjustment business;

27 (9) Any private fire investigator whose primary purpose of employment is the
28 determination of the origin, nature, cause, or calculation of losses relevant to a fire;

29 (10) Employees of a not-for-profit organization or its affiliate or subsidiary who
30 makes and processes requests on behalf of health care providers and facilities for employee
31 criminal and other background information pursuant to section 660.317, RSMo;

32 (11) Any real estate broker, real estate salesperson, or real estate appraiser acting
33 within the scope of his or her license;

34 (12) Expert witnesses who have been certified or accredited from a national or state
35 association associated with the expert's scope of expertise;

36 (13) Any person who does not hold themselves out to the public as a private
37 investigator but is under contract with a state agency or political subdivision; or

38 (14) Any person performing such duties or investigation on behalf of serving legal
39 process and such person's investigation is incidental to the serving of legal process.

324.1108. 1. Every person desiring to be licensed in this state as a private
2 investigator or private investigator agency shall make application therefor to the board of
3 private investigator examiners. An application for a license pursuant to the provisions of
4 sections 324.1100 to 324.1148 shall be on a form prescribed by the board of private
5 investigator examiners and accompanied by the required application fee. An application
6 shall be verified and shall include:

- 7 (1) The full name and business address of the applicant;
8 (2) The name under which the applicant intends to do business;
9 (3) A statement as to the general nature of the business in which the applicant
10 intends to engage;
11 (4) A statement as to the classification or classifications under which the applicant
12 desires to be qualified;
13 (5) Two recent photographs of the applicant, of a type prescribed by the board of
14 private investigator examiners, and two classifiable sets of the applicant's fingerprints;
15 (6) A verified statement of the applicant's experience qualifications; and
16 (7) Such other information, evidence, statements, or documents as may be required
17 by the board of private investigator examiners.

18 **2.** Before an application for a license may be granted, the applicant shall:

- 19 (1) Be at least twenty-one years of age;
20 (2) Be a citizen of the United States;
21 (3) Provide proof of insurance with amount to be no less than two hundred fifty
22 thousand dollars in coverage for liability and proof of workers' compensation insurance
23 if required in chapter 287, RSMo. The board shall have the authority to raise the
24 requirements as deemed necessary; and
25 (4) Comply with such other qualifications as the board adopts by rules and
26 regulations.

324.1110. 1. The board of private investigator examiners shall require as a
2 condition of licensure as a private investigator that the applicant pass a written
3 examination as evidence of knowledge of investigator rules and regulations.

4 **2.** The department shall conduct a complete investigation of the background of each
5 applicant for licensure as a private investigator to determine whether the applicant is
6 qualified for licensure pursuant to sections 324.1100 to 324.1148. The board will outline
7 basic qualification requirements for licensing as a private investigator and agency.

8 **3. In the event requirements have been met so that testing has been waived,**
9 **qualification is dependent on a showing of, for the two previous years:**

10 **(1) Registration and good standing as a business in this state; and**

11 **(2) Two hundred fifty thousand dollars in business general liability insurance.**

12 **4. The board may review applicants seeking reciprocity. An applicant seeking**
13 **reciprocity shall have undergone a licensing procedure similar to that required by this state**
14 **and shall meet this state's minimum insurance requirements.**

324.1112. The board of private investigator examiners may deny a request for a
2 **license if the applicant:**

3 **(1) Has committed any act which, if committed by a licensee, would be grounds for**
4 **the suspension or revocation of a license pursuant to the provisions of sections 324.1100 to**
5 **324.1148;**

6 **(2) Within two years prior to the application date:**

7 **(a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony**
8 **offense, including the receiving of a suspended imposition of sentence following a plea or**
9 **finding of guilty to a felony offense;**

10 **(b) Has been convicted of or entered a plea of guilty or nolo contendere to a**
11 **misdemeanor offense involving moral turpitude;**

12 **(c) Has falsified or willfully misrepresented information in an employment**
13 **application, records of evidence, or in testimony under oath;**

14 **(d) Has been dependent on or abused alcohol or drugs; or**

15 **(e) Has used, possessed, or trafficked in any illegal substance;**

16 **(3) Been refused a license pursuant to the provisions of sections 324.1100 to**
17 **324.1148 or had a license revoked in this state or in any other state;**

18 **(4) While unlicensed, committed or aided and abetted the commission of any act**
19 **for which a license is required by sections 324.1100 to 324.1148 after the effective date of**
20 **this section; or**

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

324.1114. 1. Every application submitted pursuant to the provisions of sections
2 **324.1100 to 324.1148 shall be accompanied by a fee as determined by the board as follows:**

3 **(1) For an individual license, agency license and employees being licensed to work**
4 **under an agency license; or**

5 **(2) If a license is issued for a period of less than one year, the fee shall be prorated**
6 **for the months, or fraction thereof, for which the license is issued.**

7 **2. The board shall set fees as authorized by sections 324.1100 to 324.1148 at a level**
8 **to produce revenue which will not substantially exceed the cost and expense of**
9 **administering sections 324.1100 to 324.1148.**

10 **3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive and**
11 **notwithstanding any other provision of law. No municipality may require any person**
12 **licensed pursuant to sections 324.1100 to 324.1148 to furnish any bond, pass any**
13 **examination, or pay any license fee or occupational tax relative to practicing the person's**
14 **profession.**

15 **4. A private investigator license shall allow only the individual licensed by the state**
16 **to conduct investigations. An agency license shall be applied for separately and held by an**
17 **individual who is licensed as a private investigator. The agency may hire individuals to**
18 **work for the agency conducting investigations for the agency only. Persons hired shall**
19 **make application as determined by the board and meet all requirements set forth by the**
20 **board except that they shall not be required to meet any experience requirements and shall**
21 **be allowed to begin working immediately upon the agency submitting their applications.**

324.1116. A private investigator agency shall not hire any individual as an
2 **employee unless the individual:**

3 **(1) Is at least twenty-one years of age;**

4 **(2) Provides two recent photographs of themselves, of a type prescribed by the**
5 **board of private investigator examiners, and two classifiable sets of their fingerprints; and**

6 **(3) Complies with any other qualifications and requirements the board adopts by**
7 **rule.**

324.1118. A private investigator agency shall not hire an individual, who is not
2 **licensed as a private investigator, as an employee if the individual:**

3 **(1) Has committed any act which, if committed by a licensee, would be grounds for**
4 **the suspension or revocation of a license pursuant to the provisions of sections 324.1100 to**
5 **324.1148;**

6 **(2) Within two years prior to the application date:**

7 **(a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony**
8 **offense, including the receiving of a suspended imposition of sentence following a plea or**
9 **finding of guilty to a felony offense;**

10 **(b) Has been convicted of or entered a plea of guilty or nolo contendere to a**
11 **misdemeanor offense involving moral turpitude;**

12 **(c) Has falsified or willfully misrepresented information in an employment**
13 **application, records of evidence, or in testimony under oath;**

14 **(d) Has been dependent on or abused alcohol or drugs; or**

- 15 (e) Has used, possessed, or trafficked in any illegal substance;
16 (3) Been refused a license pursuant to the provisions of sections 324.1100 to
17 324.1148 or had a license revoked in this state or in any other state;
18 (4) While unlicensed, committed or aided and abetted the commission of any act
19 for which a license is required by sections 324.1100 to 324.1148 after the effective date of
20 this section; or
21 (5) Knowingly made any false statement in the application.

324.1120. An individual, who is not licensed as a private investigator, hired as an
2 employee by a private investigator agency shall work only under the direct supervision of
3 the agency whose identification number appears on their application and shall only work
4 for one agency at any one time.

324.1122. A licensee shall successfully complete sixteen hours of continuing
2 education units biennially and an individual, who is not licensed as a private investigator,
3 who is hired as an employee by a private investigator agency shall successfully complete
4 eight hours of continuing education units biennially. Such continuing education shall be
5 relevant to the private investigator business and shall be approved by the board as such.

324.1124. 1. The board of private investigator examiners shall determine the form
2 of the license which shall include the:

- 3 (1) Name of the licensee;
4 (2) Name under which the licensee is to operate; and
5 (3) Number and date of the license.

6 2. The license shall be posted at all times in a conspicuous place in the principal
7 place of business of the licensee. Upon the issuance of a license, a pocket card of such size,
8 design, and content as determined by the division shall be issued without charge to each
9 licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions
10 of sections 324.1100 to 324.1148. When any person to whom a card is issued terminates
11 such person's position, office, or association with the licensee, the card shall be surrendered
12 to the licensee and within five days thereafter shall be mailed or delivered by the licensee
13 to the board of private investigator examiners for cancellation. Within thirty days after
14 any change of address, a licensee shall notify the board of the address change. The
15 principal place of business may be at a residence or at a business address, but it shall be
16 the place at which the licensee maintains a permanent office.

324.1126. 1. Any license issued pursuant to sections 324.1100 to 324.1148 shall
2 expire two years after the date of its issuance. Renewal of any such license shall be made
3 in the manner prescribed for obtaining an original license, including payment of the
4 appropriate fee, except that:

5 (1) The application upon renewal need only provide information required of
6 original applicants if the information shown on the original application or any renewal
7 thereof on file with the board is no longer accurate;

8 (2) A new photograph shall be submitted with the application for renewal only if
9 the photograph on file with the board has been on file more than two years; and

10 (3) The applicant does not have to be tested again but must instead provide proof
11 that the applicant successfully completed sixteen hours of continuing education credits;
12 and

13 (4) Additional information may be required by rules and regulations adopted by
14 the board of private investigator examiners.

15 2. A licensee shall at all times be legally responsible for the good conduct of each
16 of the licensee's employees or agents while engaged in the business of the licensee and the
17 licensee is legally responsible for any acts committed by such licensee's employees or agents
18 which are in violation of sections 324.1100 to 324.1148. A person receiving an agency
19 license shall directly manage the agency and employees.

20 3. A license issued pursuant to the provisions of sections 324.1100 to 324.1148 shall
21 not be assignable.

 324.1128. 1. Any licensee may divulge to the board, any law enforcement officer,
2 or prosecuting attorney, or such person's representative, any information such person may
3 acquire as to any criminal offense, or instruct his or her client to do so if the client is the
4 victim but such person shall not divulge to any other person, except as he or she may be
5 required by law to do, any information acquired by such person at the direction of the
6 employer or client for whom the information was obtained.

7 2. No licensee or officer, director, partner, associate, or employee thereof shall:

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

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

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

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

- 20 (5) Manufacture false evidence; or
21 (6) Create any video recording of an individual in their domicile without the
22 individual's permission. Furthermore, if such video recording is made, it shall not be
23 admissible as evidence in any civil proceeding.

324.1130. Each licensee shall maintain a record containing such information
2 relative to the licensee's employees as may be prescribed by the board of private
3 investigator examiners. Such licensee shall file with the board the complete address of the
4 licensee's principal place of business including the name and number of the street. The
5 board may require the filing of other information for the purpose of identifying such
6 principal place of business.

324.1132. Every advertisement by a licensee soliciting or advertising business shall
2 contain the licensee's name, city, and state as it appears in the records of the board of
3 private investigator examiners. No individual or business can advertise as a private
4 investigator, private detective, or private investigator agency without including their state
5 private investigator or private investigator agency license number in the advertisement.
6 A licensee shall not advertise or conduct business from any Missouri address other than
7 that shown on the records of the board as the licensee's principal place of business unless
8 the licensee has received an additional agency license for such location after compliance
9 with the provisions of sections 324.1100 to 324.1148 and such additional requirements
10 necessary for the protection of the public as the board may prescribe by regulation. A
11 licensee shall notify the board in writing within ten days after closing or changing the
12 location of a branch office. The fee for the additional license shall be one-half the cost of
13 the fee for the agencies original license.

324.1134. 1. The board of private investigator examiners may suspend or revoke
2 a license issued pursuant to sections 324.1100 to 324.1148 if, after notice and opportunity
3 for hearing in accordance with the provisions of chapter 621, RSMo, the administrative
4 hearing commission determines that the licensee has:

- 5 (1) Made any false statement or given any false information in connection with an
6 application for a license or a renewal or reinstatement thereof;
7 (2) Violated any provision of sections 324.1100 to 324.1148;
8 (3) Violated any rule of the board of private investigator examiners adopted
9 pursuant to the authority contained in sections 324.1100 to 324.1148;
10 (4) Impersonated, or permitted or aided and abetted an employee to impersonate,
11 a law enforcement officer or employee of the United States of America, or of any state or
12 political subdivision thereof;

13 **(5) Committed, or permitted any employee to commit any act, while the license was**
14 **expired, which would be cause for the suspension or revocation of a license, or grounds for**
15 **the denial of an application for a license;**

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

18 **(7) Used any letterhead, advertisement, or other printed matter, or in any manner**
19 **whatever represented that such person is an instrumentality of the federal government, a**
20 **state, or any political subdivision thereof;**

21 **(8) Used a name different from that under which such person is currently licensed**
22 **in any advertisement, solicitation, or contract for business; or**

23 **(9) Committed any act which is grounds for denial of an application for a license**
24 **pursuant to the provisions of section 324.1112.**

25 **2. The record of conviction, or a certified copy thereof, shall be conclusive evidence**
26 **of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the**
27 **meaning thereof.**

28 **3. The agency may continue under the direction of another employee if the**
29 **individual holding the license is suspended or revoked as approved by the board. The**
30 **board shall establish a time frame in which the agency shall identify an acceptable person**
31 **who is qualified to assume control of the agency, as required by the board.**

32 **4. After the filing of a complaint before the administrative hearing commission, the**
33 **proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo.**
34 **Upon a finding by the administrative hearing commission that the grounds in subsection**
35 **1 of this section for disciplinary action are met, the board may singly or in combination**
36 **censure or place the person named in the complaint on probation pursuant to such terms**
37 **and conditions as the board deems appropriate for a period not to exceed five years, may**
38 **suspend for a period not to exceed three years, or revoke the license.**

324.1136. 1. Each private investigator or investigator agency operating pursuant
2 **to the provisions of sections 324.1100 to 324.1148 shall be required to keep a complete**
3 **record of the business transactions of such investigator or investigator agency for a period**
4 **of seven years. Upon the service of a court order issued by a court of competent**
5 **jurisdiction or upon the service of a subpoena issued by the board which is based on a**
6 **complaint supported by oath or affirmation, and particularly describing the records and**
7 **reports, any licensed private investigator who is the owner, partner, director, corporate**
8 **officer, or custodian of business records shall provide an opportunity for the inspection of**
9 **the same and to inspect reports made; but any information obtained by the board shall be**
10 **kept confidential, except as may be necessary to commence and prosecute any legal**

11 proceedings. The board shall not personally enter a licensee's place of business to inspect
12 records, but shall utilize an employee of the division of professional registration to act as
13 a gatherer of information and facts to present to the board regarding any complaint or
14 inspection they are looking into.

15 2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1148, and
16 in making investigations relating to any violation thereof, the board shall have the power
17 to subpoena and bring before the board any person in this state and require the production
18 of any books, records, or papers which the board deems relevant to the inquiry. The board
19 also may administer an oath to and take the testimony of any person, or cause such
20 person's deposition to be taken, except that any applicant or licensee or officer, director,
21 partner, or associate thereof shall not be entitled to any fees or mileage. A subpoena issued
22 pursuant to this section shall be governed by the Missouri rules of civil procedure and shall
23 comply with any confidentiality standards or legal limitations imposed by privacy or open
24 records acts, fair credit reporting acts, polygraph acts, driver privacy protection acts,
25 judicially recognized privileged communications, and the bill of rights of both the United
26 States and Missouri Constitutions. Any person duly subpoenaed, who fails to obey such
27 subpoena without reasonable cause or without such cause refuses to be examined or to
28 answer any legal or pertinent question as to the character or qualification of such applicant
29 or licensee or such applicant's alleged unlawful or deceptive practices and methods or such
30 violations, shall be guilty of a class A misdemeanor. The testimony of witnesses in any
31 investigative proceeding shall be under oath.

324.1138. 1. The board shall adopt such rules and regulations as may be necessary
2 to carry out the provisions of sections 324.1100 to 324.1148.

3 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
4 that is created under the authority delegated in sections 324.1100 to 324.1148 shall become
5 effective only if it complies with and is subject to all of the provisions of chapter 536,
6 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
7 nonseverable and if any of the powers vested with the general assembly pursuant to
8 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
9 are subsequently held unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 2005, shall be invalid and void.

324.1140. 1. The board of private investigator examiners shall certify persons who
2 are qualified to train private investigators.

3 2. In order to be certified as a trainer pursuant to this section, a trainer shall:

4 (1) Be twenty-one or more years of age;

5 (2) Have a minimum of one-year supervisory experience with a private investigator
6 agency; and

7 (3) Be personally licensed as a private investigator pursuant to sections 324.1100
8 to 324.1148 and qualified to train private investigators.

9 3. Persons wishing to become certified trainers shall make application to the board
10 of private investigator examiners on a form prescribed by the board and accompanied by
11 a fee determined by the board. The application shall contain a statement of the plan of
12 operation of the training offered by the applicant and the materials and aids to be used and
13 any other information required by the board.

14 4. A certificate shall be granted to a trainer if the board finds that the applicant:

15 (1) Meets the requirements of subsection 2 of this section;

16 (2) Has sufficient knowledge of private investigator business to be a suitable person
17 to train private investigators;

18 (3) Has supplied all required information to the board; and

19 (4) Has paid the required fee.

20 5. The certificate issued pursuant to this section shall expire on the third year after
21 the year in which it is issued and shall be renewable triennially upon application and
22 payment of a fee.

 324.1142. Any person who knowingly falsifies the fingerprints or photographs or
2 other information required to be submitted pursuant to sections 324.1100 to 324.1148 is
3 guilty of a class D felony; and any person who violates any of the other provisions of
4 sections 324.1100 to 324.1148 is guilty of a class A misdemeanor.

 324.1144. The board may negotiate and enter into reciprocal agreements with
2 appropriate officials in other states to permit licensed private investigator agencies and
3 licensed private investigators who meet or exceed the qualifications established in sections
4 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.

 324.1146. Law enforcement officers who perform private investigations shall be
2 licensed pursuant to this chapter subject to the following qualifications and limitations:

3 (1) The board may waive testing for law enforcement officers currently certified
4 pursuant to then existing peace officer standards and training requirements pursuant to
5 chapter 590, RSMo;

6 (2) Law enforcement officers shall pay the appropriate licensing fees;

7 (3) Law enforcement officers shall assume individual liability for their actions while
8 performing private investigations, complying with any insurance or bonding requirements
9 imposed pursuant to sections 324.1100 to 324.1148;

10 (4) Law enforcement officers shall not utilize their official capacity in the course
11 of a private investigation, including but not limited to:

12 (a) Accessing information intended only for police officials. Law enforcement
13 officers shall comply with the legal limits on access to information by a private citizen;

14 (b) Utilizing any official item, such as a uniform, badge, or vehicle, while
15 performing a private investigation. Law enforcement officers shall provide their own
16 equipment;

17 (c) Utilizing law enforcement officer arrest and use of force standards. Law
18 enforcement officers shall use private person arrest and use of force standards while
19 operating as a private investigator;

20 (5) Law enforcement officers shall produce evidence of training and experience
21 concerning the legal limits imposed on private investigations or pass a test on such subject
22 produced by the board; and

23 (6) The provisions of sections 324.1100 to 324.1148 shall not apply to law
24 enforcement officers who provide only private security services and not private
25 investigator services.

 324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty of a class
2 A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is
3 a class D felony.

 328.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 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.

6 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.

10 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.

15 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.

5 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.

52 (12) **"Accredited school of cosmetology or school of manicuring", an establishment**
53 **operated for the purpose of teaching cosmetology as defined in this section and meeting the**
54 **criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2.**

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, three shall be licensed**
16 **cosmetologists holding a Class CA license classification, one shall be an accredited**
17 **cosmetology school owner as defined in section 329.010, one shall be the owner of a school**
18 **licensed under subsection 1 of section 329.040, one shall be a cosmetologist with a license**
19 **of any type of cosmetology classification, three shall be licensed barbers, and two shall be**
20 **voting public members. All members, except public members and accredited school**
21 **owners, shall be cosmetologists and barbers duly registered as such and licensed under the**
22 **laws of this state and shall have been actively engaged in the lawful practice of their**

23 profession for a period of at least five years immediately preceding their appointment. All
24 members of the board, including public members, shall be chosen from lists submitted by
25 the director of the division of professional registration.

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

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

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

51 6. The members of the board shall receive as compensation for their services the
52 sum set by the board not to exceed seventy dollars for each day actually spent in
53 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.

51 **6. Any licensed barber or cosmetologist having held an unencumbered license for**
52 **at least ten years shall be eligible to sit for the Class MO - manicurist license examination.**

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. **The temporary license shall be valid for sixty days. If the applicant**
13 **fails the examination, the temporary license shall immediately expire.**

14 Any person receiving a temporary license shall be entitled to practice the occupations designated
15 on the temporary license, under the supervision of a person licensed in cosmetology, until the
16 expiration of the temporary license. Any person continuing to practice the occupation beyond
17 the expiration of the temporary license without being licensed in cosmetology as provided in this
18 chapter is guilty of an infraction.

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

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

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

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

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

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

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

332.302. As used in sections 332.302 to 332.305, the following terms shall mean:

2 **(1) "Committee", the "Dental Hygienist Distance Learning Committee" created**
3 **under section 332.303;**

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

5 **(3) "Director", the director of the department of economic development.**

332.303. 1. There is hereby established the "Dental Hygienist Distance Learning
2 **Committee". The committee shall consist of six members. The director shall appoint the**
3 **members of the committee, three of whom shall be dentists licensed under this chapter, and**
4 **three of whom shall be dental hygienists holding certificates of registration under this**
5 **chapter.**

6 **2. Members of the committee shall not be compensated for their services, but they**
7 **shall be reimbursed for actual and necessary expenses incurred in the performance of their**
8 **duties. Each member shall serve until the committee is dissolved under section 332.305.**
9 **The department shall provide staff to the committee and aid it in the performance of its**
10 **duties.**

332.304. The specific duties of the committee shall include the following:

2 **(1) Designing a training program for dental hygienists which allows coursework**
3 **to be completed off-site from the educational institution, and clinical and didactic training**
4 **to be delivered in the office of a dentist licensed under this chapter if such offsite dental**
5 **office is a part of an accredited dental hygiene program through the Commission on Dental**
6 **Accreditation of the American Dental Association as an extended campus facility, or any**
7 **other facility approved by the council on dental accreditation;**

8 **(2) Developing suggestions for the creation of a contract between the department**
9 **and an institution of higher education to establish the training program designed under**
10 **subdivision (1) of this section;**

11 **(3) Analyzing issues relating to the curriculum, funding, and administration of the**
12 **training program designed under subdivision (1) of this section; and**

13 **(4) On or before November 1, 2005, delivering to both houses of the general**
14 **assembly and the governor a report on the training program designed under subdivision**
15 **(1) of this section and any suggestions developed and analysis made under subdivisions (2)**
16 **and (3) of this section.**

332.305. The committee shall dissolve upon delivery of the report required under
2 **subdivision (4) of section 332.304.**

332.312. 1. As used in this section, "distance dental hygienist education program" shall mean a training program for dental hygienists accredited by the Commission on Dental Accreditation of the American Dental Association that allows didactic and clinical course work to be completed offsite of the educational institution, including a dental facility regulated under this chapter, if such offsite location is a part of an accredited dental hygiene program through the Commission on Dental Accreditation of the American Dental Association as an extended campus facility.

2. The department of economic development shall contract with an institution of higher education, which meets the standards established by the Commission on Dental Accreditation of the American Dental Association, to establish a distance dental hygienist education program.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of economic development or a designated agency thereof;
- (5) "License", a document issued to an applicant by the department acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working within the same office facility of the supervising physician except a physician assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities, each such

26 examination being reviewed, approved and signed by the supervising physician. The board shall
27 promulgate rules pursuant to chapter 536, RSMo, for the proximity of practice between the
28 physician assistant and the supervising physician and documentation of joint review of the
29 physician assistant activity by the supervising physician and the physician assistant.

30 2. The scope of practice of a physician assistant shall consist only of the following
31 services and procedures:

32 (1) Taking patient histories;

33 (2) Performing physical examinations of a patient;

34 (3) Performing or assisting in the performance of routine office laboratory and patient
35 screening procedures;

36 (4) Performing routine therapeutic procedures;

37 (5) Recording diagnostic impressions and evaluating situations calling for attention of
38 a physician to institute treatment procedures;

39 (6) Instructing and counseling patients regarding mental and physical health using
40 procedures reviewed and approved by a licensed physician;

41 (7) Assisting the supervising physician in institutional settings, including reviewing of
42 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and
43 ordering of therapies, using procedures reviewed and approved by a licensed physician;

44 (8) Assisting in surgery;

45 (9) Performing such other tasks not prohibited by law under the supervision of a licensed
46 physician as the physician's assistant has been trained and is proficient to perform;

47 (10) Physician assistants shall not perform abortions.

48 3. Physician assistants shall not prescribe nor dispense any drug, medicine, device or
49 therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms
50 or contact lenses for the aid, relief or correction of vision or the measurement of visual power
51 or visual efficiency of the human eye, nor administer or monitor general or regional block
52 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing
53 of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a
54 physician assistant supervision agreement which is specific to the clinical conditions treated by
55 the supervising physician and the physician assistant shall be subject to the following:

56 (1) A physician assistant shall not prescribe controlled substances;

57 (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a
58 physician assistant shall be consistent with the scopes of practice of the physician assistant and
59 the supervising physician;

60 (3) All prescriptions shall conform with state and federal laws and regulations and shall
61 include the name, address and telephone number of the physician assistant and the supervising
62 physician;

63 (4) A physician assistant or advanced practice nurse as defined in section 335.016,
64 RSMo, may request, receive and sign for noncontrolled professional samples and may distribute
65 professional samples to patients;

66 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies
67 the supervising physician is not qualified or authorized to prescribe; and

68 (6) A physician assistant may only dispense starter doses of medication to cover a period
69 of time for seventy-two hours or less.

70 4. A physician assistant shall clearly identify himself or herself as a physician assistant
71 and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr."
72 or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician
73 assistant shall practice or attempt to practice without physician supervision or in any location
74 where the supervising physician is not immediately available for consultation, assistance and
75 intervention, except in an emergency situation, nor shall any physician assistant bill a patient
76 independently or directly for any services or procedure by the physician assistant.

77 5. [The physician assistant shall be a person who is a graduate of a physician assistant
78 program accredited by the American Medical Association's Committee on Allied Health
79 Education and Accreditation or its successor or is certified by a national nongovernmental
80 agency or association, who has passed the National Commission on Certification of Physician
81 Assistants examination and has active certification by the National Commission on Certification
82 of Physician Assistants or its successor. A person who has been employed as a physician
83 assistant for three years prior to August 28, 1989, and has passed the National Commission on
84 Certification of Physician Assistants examination shall be deemed to have met the academic
85 requirements necessary for licensing.

86 6.] For purposes of this section, the licensing of physician assistants shall take place
87 within processes established by the state board of registration for the healing arts through rule
88 and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536,
89 RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees,
90 and addressing such other matters as are necessary to protect the public and discipline the
91 profession. An application for licensing may be denied or the license of a physician assistant
92 may be suspended or revoked by the board in the same manner and for violation of the standards
93 as set forth by section 334.100, or such other standards of conduct set by the board by rule or
94 regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be
95 required to be licensed as physician assistants.

96 [7.] 6. "Physician assistant supervision agreement" means a written agreement, jointly
97 agreed upon protocols or standing order between a supervising physician and a physician
98 assistant, which provides for the delegation of health care services from a supervising physician
99 to a physician assistant and the review of such services.

100 [8.] 7. When a physician assistant supervision agreement is utilized to provide health
101 care services for conditions other than acute self-limited or well-defined problems, the
102 supervising physician or other physician designated in the supervision agreement, shall see the
103 patient for evaluation and approve or formulate the plan of treatment for new or significantly
104 changed conditions as soon as practical, but in no case more than two weeks after the patient has
105 been seen by the physician assistant.

106 [9.] 8. At all times the physician is responsible for the oversight of the activities of, and
107 accepts responsibility for, health care services rendered by the physician assistant.

334.1000. Sections 334.1000 to 334.1024 shall be known and may be cited as the
2 **"Medical Imaging and Radiation Therapy Quality Assurance Act of 2005".**

334.1003. As used in sections 334.1000 to 334.1024, the following terms mean:

2 (1) "Board", the medical imaging and radiation therapy board of examiners
3 created in section 334.1012;

4 (2) "Chiropractic radiologist", a physician certified by the American Chiropractic
5 Board of Radiology;

6 (3) "Dental radiographer", a person, other than a licensed practitioner, dental
7 assistant working under direct supervision of a licensed practitioner required under
8 chapter 332, RSMo, or person who administers medical imaging or radiation therapy
9 procedures on humans, whose duties are restricted to radiography of the maxilla and
10 mandible for diagnostic purposes;

11 (4) "Director", the director of the division of professional registration within the
12 department of economic development;

13 (5) "License", a certificate issued by the board authorizing the licensee to use
14 radioactive materials, medical imaging, or radiation therapy equipment on humans for
15 diagnostic or therapeutic purposes in accordance with sections 334.1000 to 334.1024;

16 (6) "Licensed practitioner", a person licensed to practice medicine, dentistry,
17 podiatry, chiropractic, osteopathy, veterinary medicine, or as a registered nurse or dental
18 hygienist in this state;

19 (7) "Limited permit", a certificate issued by the board authorizing a person to
20 conduct diagnostic radiology examinations that is limited to the performance of specific
21 medical imaging procedures on specific parts of the human body, such as chest, spine, or
22 extremity radiography;

23 (8) "Medical imaging", any procedures or article intended for use in the diagnosis
24 of disease or other medical or dental conditions, including but not limited to diagnostic X-
25 rays and nuclear medicine;

26 (9) "Nuclear medicine technologist", a person, other than a licensed practitioner,
27 who uses radiopharmaceutical agents on humans for diagnostic or therapeutic purposes;

28 (10) "Persons who administer medical imaging or radiation therapy procedures",
29 any person, other than a licensed practitioner, who intentionally administers medical
30 imaging or radiation therapy procedures to other persons for medical purposes, and
31 including, but not limited to, radiographers, radiation therapists, and nuclear medicine
32 technologists, licensed under sections 334.1000 to 334.1024;

33 (11) "Public member", a person who is a resident of this state but who is not a
34 licensed practitioner, person who administers medical imaging and radiation therapy
35 procedures, or dental radiographer under sections 334.1000 to 334.1024;

36 (12) "Radiation therapist", a person, other than a licensed practitioner, who
37 applies radiation to humans for therapeutic purposes;

38 (13) "Radiation therapy", any radiation procedure or article intended for the cure,
39 mitigation, or prevention of disease in humans;

40 (14) "Radiologic physicist", a person who is certified by the American Board of
41 Radiology in radiological physics or one of the subspecialties of radiological physics, or is
42 eligible for such certification;

43 (15) "Radiographer", a person, other than a licensed practitioner, who applies
44 radiation to humans for diagnostic purposes;

45 (16) "Radiologist", a physician certified by the American Board of Radiology or
46 the American Osteopathic Board of Radiology, the American Chiropractic Board of
47 Radiology, the British Royal College of Radiology, or the Canadian College of Physicians
48 and Surgeons;

49 (17) "Temporary license", a certificate issued by the board authorizing an
50 applicant to perform medical imaging and radiation therapy procedures when his or her
51 licensure or relicensure is pending before the board and when issuance may be justified
52 by special circumstances as determined by the board.

 334.1006. 1. No person, other than a licensed practitioner, person who administers
2 medical imaging and radiation therapy procedures, or dental radiographer shall perform
3 medical imaging or radiation therapy procedures on humans for diagnostic or therapeutic
4 purposes.

5 2. The board shall establish licensure standards consistent with national
6 accreditation standards for the radiographer (R), radiation therapist (T), nuclear medicine

7 technologist (N), dental radiographer (D), limited permit holder, and temporary license
8 holder. Persons holding such licenses shall be recognized by this nomenclature.

9 3. A person holding a license under sections 334.1000 to 334.1024 shall use
10 radioactive substances or equipment for medical imaging and radiation therapy
11 procedures on humans only for diagnostic or therapeutic purposes at the direction of a
12 licensed practitioner, and only if the application of a substance or the use of equipment is
13 limited in a manner specified in sections 334.1000 to 334.1024.

14 4. Nothing in sections 334.1000 to 334.1024 relating to medical imaging, radiation
15 therapy, or dental radiography shall limit, enlarge, or affect the practice of licensed
16 practitioners as defined in section 334.1003.

17 5. The requirement of a license shall not apply to a resident physician or a student
18 enrolled in and attending a school or college of medicine, osteopathy, chiropractic,
19 podiatry, dentistry, dental hygiene, medical imaging, or radiation therapy who performs
20 medical imaging or radiation therapy procedures on humans while under the supervision
21 of a licensed practitioner or direct supervision of a radiographer, radiation therapist, or
22 nuclear medicine technologist holding a license under sections 334.1000 to 334.1024.

 334.1009. 1. There is hereby established the "Medical Imaging and Radiation
2 Therapy Board of Examiners" which shall consist of eleven members appointed by the
3 governor with the advice and consent of the senate. All members of the board shall be
4 residents of this state. Of the eleven board members, five shall be persons who administer
5 medical imaging and radiation therapy procedures, two shall be radiologists, two shall be
6 other licensed practitioners, one shall be a radiologic physicist, and one shall be a public
7 member.

8 2. The term of office for each member of the board shall be three years; except that,
9 of the members first appointed four shall be appointed to a term of one year, four shall be
10 appointed to a term of two years, and four shall be appointed to a term of three years.
11 Vacancies shall be filled for an unexpired term only in the manner provided by original
12 appointment.

13 3. Persons who administer medical imaging or radiation therapy procedures
14 appointed to the board for terms beginning thirty-six months following issuance of a
15 license in any category by the board shall hold a valid license in any category issued by the
16 board.

17 4. Members of the board shall not receive compensation for their service on the
18 board, but may be reimbursed for reasonable and necessary expenses incurred in the
19 performance of their official duties as members of the board.

20 **5. The director of the division of professional registration shall designate an officer**
21 **or employee of the state to act as a secretary of the board who shall not be a member of the**
22 **board. The director shall furnish staff, logistics, budget, and other support to the board**
23 **as appropriate.**

24 **6. No public member shall have any association or relationship with a licensed**
25 **practitioner, person who administers medical imaging or radiation therapy procedures,**
26 **or dental radiographer that would prevent or in any way hinder the public member in**
27 **representing the interest of the public.**

28 **7. For administrative purposes, the board shall meet at least once every three**
29 **months at times and places of its choosing. The first meeting of the board shall be for**
30 **organization only, in which the board will set forth its responsibilities and rules.**

31 **8. A majority of the voting members shall constitute a quorum. No action shall be**
32 **taken by the board except by an affirmative vote of the majority of those members present**
33 **and voting.**

34 **9. The board shall be responsible for setting and implementing policies for licensing**
35 **individuals, accrediting programs, imposing discipline, and hearing appeals.**

334.1012. 1. The board shall admit to examination for licensure any applicant who
2 **pays a nonrefundable fee established by rule of the board and submits satisfactory**
3 **evidence, verified by oath or affirmation, that the applicant:**

4 **(1) At the time of application, the applicant is at least eighteen years of age; and**
5 **(2) Has successfully completed a four-year course of study in a secondary school**
6 **approved by the state board of education, or passed an approved equivalency test.**

7 **2. In addition to the requirements in subsection 1 of this section, any person seeking**
8 **to obtain a license in a specific area of medical imaging and radiation therapy shall comply**
9 **with the following requirements:**

10 **(1) Each applicant for a license as a radiographer, radiation therapist, nuclear**
11 **medicine technologist, or dental radiographer shall have satisfactorily completed a course**
12 **of study in radiography, radiation therapy, nuclear medicine, or dental radiography,**
13 **respectively, or an equivalent to be determined by the board;**

14 **(2) The curriculum for each course of study shall be based on the standards**
15 **approved by the Joint Review Committee on Education in Radiologic Technology, the**
16 **Joint Review Committee on Nuclear Medicine Technology, or other appropriate**
17 **accreditation agencies approved by the board.**

18 **3. The board shall establish criteria and standards within the state for educational**
19 **programs in medical imaging and radiation therapy consistent with national accreditation**

20 standards, and approve such programs upon finding that the criteria and standards have
21 been met.

22 **4. In addition to the requirements in subsection 1 of this section, any person seeking**
23 **a license in dental radiography shall comply with the following requirements:**

24 **(1) Each applicant for a license as a dental radiographer shall have satisfactorily**
25 **completed a course of study for dental radiography, or its equivalent, as determined by the**
26 **board; and**

27 **(2) The curriculum for the course of study may follow, and shall be no less stringent**
28 **than the standards approved by the Section on Oral Radiology of the American**
29 **Association of Dental Schools, provided such standards are not in conflict with board**
30 **policy.**

31 **5. In addition to the requirements of subsection 1 of this section, the scope of each**
32 **limited permit is restricted as follows:**

33 **(1) Chest radiography permit: radiography of the thorax, heart, and lungs;**

34 **(2) Skeletal radiography permit: radiography of the upper and lower extremities,**
35 **or the vertebral column.**

36 **6. The board shall waive the examination requirement for licensure of a person**
37 **who has been employed on a full-time basis for a minimum of three of the immediately**
38 **preceding five years as a radiographer, radiation therapist, nuclear medicine technologist,**
39 **or dental radiographer. Such person shall have a minimum of two years to meet the**
40 **continuing education requirements set by the board for renewal of licensure.**

41 **7. The board shall be authorized to study the impact of waiving the licensure**
42 **requirements for persons who use equipment powered by no more than one hundred ten**
43 **volt electricity and, if after analysis the board determines the benefit to outweigh the risk**
44 **to the public, the board may issue a rule waiving such licensure requirement.**

45 **8. (1) There is hereby created in the state treasury the "Medical Imaging and**
46 **Radiation Therapy Licensure Fund", which shall consist of money collected pursuant to**
47 **sections 334.1000 to 334.1024. The state treasurer shall be custodian of the fund and shall**
48 **disburse moneys from the fund in accordance with sections 30.170 and 30.180, RSMo.**
49 **Upon appropriation, money in the fund shall be used solely for the administration of**
50 **sections 334.1000 to 334.1024.**

51 **(2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
52 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
53 **the general revenue fund.**

54 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
55 **funds are invested. Any interest and moneys earned on such investments shall be credited**
56 **to the fund.**

334.1015. 1. An approved program of medical imaging and radiation therapy may
2 **be offered by a medical, chiropractic, or dental facility, educational institution,**
3 **chiropractic college, or other public or private agency or institution. The program shall**
4 **be affiliated with one or more hospitals or dental schools or chiropractic colleges that, in**
5 **the opinion of the board and the appropriate accrediting agency, shall provide the requisite**
6 **clinical education.**

7 **2. The board shall by rule:**

8 **(1) Adopt procedures for an educational program to follow in making application**
9 **for accreditation;**

10 **(2) Provide a process for review of such accreditation by an existing accreditation**
11 **agency and approval by a recognized national voluntary accrediting organization.**

334.1018. 1. Each applicant for licensure shall be required to pass a license
2 **examination designed and approved by the board.**

3 **2. The board shall hold an examination at least every six months at times and places**
4 **as the board may determine.**

5 **3. An applicant who fails to pass the examination may reapply for the examination**
6 **provided the applicant complies with the rules established by the board.**

7 **4. The board shall accept in lieu of its own examination:**

8 **(1) A current certificate by the American Registry of Radiologic Technologists or**
9 **Nuclear Medicine Technologist Certification Board;**

10 **(2) A current certificate issued on the basis of a satisfactory completion of the**
11 **certification examination given by the Dental Assisting National Board, Inc., or the**
12 **National Board of Dental Examiners;**

13 **(3) A limited scope radiography examination administered by the American**
14 **Registry of Radiologic Technologists or the American Chiropractic Radiology Registry of**
15 **Technologists for persons applying for a limited permit in chest, extremity, or spine**
16 **radiography.**

17 **5. The board may accept in lieu of its own examination:**

18 **(1) A current certificate from a recognized national voluntary credentialing body**
19 **not described in subsection 4 of this section that is issued on the basis of an examination**
20 **satisfactory to the board; provided that the standards of such credentialing body are at**
21 **least as stringent as those established by the board;**

22 (2) A current certificate, registration, or license as a person who administers
23 medical imaging and radiation therapy procedures issued by another state; provided that
24 the standards in the other state are at least as stringent as those established by the board;

25 (3) A current certificate from a recognized national voluntary credentialing body
26 not described in subsection 4 of this section for persons applying for a limited permit in
27 chest, extremity, or spine radiography; provided that the standards of such credentialing
28 body are at least as stringent as those established by the board.

 334.1021. 1. The board may issue a license to each applicant who has either
2 successfully passed the examination or qualified under subsection 4 or 5 of section 334.1018
3 and has paid the prescribed fees.

4 2. The board may at its discretion issue a temporary license to any person whose
5 licensure or relicensure may be pending and when issuance may be justified by special
6 circumstances. A temporary license shall be issued only if the board finds that it will not
7 violate the purpose of sections 334.1000 to 334.1024 or endanger the public health and
8 safety. A temporary license shall expire ninety days after the date of the next examination
9 if the applicant is required to take the examination, or if the applicant does not take the
10 examination, then on the date of the examination. In all cases, a temporary license shall
11 expire when the determination is made either to issue or deny the applicant a regular
12 license and in no event shall a temporary license be issued for a period longer than one
13 hundred eighty days.

14 3. Holders of a license under sections 334.1000 to 334.1024 shall display the official
15 license document or a verified copy in each place of regular employment.

16 4. The board shall renew a license for a period of two years upon payment of the
17 renewal fee set by the board. Continuing education requirements may also be set by rule
18 of the board.

19 5. A licensee holding a license or permit under sections 334.1000 to 334.1024 whose
20 license has lapsed and who has ceased activities as such for more than five years may apply
21 for relicensure upon payment of a fee set by the board. Continuing education
22 requirements may also be set by the board.

23 6. A licensee holding a license or permit under sections 334.1000 to 334.1024 shall
24 notify the board in writing within thirty days of any name or address change.

 334.1024. 1. The license of a licensee or permittee holding a license or permit under
2 sections 334.1000 to 334.1024 may be suspended or revoked, or the individual may be
3 censured, reprimanded, or otherwise sanctioned by the board in accordance with the
4 provisions and procedures of sections 334.1000 to 334.1024 if, after due process, it is found
5 that the individual:

6 (1) Is guilty of fraud or deceit in the procurement or holding of the license or
7 permit;

8 (2) Has been convicted of a felony in a court of competent jurisdiction, either within
9 or outside of this state, unless the conviction has been reversed and the holder of the license
10 or permit is discharged or acquitted, or if the holder has been pardoned with full
11 restoration of civil rights in which case the license or permit shall be restored;

12 (3) Is or has been afflicted with any medical problem, disability, or addiction which
13 in the opinion of the board would impair professional competence;

14 (4) Has aided and abetted a person who is not a licensee or permittee holding a
15 license under sections 334.1000 to 334.1024 or otherwise authorized by subsection 3 of
16 section 334.1009 to perform the duties of a license or permit holder;

17 (5) Has undertaken or engaged in any practice beyond the scope of duties permitted
18 a license or permit holder under sections 334.1000 to 334.1024;

19 (6) Has impersonated a licensee or permittee or former licensee or former
20 permittee, or is performing duties of a dental radiographer, or a person who administers
21 medical imaging or radiation therapy procedures under an assumed name;

22 (7) Has been found guilty of violations of a code of ethics that the board may
23 establish by rule;

24 (8) Has performed medical imaging or radiation therapy procedures without
25 supervision of a licensed practitioner, or radiographer, radiation therapist, nuclear
26 medicine technologist holding a license under sections 334.1000 to 334.1024;

27 (9) Has interpreted a diagnostic image for a physician, a patient, the patient's
28 family, or the public;

29 (10) Is or has been found guilty of incompetence or negligence in his or her
30 performance as a license or permit holder.

31

32 Any person aggrieved by an official action of the board affecting the licensed status of a
33 person under the provisions of sections 334.1000 to 334.1024, including the refusal to grant,
34 the granting, the revocation, the suspension, or the failure to renew a license, may seek a
35 determination thereon by the administrative hearing commission pursuant to the
36 provisions of section 621.045, RSMo, and it shall not be a condition to such determination
37 that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other
38 procedure with the board.

39 2. Proceedings against the holder of a license or permit under sections 334.1000 to
40 334.1024 shall be commenced by filing a written charge or charges with the board. A
41 person, corporation, association, public officer, or the board may bring the charge or

42 charges. The board may refuse to issue or renew any license or permit required under
43 sections 334.1000 to 334.1024 for one or any combination of causes stated in subsection 1
44 of this section. The board shall notify the licensee or permittee in writing of the reasons
45 for the refusal and shall advise the licensee or permittee of his or her right to file a
46 complaint with the administrative hearing commission as provided by chapter 621, RSMo.

47 3. When the license or permit of any person has been revoked, reapplication to the
48 board may be made no sooner than two years after the date of the board's order revoking
49 the license or permit.

50 4. No person shall knowingly employ as a radiographer, radiation therapist,
51 nuclear medicine technologist, dental radiographer, or any person to perform medical
52 imaging or radiation therapy procedures who does not hold a license under sections
53 334.1000 to 334.1024.

54 5. Any person who violates the provisions of sections 334.1000 to 334.1024, or any
55 rule or order made under sections 334.1000 to 334.1024, is guilty of a class A misdemeanor
56 and shall be subject to the sanctions of subsection 2 of this section, or other appropriate
57 punishment.

58 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
59 that is created under the authority delegated in sections 334.1000 to 334.1024 shall become
60 effective only if it complies with and is subject to all of the provisions of chapter 536,
61 RSMo, and, if applicable, section 536.028, RSMo. Sections 334.1000 to 334.1024 and
62 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
63 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
64 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
65 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
66 invalid and void.

67 7. Any person licensed to practice veterinary medicine under chapter 340, RSMo,
68 is exempt from the provisions of sections 334.1000 to 334.1024, except for section 334.1018,
69 when acting within such person's scope of practice.

335.068. 1. If the board finds merit to a complaint [by an individual incarcerated or
2 under the care and control of the department of corrections] and takes further investigative
3 action, no documentation may appear on file or disciplinary action may be taken in regards to
4 the licensee's license unless the provisions of subsection 2 of section 335.066 have been violated.
5 Any case file documentation that does not result in the board filing an action pursuant to
6 subsection 2 of section 335.066 shall be destroyed within three months after the final case
7 disposition by the board. No notification to any other licensing board in another state or any

8 national registry regarding any investigative action shall be made unless the provisions of
9 subsection 2 of section 335.066 have been violated.

10 2. Upon written request of the nurse subject to a complaint, prior to August 28, 1999,
11 [by an individual incarcerated or under the care and control of the department of corrections] that
12 did not result in the board filing an action pursuant to subsection 2 of section 335.066, the board
13 and the division of professional registration shall in a timely fashion:

14 (1) Destroy all documentation regarding the complaint;

15 (2) Notify any other licensing board in another state or any national registry regarding
16 the board's action if they have been previously notified of the complaint; and

17 (3) Send a letter to the licensee that clearly states that the board found the complaint to
18 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the
19 provisions of subsection 3 of this section.

20 3. Any person who has been the subject of an unsubstantiated complaint as provided in
21 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint
22 in subsequent applications or representations relating to their nursing professions.

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 337.543, 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.

337.600. As used in sections 337.600 to 337.689, the following terms mean:

2 (1) "Clinical social work", the application of methods, principles, and techniques of case
3 work, group work, client-centered advocacy, community organization, administration, planning,
4 evaluation, consultation, research, psychotherapy and counseling methods and techniques to
5 persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration
6 of mental and emotional conditions;

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

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

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

11 (5) "Independent practice", any practice of social workers outside of an organized
12 setting such as a social, medical, or governmental agency in which a social worker assumes
13 responsibility and accountability for services required;

14 (6) "Licensed clinical social worker", any person who offers to render services to
15 individuals, groups, organizations, institutions, corporations, government agencies or the general
16 public for a fee, monetary or otherwise, implying that the person is trained, experienced, and

17 licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical
18 social worker;

19 [(6)] (7) "Practice of clinical social work", rendering, offering to render, or supervising
20 those who render to individuals, couples, groups, organizations, institutions, corporations, or the
21 general public any service involving the application of methods, principles, and techniques of
22 clinical social work;

23 [(7)] (8) "Provisional licensed clinical social worker", any person who is a graduate of
24 an accredited school of social work and meets all requirements of a licensed clinical social
25 worker, other than the supervised clinical social work experience prescribed by subdivision (2)
26 of subsection 1 of section 337.615, and who is supervised by a person who is qualified to
27 practice clinical social work, as defined by rule;

28 [(8)] (9) "Social worker", any individual that has:

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

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

32 (c) A current baccalaureate or clinical social worker license as set forth in sections
33 337.600 to 337.689.

337.603. No person shall use the title of "licensed clinical social worker", "clinical social
2 worker" or "provisional licensed clinical social worker" and engage in the practice of clinical
3 social work in this state unless the person is licensed as required by the provisions of sections
4 337.600 to 337.639. Only individuals who are licensed clinical social workers shall practice
5 **clinical** social work [as an independent practice]. Sections 337.600 to 337.639 shall not apply
6 to:

7 (1) Any person registered, certificated, or licensed by this state, another state, or any
8 recognized national certification agent acceptable to the committee to practice any other
9 occupation or profession while rendering services similar in nature to clinical social work in the
10 performance of the occupation or profession which the person is registered, certificated, or
11 licensed; and

12 (2) The practice of any social worker who is employed by any agency or department of
13 the state of Missouri while discharging the person's duties in that capacity.

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

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

6 (2) The applicant has [twenty-four months] **completed three thousand hours** of
7 supervised clinical experience **with a licensed clinical social worker** acceptable to the
8 committee, as defined by rule, **in no less than twenty-four months and no more than forty-**
9 **eight consecutive calendar months;**

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

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

16 2. A licensed clinical social worker who has had no violations and no suspensions and
17 no revocation of a license to practice clinical social work in any jurisdiction may receive a
18 license in Missouri provided said clinical social worker passes a written examination [on
19 Missouri laws and regulations governing the practice of clinical social work as defined in
20 subdivision (1) of section 337.600,] and meets one of the following criteria:

21 (1) [Is a member in good standing and holds a certification from the Academy of
22 Certified Social Workers;

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

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

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

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

29 or

30 [(3)] (2) Is currently licensed or certified as a clinical social worker in another state,
31 territory of the United States, or the District of Columbia that extends like privileges for
32 reciprocal licensing or certification to persons licensed by this state with similar qualifications.

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

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.639 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months[; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.600 to 337.639 in accordance with the provisions of subsection 14 of section 620.010, RSMo]. The committee [may] **shall** require [a specified number] **a minimum number of thirty clock hours** of continuing education [units] for renewal of a license issued pursuant to sections 337.600 to 337.639. The committee shall renew any license, **other than a provisional license**, upon application for a renewal, completion of [any] **the** required continuing education **hours** and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. **As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.**

337.653. 1. No person shall use the title of "licensed baccalaureate social worker" or "provisional licensed baccalaureate social worker" and engage in the practice of baccalaureate social work in this state unless the person is licensed as required by the provisions of sections 337.650 to 337.689.

2. A licensed baccalaureate social worker [may] **shall be deemed qualified to practice the following:**

(1) Engage in [psychosocial] assessment and evaluation **from a generalist perspective**, excluding the diagnosis and treatment of mental illness and emotional disorders;

(2) Conduct basic data gathering of records and social problems of individuals, groups, families and communities, assess such data, and formulate and implement a plan to achieve specific goals;

(3) Serve as an advocate for clients, families, groups or communities for the purpose of achieving specific goals;

(4) Counsel, excluding psychotherapy; **however, counseling shall be defined as providing support, direction, and guidance to clients by assisting them in successfully solving complex social problems;**

(5) Perform crisis intervention, screening and resolution, excluding the use of psychotherapeutic techniques;

(6) Be a community supporter, organizer, planner or administrator for a social service program;

(7) Conduct crisis planning ranging from disaster relief planning for communities to helping individuals prepare for the death or disability of family members;

- 23 (8) Inform and refer clients to other professional services;
24 (9) Perform case management and outreach, including but not limited to planning,
25 managing, directing or coordinating social services; and
26 (10) Engage in the training and education of social work students from an accredited
27 institution and supervise other licensed baccalaureate social workers.

28 3. A licensed baccalaureate social worker [shall not] **may** engage in the [private]
29 **independent** practice of [clinical] **baccalaureate** social work **as defined in subdivision (6) of**
30 **section 337.650 and subdivisions (1) to (10) of subsection 2 of this section.**

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.

338.095. 1. The terms "prescription" and "prescription drug order" are hereby defined
2 as a lawful order for medications or devices issued and signed by an authorized prescriber within
3 the scope of his professional practice which is to be dispensed or administered by a pharmacist
4 or dispensed or administered pursuant to section 334.104, RSMo, to and for the ultimate user.
5 The terms "prescription" and "drug order" do not include an order for medication which is
6 provided for the immediate administration to the ultimate user or recipient.

7 2. The term "telephone prescription" is defined as an order for medications or devices
8 transmitted to a pharmacist by telephone or similar electronic medium by an authorized
9 prescriber or his authorized agent acting in the course of his professional practice which is to be
10 dispensed or administered by a pharmacist or dispensed or administered pursuant to section
11 334.104, RSMo, to and for the ultimate user. A telephone prescription shall be promptly reduced
12 to written or electronic medium by the pharmacist and shall comply with all laws governing
13 prescriptions and record keeping.

14 3. A licensed pharmacist may lawfully provide prescription or medical information to
15 a licensed health care provider or his agent who is legally qualified to administer medications
16 and treatments and who is involved in the treatment of the patient. The information may be
17 derived by direct contact with the prescriber or through a written protocol approved by the
18 prescriber. Such information shall authorize the provider to administer appropriate medications
19 and treatments.

20 4. Nothing in this section shall be construed to limit the authority of other licensed health
21 care providers to prescribe, administer, or dispense medications and treatments within the scope
22 of their professional practice.

23 **5. It is unlawful for any person other than the patient or the patient's authorized**
24 **representative to accept a prescription presented to be dispensed unless that person is**
25 **located on a premises of a dispensing physician or licensed by the board as a pharmacy.**
26 **A violation of this subsection shall be a class A misdemeanor.**

338.380. 1. As used in this section the term "committee" means the well-being
2 **committee established under subsection 2 of this section.**

3 **2. The board may establish an impaired licensee committee, to be designated as the**
4 **"Well-being Committee", to promote the early identification, intervention, treatment and**
5 **rehabilitation of licensees identified within this chapter, who may be impaired by reasons**
6 **of illness, substance abuse, or as a result of any physical or mental condition. The board**
7 **may enter into a contractual agreement with a nonprofit corporation or an association for**
8 **the purpose of creating, supporting and maintaining such a committee. The board may**
9 **promulgate rules subject to the provisions of this section to effectuate and implement any**
10 **committee formed under this section. The board may expend appropriated funds**

11 necessary to provide for operational expenses of the committee formed under this section.
12 Any member of the committee, as well as any administrator, staff member, consultant,
13 agent or employee of the committee, acting within the scope of his or her duties and
14 without actual malice and, all other persons who furnish information to the committee in
15 good faith and without actual malice, shall not be liable for any claim of damages as a
16 result of any statement, decision, opinion, investigation or action taken by the committee
17 or by any individual member of the committee.

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

23 4. All records and proceedings of the committee which pertain or refer to a licensee
24 who may be, or who actually is, impaired shall be privileged and confidential and shall be
25 used by the committee and its members only in the exercise of the proper function of the
26 committee and shall not be considered public records under chapter 610, RSMo, and shall
27 not be subject to court subpoena or subject to discovery or introduction as evidence in any
28 civil, criminal, or administrative proceedings except as provided in subsection 5 of this
29 section.

30 5. The committee may disclose information relative to an impaired licensee only
31 when:

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

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

36 (3) The committee is required to make a report to the board.

37 6. In lieu of the pursuing discipline against a licensee for violating one or more
38 causes stated in subsection 2 of section 338.055, the board may enter into a diversion
39 agreement with a licensee to refer the licensee to the committee under such terms and
40 conditions as are agreed to by the board and licensee. The board shall enter into no more
41 than two diversion agreements with any individual licensee. If the licensee violates a term
42 or condition of a diversion agreement entered into under this section, the board may elect
43 to pursue discipline against the licensee under chapter 621, RSMo, for the original conduct
44 that resulted in the diversion agreement, or for any subsequent violation of subsection 2
45 of section 338.055. While the licensee participates in the committee, the time limitations
46 of section 620.154, RSMo, shall toll under subsection 7 of section 620.154, RSMo. All

47 records pertaining to diversion agreements are confidential and may only be released
48 under subdivision (7) of subsection 14 of section 620.010, RSMo.

49 **7. The committee shall report to the board the name of any licensee who fails to**
50 **enter treatment within forty-eight hours following the provider's determination that the**
51 **pharmacist needs treatment or any failure by a licensee to comply with the terms of a**
52 **treatment contract during inpatient or outpatient treatment or aftercare or report a**
53 **licensee who resumes the practice of pharmacy before the treatment provider has made a**
54 **clear determination that the pharmacist is capable of practicing according to acceptable**
55 **and prevailing standards.**

56 **8. The board may disclose information and records to the committee to assist the**
57 **committee in the identification, intervention, treatment, and rehabilitation of any licensee**
58 **who may be impaired by reason of illness, substance abuse, or as the result of any physical**
59 **or mental condition. The committee shall keep all information and records provided by**
60 **the board confidential to the extent the board is required to treat the information and**
61 **records as closed to the public under chapter 620, RSMo.**

62 **9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
63 **that is created under the authority delegated in this section shall become effective only if**
64 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
65 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
66 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
67 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
68 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
69 **adopted after August 28, 2005, shall be invalid and void.**

338.560. Any provision of the law to the contrary notwithstanding, the board of
2 **pharmacy shall prepare and maintain an equitable salary schedule for professional staff**
3 **that are employees of the board. The positions and classification plan for personnel**
4 **attributed to the inspection of licensed entities within this chapter shall allow for a**
5 **comparison of such positions with similar positions in adjoining states. Board of pharmacy**
6 **professional positions shall not be compensated at more than ninety percent parity for**
7 **corresponding positions within adjoining states for pharmacists employed in those**
8 **positions.**

344.040. 1. Every license issued under this chapter shall expire on June thirtieth of the
2 **year following the year of issuance and [each] every other year thereafter, provided that**
3 **licenses issued or renewed during the year 2006 may be issued or renewed by the board for**
4 **a period of either one or two years, as provided by rule. Licensees seeking renewal shall,**
5 **during the month of May of [each] the year of renewal, file an application for renewal on forms**

6 furnished by the board, which shall include evidence satisfactory to the board of completion of
7 the approved continuing education hours required by the board, and shall be accompanied by a
8 renewal fee [of fifty dollars] **as provided by rule** payable to the [director] **department of**
9 **[revenue] health and senior services.**

10 2. Upon receipt of an incomplete application for renewal, the board shall grant the
11 applicant a temporary permit which shall be in effect for thirty days. The applicant is required
12 to submit the required documentation or fee within the thirty-day period, or the board may refuse
13 to renew his application. The thirty-day period can be extended for good cause shown for an
14 additional thirty days. Upon receipt of the approved continuing education credits or other
15 required documentation or fee within the appropriate time period, the board shall issue [an
16 annual] **a** license.

17 3. The board shall renew the license of an applicant who has met all of the requirements
18 for renewal.

19 4. As a requirement for renewal of license, the board may require not more than
20 forty-eight clock hours of continuing education a year. The continuing education provided for
21 under this section shall be approved by the board. There shall be a separate, nonrefundable fee
22 for each single offering provider. The board shall set the amount of fee for any single offering
23 provided by rules and regulations promulgated pursuant to section 536.021, RSMo. The fee shall
24 be set at a level to produce revenue which shall not substantially exceed the cost and expense in
25 administering and reviewing any single offering.

26 5. By April first of each year, the board shall mail an application for renewal of license
27 to every person [for whom a] **whose** license [was issued or] **shall be** renewed during the current
28 year. The applicant must submit such information as will enable the board to determine if the
29 applicant's license should be renewed. Information provided in the application shall be given
30 under oath.

31 6. Any licensee who fails to apply to renew his license by June thirtieth **of the licensee's**
32 **year of renewal** may be relicensed by the board if he meets the requirements set forth by the
33 board pursuant to sections 344.010 to 344.100 and pays the [fifty-dollar] renewal fee **required**
34 **by rule**, plus a penalty of twenty-five dollars. No action shall be taken by the board in addition
35 to a penalty of twenty-five dollars imposed by this section against any such licensee whose
36 license has not expired for a period of more than two months, and who has had no action in the
37 preceding five years taken against them by the board, and who has met all other licensure
38 requirements by June thirtieth **of the year of renewal**; provided, however, that nothing in this
39 section shall prevent the board from taking any other disciplinary action against a licensee if
40 there shall exist a cause for discipline pursuant to section 344.050. A person whose license has

41 expired for a period of more than twelve months must meet the requirements set out in section
42 344.030 for initial licensure.

374.710. 1. Except as otherwise provided in sections 374.695 to 374.775, no person or
2 other entity shall practice as a bail bond agent or general bail bond agent, as defined in section
3 374.700, in Missouri unless and until the department has issued to him or her a license, to be
4 renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail
5 bond agent.

6 2. An applicant for a bail bond and general bail bond agent license shall submit with the
7 application proof that he or she has received twenty-four hours of initial basic training in areas
8 of instruction in subjects determined by the director deemed appropriate to professionals in the
9 bail bond profession **and that he or she is a member of a statewide professional association**
10 **established to represent the interest of such bail bond and general bail bond agents. The**
11 **director of the department shall establish the requirements that an association must meet**
12 **in order for it to be a recognized statewide professional association of which an applicant**
13 **may be a member in order to be licensed as a bail bond or general bail bond agent. The**
14 **director of the department shall not mandate membership in any particular association.**
15 Bail bond agents and general bail bond agents who are licensed at the date which this act
16 becomes law shall be exempt from such twenty-four hours of initial basic training.

17 3. In addition to the twenty-four hours of initial basic training to become a bail bond
18 agent or general bail bond agent, there shall be eight hours of biennial continuing education for
19 all bail bond agents and general bail bond agents to maintain their state license. The director
20 shall determine said appropriate areas of instruction for said biennial continuing education. The
21 director shall determine which institutions, organizations, associations, and individuals shall be
22 eligible to provide the initial basic training and the biennial continuing education instruction.
23 The department may allow state institutions, organizations, associations, or individuals to
24 provide courses for the initial basic training and the biennial continuing education training. The
25 cost shall not exceed two hundred dollars for the initial basic training and one hundred fifty
26 dollars for biennial continuing education.

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

31 5. Nothing in sections 374.695 to 374.775 shall be construed to prohibit any person from
32 posting or otherwise providing a bail bond in connection with any legal proceeding, provided
33 that such person receives no fee, remuneration or consideration therefor.

34 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
35 **that is created under the authority delegated in this section shall become effective only if**
36 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
37 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
38 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
39 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
40 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
41 **adopted after August 28, 2005, shall be invalid and void.**

 374.730. All licenses issued to bail bond agents and general bail bond agents under the
2 provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be
3 in the form and manner prescribed by the department and shall be accompanied by the renewal
4 fee set by the department **and proof of continuing membership in a statewide professional**
5 **association recognized by the department as provided for in section 374.710.**

 374.783. 1. No person shall hold himself or herself out as being a surety recovery agent
2 in this state, unless such person is licensed in accordance with the provisions of sections 374.783
3 to 374.789. Licensed bail bond agents and general bail bond agents may perform fugitive
4 recovery without being licensed as a surety recovery agent.

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

8 3. **Any applicant for a surety recovery agent license must show proof of**
9 **membership in a statewide professional association established to represent the interest of**
10 **such surety recovery agents. The director of the department shall establish the**
11 **requirements that an association must meet in order for it to be a recognized statewide**
12 **professional association of which an applicant may be a member in order to be licensed as**
13 **a surety recovery agent. Any rule or portion of a rule, as that term is defined in section**
14 **536.010, RSMo, that is created under the authority delegated in this section shall become**
15 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
16 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
17 **nonseverable and if any of the powers vested with the general assembly pursuant to**
18 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
19 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
20 **rule proposed or adopted after August 28, 2005, shall be invalid and void.**

21 4. Notwithstanding the provisions of this section to the contrary, the director shall
22 have the power to:

23 (1) Set and determine the amount of the fees authorized and required pursuant to sections
24 374.783 to 374.789. The fees shall be set at a level sufficient to produce revenue which shall not
25 substantially exceed the cost and expense of administering sections 374.783 to 374.789.
26 However, such fees shall not exceed one hundred fifty dollars for a two-year license; and

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

28 [4.] 5. The director shall license for a period of two years all surety recovery agents in
29 this state who meet the requirements of sections 374.783 to 374.789.

374.786. 1. Every person licensed pursuant to sections 374.783 to 374.789 shall, before
2 the license renewal date, apply to the director for renewal for the ensuing licensing period. The
3 application shall be made on a form furnished to the applicant and shall state the applicant's full
4 name, the applicant's business address, the address at which the applicant resides, the date the
5 applicant first received a license, and the applicant's surety recovery agent identification number,
6 if any. **The application must be accompanied by written proof of continuing membership**
7 **in a statewide professional association recognized by the department as provided for in**
8 **section 374.783.**

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

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

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

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

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

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

- 11 (3) "Athletic director", an individual responsible for administering the overall athletic
12 program of an educational institution or if an educational institution has separately administered
13 athletic programs for male students and female students, the athletic program for males or the
14 athletic program for females, as appropriate;
- 15 (4) "Contact", a direct or indirect communication between an athlete agent and a student
16 athlete to recruit or solicit the student athlete to enter into an agency contract;
- 17 (5) "Director", the director of the division of professional registration;
- 18 (6) "Division", the division of professional registration;
- 19 (7) "Endorsement contract", an agreement under which a student athlete is employed or
20 receives consideration to use on behalf of the other party any value that the student athlete may
21 have because of publicity, reputation, following, or fame obtained because of athletic ability or
22 performance;
- 23 (8) "Intercollegiate sport", a sport played at the collegiate level for which eligibility
24 requirements for participation by a student athlete are established by a national association for
25 the promotion or regulation of collegiate athletics;
- 26 (9) "Person", an individual, corporation, business trust, estate, trust, partnership, limited
27 liability company, association, joint venture, government, governmental subdivision, agency, or
28 instrumentality, public corporation, or any other legal or commercial entity;
- 29 (10) "Professional sports services contract", an agreement under which an individual is
30 employed or agrees to render services as a player on a professional sports team, with a
31 professional sports organization, or as a professional athlete;
- 32 (11) "Record", information that is inscribed on a tangible medium or that is stored in an
33 electronic or other medium and is retrievable in perceivable form;
- 34 (12) "Registration", registration as an athlete agent under sections 436.215 to 436.272;
- 35 (13) "State", a state of the United States, the District of Columbia, Puerto Rico, the
36 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of
37 the United States;
- 38 (14) "Student athlete", [an individual] **a current student** who engages in, **has engaged**
39 **in**, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport.
40 [If an individual is permanently ineligible to participate in a particular intercollegiate sport the
41 individual is not a student athlete for purposes of that sport.]

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

- 3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or
5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

12 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
13 courthouse, or church building; or

14 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
15 across a public highway or discharges or shoots a firearm into any outbuilding; or

16 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
17 or place where people have assembled for worship, or into any election precinct on any election
18 day, or into any building owned or occupied by any agency of the federal government, state
19 government, or political subdivision thereof; or

20 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
21 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or
22 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

23 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
24 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
25 sponsored or sanctioned by school officials or the district school board.

26 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
27 not apply to or affect any of the following:

28 (1) All state, county and municipal peace officers who have completed the training
29 required by the police officer standards and training commission pursuant to sections 590.030
30 to 590.050, RSMo, and possessing the duty and power of arrest for violation of the general
31 criminal laws of the state or for violation of ordinances of counties or municipalities of the state,
32 whether such officers are on or off duty, and whether such officers are within or outside of the
33 law enforcement agency's jurisdiction, or any person summoned by such officers to assist in
34 making arrests or preserving the peace while actually engaged in assisting such officer;

35 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
36 institutions for the detention of persons accused or convicted of crime;

37 (3) Members of the armed forces or national guard while performing their official duty;

38 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
39 judicial power of the state and those persons vested by Article III of the Constitution of the
40 United States with the judicial power of the United States, the members of the federal judiciary;

41 (5) Any person whose bona fide duty is to execute process, civil or criminal;

42 (6) Any federal probation officer;

43 (7) Any state probation or parole officer, including supervisors and members of the
44 board of probation and parole;

45 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
46 of the regulations established by the board of police commissioners under section 84.340, RSMo;
47 [and]

48 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; **and**

49 **(10) Any licensed private investigator meeting the definition and fulfilling the**
50 **requirements of the rules and regulations established by the board of private investigator**
51 **examiners pursuant to sections 324.1100 to 324.1148, RSMo, and meets the requirements**
52 **established by the police officers standard and training board relevant to only the firearm**
53 **and training qualifications of a police officer under chapter 590, RSMo.**

54 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
55 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
56 ammunition is not readily accessible or when such weapons are not readily accessible.
57 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
58 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
59 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
60 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
61 his or her dwelling unit or upon premises over which the actor has possession, authority or
62 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
63 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
64 a person while traversing school premises for the purposes of transporting a student to or from
65 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
66 firearm-related event.

67 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
68 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
69 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
70 political subdivision of another state.

71 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
72 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031,
73 RSMo.

74 6. Nothing in this section shall make it unlawful for a student to actually participate in
75 school-sanctioned gun safety courses, student military or ROTC courses, or other
76 school-sponsored firearm-related events, provided the student does not carry a firearm or other
77 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises

78 of any other function or activity sponsored or sanctioned by school officials or the district school
79 board.

80 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
81 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
82 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
83 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
84 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
85 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
86 a class A felony.

87 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
88 follows:

89 (1) For the first violation a person shall be sentenced to the maximum authorized term
90 of imprisonment for a class B felony;

91 (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person
92 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
93 the possibility of parole, probation or conditional release for a term of ten years;

94 (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a
95 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony
96 without the possibility of parole, probation, or conditional release;

97 (4) For any violation which results in injury or death to another person, a person shall
98 be sentenced to an authorized disposition for a class A felony.

99 9. Any person knowingly aiding or abetting any other person in the violation of
100 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
101 prescribed by this section for violations by other persons.

**620.1900. 1. As used in this section the term "licensing authority" shall mean any
2 department, division, board, agency, or instrumentality of this state that issues a license
3 under sections 209.319 to 209.339, RSMo, sections 256.010 to 256.453, RSMo, section
4 375.014, RSMo, and chapters 324 to 340, RSMo, and chapters 344 to 346, RSMo. Any
5 board or commission assigned to the division of professional registration after the effective
6 date of this section shall be included in the definition of a licensing authority.**

7 **2. With regard to any licensee who has been issued a notice under section 143.777,
8 RSMo, the licensing authority shall enter a suspension of the applicable license on the
9 effective date set out in the notice, unless the licensee has presented a tax compliance letter,
10 or has timely filed for review in the administrative hearing commission as provided under
11 section 143.778, RSMo.**

12 **3. The suspension shall be processed by the licensing authority without any**
13 **additional review or hearing by such licensing authority.**

14 **4. The suspension shall continue until a tax compliance letter is issued by the**
15 **director of the department of revenue.**

16 **5. If a license is suspended under sections 143.775 to 143.779, RSMo, any funds**
17 **paid by the licensee to the licensing authority for costs related to issuance, renewal or**
18 **maintenance of a license shall not be refunded to the licensee.**

19 **6. During any period of suspension imposed under sections 143.775 to 143.779,**
20 **RSMo, the licensee shall continue to pay all license or license renewal fees and obtain all**
21 **continuing education hours as required by the licensing authority's statutes and**
22 **regulations.**

23 **7. A licensee who continues to engage in the business, occupation, profession or**
24 **other licensed activity while the license is suspended under sections 143.775 to 143.779,**
25 **RSMo, is guilty of a class A misdemeanor. The licensing authority may refer the licensee**
26 **to the appropriate prosecuting or circuit attorney or the attorney general for prosecution**
27 **under this section, in addition to any other remedy provided by law for engaging in a**
28 **licensed activity without a license or while a license is suspended.**

29 **8. The licensing authority shall be exempt from liability to the licensee for activities**
30 **conducted under sections 143.775 to 143.779, RSMo, or this section.**

31 **9. The licensing authority shall not modify, remand, reverse, vacate or stay a**
32 **suspension; except that, if the director of revenue certifies that an error has been made by**
33 **the department or if an error is made by the licensing authority, the licensing authority**
34 **may expunge the suspension from the licensee's permanent record.**

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

7 Missouri State Board of Accountancy

8 Missouri Board [of Registration] for Architects, [Professional] Engineers [and], Land
9 Surveyors **and Landscape Architects**

10 Board of Barber Examiners

11 Board of Cosmetology

12 Board of Chiropody and Podiatry

13 Board of Chiropractic Examiners

14 Missouri Dental Board
15 Board of Embalmers and Funeral Directors
16 Board of Registration for the Healing Arts
17 Board of Nursing
18 Board of Optometry
19 Board of Pharmacy
20 Missouri Real Estate Commission
21 Missouri Veterinary Medical Board
22 Supervisor of Liquor Control
23 Department of Health and Senior Services
24 Department of Insurance
25 Department of Mental Health

26 **Board of Private Investigator Examiners**

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

30 3. Notwithstanding any other provision of this section to the contrary, after August 28,
31 1995, in order to encourage settlement of disputes between any agency described in subsection
32 1 or 2 of this section and its licensees, any such agency shall:

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

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

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

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

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

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

**Section 1. 1. Beginning August 28, 2008, any sonographer or vascular technologist
2 who, as a Medicaid provider, provides the technical component of a diagnostic ultrasound
3 service shall be credentialed in the appropriate modality by the American Registry for
4 Diagnostic Medical Sonography (ARDMS) or by Cardiovascular Credentialing
5 International (CCI), or shall practice in a laboratory accredited by the American Institute
6 on Ultrasound in Medicine (AIUM), the American Society for the Inter-Societal
7 Accreditation of Vascular Laboratories (ASICAVL), or the Inter-Societal Commission or
8 the Accreditation of Echocardiography Laboratories (ICAEL).**

9 **2. For purposes of this section, "sonographer or vascular technologist" means any
10 nonphysician who is qualified by national credentialing to perform diagnostic medical
11 ultrasound. A sonographer or vascular technologist may also be known as an ultrasound
12 technologist or sonologist.**

13 **3. Any sonographer or vascular technologist who is credentialed as required in
14 subsection 1 of this section shall, in performing a diagnostic ultrasound, perform the work
15 under the supervision of a physician or surgeon licensed under chapter 334, RSMo.**

16 **4. A health care facility or provider wishing to secure coverage and payment under
17 the Medicaid program for diagnostic ultrasound services shall develop policies and
18 procedures to implement the requirements of this section.**

19 **5. This section and policies and procedures adopted under this section shall not**
20 **prohibit any physician or surgeon licensed in this state from performing the technical**
21 **component of a diagnostic ultrasound.**

 [324.010. All governmental entities issuing professional licenses,
2 certificates, registrations, or permits pursuant to sections 209.319 to 209.339,
3 RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo,
4 section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317,
5 RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue
6 with the name and Social Security number of each applicant for licensure with
7 or licensee of such entities within one month of the date the application is filed
8 or at least one month prior to the anticipated renewal of a licensee's license. If
9 such licensee is delinquent on any state taxes or has failed to file state income tax
10 returns in the last three years, the director shall then send notice to each such
11 entity and licensee. In the case of such delinquency or failure to file, the
12 licensee's license shall be suspended within ninety days after notice of such
13 delinquency or failure to file, unless the director of revenue verifies that such
14 delinquency or failure has been remedied or arrangements have been made to
15 achieve such remedy. The director of revenue shall, within ten business days of
16 notification to the governmental entity issuing the professional license that the
17 delinquency has been remedied or arrangements have been made to remedy such
18 delinquency, send written notification to the licensee that the delinquency has
19 been remedied. Tax liability paid in protest or reasonably founded disputes with
20 such liability shall be considered paid for the purposes of this section.]
21

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

member whose term shall be for two years, one member whose term shall be for three years, and one member whose term shall be for four years. Each member shall take the oath provided by law for public officers. Vacancies on the board shall be filled by appointment by the governor.]

[328.040. The board shall annually elect from its number a president, vice president, and secretary-treasurer, shall have its headquarters in Jefferson City, Missouri, may employ such board personnel, as defined in subdivision (4) 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 received from time to time as fees as provided by law, shall have a common seal, and the president and vice president shall have the power to administer oaths. A majority of the board, in meeting duly assembled, may perform the duties and exercise the powers devolving upon the board under the provisions of this chapter.]

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

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

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

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

10

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
6 performance of the usual and ordinary duties of their vocation.]

6

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.]

6

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.

6

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.

12

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
submitted by the director of the division of professional registration. The duties

of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure. Any member who is a school owner shall not be allowed access to the testing and examination materials nor to attend the administration of the examinations, except when such member is being examined for licensure.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.]

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

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

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

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

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
willing to fill the vacancy in question, with the request and recommendation that

the governor appoint one of the five persons so listed, and with the list so submitted, the president of the American Counseling Association of Missouri shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

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

4. Each member of the committee shall receive as compensation, an 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 expenses incurred in the performance of his or her official duties. All staff for the committee shall be provided by the division.

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

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

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

[337.739. 1. There is created and established the "State Committee of Marital and Family Therapists" which shall consist of four family and marital therapists and two voting public members. The committee shall be appointed by the governor with the advice and consent of the senate. Committee members shall serve for a term of five years, except for the members first appointed, one public member and one other member shall be appointed for five years, two members shall be appointed for four years, the other public member and one other member appointed for three years. No person shall be eligible for 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.