

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 780

94TH GENERAL ASSEMBLY

Reported from the Special Committee on Professional Registration and Licensing March 1, 2007 with recommendation that House Committee Substitute for House Bill No. 780 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 7, 2007 with recommendation that the House Committee Substitute for House Bill No. 780 Do Pass by Consent.

Perfected by Consent March 14, 2007.

D. ADAM CRUMBLISS, Chief Clerk

2034L.04P

AN ACT

To repeal sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof eighteen new sections relating to the division of professional registration, with penalty provisions.

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

Section A. Sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, 339.533, and 660.315, to read as follows:

41.950. 1. Any resident of this state who is a member of the national guard or of any reserve component of the armed forces of the United States or who is a member of the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard or an officer of the United States Public Health Service

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.

5 detailed by proper authority for duty with any branch of the United States armed forces described
6 in this section and who is engaged in the performance of active duty in the military service of the
7 United States in a military conflict in which reserve components have been called to active duty
8 under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order
9 by the President or Congress for any period of thirty days or more shall be relieved from certain
10 provisions of state law, as follows:

11 (1) No person performing such military service who owns a motor vehicle shall be
12 required to maintain financial responsibility on such motor vehicle as required under section
13 303.025, RSMo, until such time as that person completes such military service, unless any
14 person shall be operating such motor vehicle while the vehicle owner is performing such military
15 service;

16 (2) No person failing to renew his driver's license while performing such military service
17 shall be required to take a complete examination as required under section 302.173, RSMo, when
18 renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for
20 any person performing such military service may be renewed by such person within sixty days
21 of completing such military service without being required to pay a delinquent registration fee;
22 however, such motor vehicle shall not be operated while the person is performing such military
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or
25 certified under chapter 168, 256, 289, 317, **324**, 325, 326, 327, 328, 329, 330, 331, 332, 333,
26 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, **and**
27 **interpreters licensed under sections 209.319 to 209.339, RSMo**, whose license, registration
28 or certification expires while performing such military service, may renew such license,
29 registration or certification within sixty days of completing such military service without penalty;

30 (5) In the case of annual reports, franchise tax reports or other reports required to be filed
31 with the office of secretary of state, where the filing of such report would be delayed because of
32 a person performing such military service, such reports shall be filed without penalty within one
33 hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file
38 financial disclosure reports shall be required to file such reports while performing such military
39 service; however, such reports covering that period of time that such military service is

40 performed shall be filed within one hundred eighty days after the completion of such military
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or
43 property tax on personal or real property who is performing such military service or a spouse of
44 such person filing a combined return or owning property jointly shall be granted an extension
45 to file any papers or to pay any obligation until one hundred eighty days after the completion of
46 such military service or continuous hospitalization as a result of such military service
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed
48 to pay such tax without penalty or interest if paid within the one-hundred-eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the
52 return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any
54 administrative action against any person performing such military service for that person's failure
55 to take any required action or meet any required obligation not already provided for in
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of
57 such military service, except that any agency, board, commission or administrative tribunal
58 affected by this subdivision may, in its discretion, extend the time required to take such action
59 or meet such obligation beyond the one-hundred-eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,
61 board, commission or administrative tribunal where the person performing such military service
62 is a necessary party, which occurs during such period of military service, shall be stayed by the
63 administrative entity before which it is pending until sixty days after the end of such military
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate
66 agency, board, commission or administrative tribunal an official order from the appropriate
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual defined in subsection 1 of
69 this section who performs such military service on or after August 2, 1990.

214.275. 1. No endowed care or nonendowed care cemetery shall be operated in this
2 state unless the owner or operator thereof has a license issued by the division and complies with
3 all applicable state, county or municipal ordinances and regulations.

4 2. It shall not be unlawful for a person who does not have a license to care for or
5 maintain the cemetery premises, or to fulfill prior contractual obligations for the interment of
6 human remains in burial spaces.

7 3. Applications for a license shall be in writing, submitted to the division on forms
8 prescribed by the division. The application shall contain such information as the division deems
9 necessary and be accompanied by the required fee.

10 4. Each license issued pursuant to sections 214.270 to 214.516 shall be renewed prior
11 to the license renewal date established by the division. The division shall issue a new license
12 upon receipt of a proper renewal application, **trust fund report as required by section 214.340,**
13 and the required renewal fee. The required renewal fee shall be fifty dollars, plus an assessment
14 for each interment, inurnment or other disposition of human remains at a cemetery for which a
15 charge is made, as the division shall by rule determine, not to exceed ten dollars per such
16 disposition in the case of an endowed care cemetery, and six dollars for such disposition in the
17 case of a nonendowed care cemetery. The division shall mail a renewal notice to the last known
18 address of the holder of the license prior to the renewal date. The holder of a license shall keep
19 the division advised of the holder's current address. The license issued to the owner or operator
20 of a cemetery which is not renewed within three months after the license renewal date shall be
21 suspended automatically, subject to the right of the holder to have the suspended license
22 reinstated within nine months of the date of suspension if the person pays the required
23 reinstatement fee. Any license suspended and not reinstated within nine months of the
24 suspension shall expire and be void and the holder of such license shall have no rights or
25 privileges provided to holders of valid licenses. Any person whose license has expired may,
26 upon demonstration of current qualifications and payment of required fees, be reregistered or
27 reauthorized under the person's original license number.

28 5. The division shall grant or deny each application for a license pursuant to this section
29 within ninety days after it is filed, and no prosecution of any person who has filed an application
30 for such license shall be initiated unless it is shown that such application was denied by the
31 division and the owner was notified thereof.

32 6. Upon the filing of a completed application, as defined by rule, the applicant may
33 operate the business until the application is acted upon by the division.

34 7. Within thirty days after the sale or transfer of ownership or control of a cemetery, the
35 transferor shall return his or her license to the division. A prospective purchaser or transferee
36 of a cemetery shall file an application for a license at least thirty days prior to the sale or transfer
37 of ownership or control of a cemetery and shall be in compliance with sections 214.270 to
38 214.516.

 214.340. 1. Each operator of an endowed care cemetery shall maintain at an office in
2 the cemetery or, if the cemetery has no office in the cemetery, at an office within a reasonable
3 distance of the cemetery, the reports of the endowed care fund's operation for the preceding seven
4 years. Each report shall contain, at least, the following information:

- 5 (1) Name and address of the trustee of the endowed care fund and the depository, if
6 different from the trustee;
- 7 (2) Balance per previous year's report;
- 8 (3) Principal contributions received since previous report;
- 9 (4) Total earnings since previous report;
- 10 (5) Total distribution to the cemetery operator since the previous report;
- 11 (6) Current balance;
- 12 (7) A statement of all assets listing cash, real or personal property, stocks, bonds, and
13 other assets, showing cost, acquisition date and current market value of each asset;
- 14 (8) Total expenses, excluding distributions to cemetery operator, since previous report;
15 and
- 16 (9) A statement of the cemetery's total acreage and of its developed acreage.
- 17 2. Subdivisions (1) through (7) of the report described in subsection 1 above shall be
18 certified to under oath as complete and correct by a corporate officer of the trustee. Subdivision
19 (8) of such report shall be certified under oath as complete and correct by an officer of the
20 cemetery operator. Both the trustee and cemetery operator or officer shall be subject to the
21 penalty of making a false affidavit or declaration.
- 22 3. The report shall be placed in the cemetery's office within ninety days of the close of
23 the trust's fiscal year. A copy of this report shall be filed by the cemetery operator with the
24 division of professional registration [within ninety days of the close of the trust fund's fiscal year]
25 **as condition of license renewal as required by subsection 4 of section 214.275.** The report
26 shall not be sent to the state board of embalmers and funeral directors.
- 27 4. Each cemetery operator who establishes a segregated account pursuant to subsection
28 1 of section 214.385 shall file with the report required under subsection 1 of this section a
29 segregated account report that shall provide the following information:
- 30 (1) The number of monuments, markers and memorials that have been deferred for
31 delivery by purchase designation;
- 32 (2) The aggregate wholesale cost of all such monuments, markers and memorials; and
- 33 (3) The amount on deposit in the segregated account established pursuant to section
34 214.385, and the account number.

333.011. As used in this chapter, unless the context requires otherwise, the following
2 terms have the meanings indicated:

- 3 (1) "Board", the state board of embalmers and funeral directors created by this chapter;
- 4 (2) "Embalmer", any individual licensed to engage in the practice of embalming;
- 5 (3) "Funeral director", any individual licensed to engage in the practice of funeral
6 directing;

7 (4) "Funeral establishment", a building, place, **crematory**, or premises devoted to or
8 used in the care and preparation for burial or transportation of the human dead and includes every
9 building, place or premises maintained for that purpose or held out to the public by advertising
10 or otherwise to be used for that purpose;

11 (5) "Person" includes a corporation, partnership or other type of business organization;

12 (6) "Practice of embalming", the work of preserving, disinfecting and preparing by
13 arterial embalming, or otherwise, of dead human bodies for funeral services, transportation,
14 burial or cremation, or the holding of oneself out as being engaged in such work;

15 (7) "Practice of funeral directing", engaging by an individual in the business of
16 preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state
17 of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging
18 in the general control, supervision or management of the operations of a funeral establishment.

333.121. 1. The board may refuse to issue any certificate of registration or authority,
2 permit or license required pursuant to this chapter for one or any combination of causes stated
3 in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for
4 the refusal and shall advise the applicant of his right to file a complaint with the administrative
5 hearing commission as provided by chapter 621, RSMo.

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

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

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

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

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

- 25 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
26 in the performance of the functions or duties of any profession licensed or regulated by this
27 chapter;
- 28 (6) Violation of, or assisting or enabling any person to violate, any provision of this
29 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- 30 (7) Impersonation of any person holding a certificate of registration or authority, permit
31 or license or allowing any person to use his or her certificate of registration or authority, permit,
32 license or diploma from any school;
- 33 (8) Disciplinary action against the holder of a license or other right to practice any
34 profession regulated by this chapter granted by another state, territory, federal agency or country
35 upon grounds for which revocation or suspension is authorized in this state;
- 36 (9) A person is finally adjudged insane or incompetent by a court of competent
37 jurisdiction;
- 38 (10) Assisting or enabling any person to practice or offer to practice any profession
39 licensed or regulated by this chapter who is not registered and currently eligible to practice under
40 this chapter;
- 41 (11) Issuance of a certificate of registration or authority, permit or license based upon
42 a material mistake of fact;
- 43 (12) Failure to display a valid certificate or license if so required by this chapter or any
44 rule promulgated hereunder;
- 45 (13) Violation of any professional trust or confidence;
- 46 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
47 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 48 (15) Violation of any of the provisions of chapter 193, RSMo, chapter 194, RSMo, or
49 chapter 436, RSMo;
- 50 (16) Presigning a death certificate or signing a death certificate on a body not embalmed
51 by, or under the personal supervision of, the licensee;
- 52 (17) Obtaining possession of or embalming a dead human body without express
53 authority to do so from the person entitled to the custody or control of the body;
- 54 (18) Failure to execute and sign the [reverse side of a] death certificate on a body
55 embalmed by, or under the personal supervision of, a licensee;
- 56 (19) Failure or refusal to properly guard against contagious, infectious or communicable
57 diseases or the spread thereof;
- 58 (20) Willfully and through undue influence selling a funeral;
- 59 (21) Refusing to surrender a dead human body upon request by the next of kin, legal
60 representative or other person entitled to the custody and control of the body.

61 3. After the filing of such complaint, the proceedings shall be conducted in accordance
62 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
63 commission that the grounds, provided in subsection 2, for disciplinary action are met, the board
64 may, singly or in combination, censure or place the person named in the complaint on probation
65 on such terms and conditions as the board deems appropriate for a period not to exceed five
66 years, or may suspend, for a period not to exceed three years, or revoke the license, certificate,
67 or permit.

 334.610. Any person who holds himself or herself out to be a physical therapist or a
2 licensed physical therapist within this state or any person who advertises as a physical therapist
3 or claims that the person can render physical therapy services and who, in fact, does not hold a
4 valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall
5 be punished as provided by law. Any person who, in any manner, represents himself or herself
6 as a physical therapist, or who uses in connection with such person's name the words or letters
7 "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.",
8 "R.P.T.", or any other letters, words, abbreviations or insignia, indicating or implying that the
9 person is a physical therapist without a valid existing license as a physical therapist issued to
10 such person pursuant to the provisions of sections 334.500 to 334.620, is guilty of a class B
11 misdemeanor. Nothing in sections 334.500 to 334.620 shall prohibit any person licensed in this
12 state under chapter 331, RSMo, from carrying out the practice for which the person is duly
13 licensed, or from advertising the use of physiologic and rehabilitative modalities; nor shall it
14 prohibit any person licensed or registered in this state under section 334.735 or any other law
15 from carrying out the practice for which the person is duly licensed or registered; nor shall it
16 prevent professional and semiprofessional teams, schools, YMCA clubs, athletic clubs and
17 similar organizations from furnishing treatment to their players and members. This section, also,
18 shall not be construed so as to prohibit masseurs and masseuses from engaging in their practice
19 not otherwise prohibited by law and provided they do not represent themselves as physical
20 therapists. This section shall not apply to physicians and surgeons licensed under this chapter
21 **or to a person in an entry level of a professional education program approved by the**
22 **commission for accreditation of physical therapists and physical therapist assistant**
23 **education (CAPTE) who is satisfying supervised clinical education requirements related**
24 **to the person's physical therapist or physical therapist assistant education while under**
25 **onsite supervision of a physical therapist; or to a physical therapist who is practicing in the**
26 **United States Armed Services, United States Public Health Service, or Veterans**
27 **Administration under federal regulations for state licensure for healthcare providers.**

 334.625. 1. There is hereby established an "Advisory Commission for Physical
2 Therapists" which shall guide, advise and make recommendations to the board. The commission

3 shall approve the examination required by section 334.530 and shall assist the board in carrying
4 out the provisions of sections 334.500 to 334.620.

5 2. The commission shall be appointed no later than October 1, 1989, and shall consist
6 of five members appointed by the governor with the advice and consent of the senate. Each
7 member shall be a citizen of the United States and a resident of this state[, and shall be licensed
8 as a physical therapist by this state] **and four shall be licensed as physical therapists by this**
9 **state, and one shall be licensed as a physical therapist assistant by this state.** Members shall
10 be appointed to serve three-year terms, except that the first commission appointed shall consist
11 of one member whose term shall be for one year; two members whose terms shall be for three
12 years; and two members whose terms shall be for two years. The president of the Missouri
13 Physical Therapy Association in office at the time shall, at least ninety days prior to the
14 expiration of the term of a commission member or as soon as feasible after a vacancy on the
15 commission otherwise occurs, submit to the director of the division of professional registration
16 a list of five physical therapists [qualified and willing to fill the vacancy in question, with the
17 request and recommendation that the governor appoint one of the five persons so listed, and with
18 the list so submitted, the president of the Missouri Physical Therapy Association shall include
19 in his or her letter of transmittal a description of the method by which the names were chosen
20 by that association] **if the commission member whose term is expiring is a physical therapist,**
21 **or five physical therapist assistants if the commission member whose term is expiring is a**
22 **physical therapist assistant, with the exception that the first commissioner to expire or**
23 **vacancy created on the commission after August 28, 2007, shall be filled by the**
24 **appointment of a physical therapist assistant. Each physical therapist and physical**
25 **therapist assistant on the list submitted to the division of professional registration shall be**
26 **qualified and willing to fill the vacancy in question, with the request and recommendation**
27 **that the governor appoint one of the five persons so listed, and with the list so submitted,**
28 **the president of the Missouri Physical Therapy Association shall include in his or her letter**
29 **of transmittal a description of the method by which the names were chosen by that**
30 **association.**

31 3. Notwithstanding any other provision of law to the contrary, any appointed member
32 of the commission shall receive as compensation an amount established by the director of the
33 division of professional registration not to exceed seventy dollars per day for commission
34 business plus actual and necessary expenses. The director of the division of professional
35 registration shall establish by rule guidelines for payment. All staff for the commission shall be
36 provided by the board of healing arts.

37 4. The commission shall hold an annual meeting at which it shall elect from its
38 membership a chairman and secretary. The commission may hold such additional meetings as

39 may be required in the performance of its duties, provided that notice of every meeting must be
40 given to each member at least ten days prior to the date of the meeting. A quorum of the board
41 shall consist of a majority of its members.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish
2 evidence to the committee that the applicant is at least eighteen years of age, is of good moral
3 character, is a United States citizen or is legally present in the United States; and

4 (1) The applicant has completed a course of study as defined by the board rule leading
5 to a master's, specialist's, or doctoral degree with a major in counseling; and

6 (2) The applicant has completed acceptable supervised counseling as defined by board
7 rule. If the applicant has a master's degree with a major in counseling as defined by board rule,
8 the applicant shall complete at least two years of acceptable supervised counseling experience
9 subsequent to the receipt of the master's degree. The composition and number of hours
10 comprising the acceptable supervised counseling experience shall be defined by board rule. An
11 applicant may substitute thirty semester hours of post master's graduate study for one of the two
12 required years of acceptable supervised counseling experience if such hours are clearly related
13 to counseling;

14 (3) After August 28, 2007, each applicant shall have completed a minimum of three
15 hours of graduate level coursework in diagnostic systems either in the curriculum leading to a
16 degree or as post master's graduate level course work;

17 (4) Upon examination, the applicant is possessed of requisite knowledge of the
18 profession, including techniques and applications, research and its interpretation, and
19 professional affairs and ethics.

20 2. Any person who previously held a valid unrevoked, unsuspended license as a
21 professional counselor in this state and who held a valid license as a professional counselor in
22 another state at the time of application to the committee shall be granted a license to engage in
23 professional counseling in this state upon application to the committee accompanied by the
24 appropriate fee as established by the committee pursuant to section 337.507.

25 3. Any person holding a current license, certificate of registration, or permit from another
26 state or territory of the United States to practice as a professional counselor **who is at least**
27 **eighteen years of age, is of good moral character, and is a United States citizen or is legally**
28 **present in the United States** may be granted a license without examination to engage in the
29 practice of professional counseling in this state upon the application to the board, payment of the
30 required fee as established by the board, and satisfying one of the following requirements:

31 (1) Approval by the American Association of State Counseling Boards (AASCB) or its
32 successor organization according to the eligibility criteria established by AASCB. The successor
33 organization shall be defined by board rule; or

34 (2) In good standing and currently certified by the National Board for Certified
35 Counselors or its successor organization and has completed acceptable supervised counseling
36 experience as defined by board rule. The successor organization shall be defined by board rule;
37 or

38 (3) Determination by the board that the requirements of the other state or territory are
39 substantially the same as Missouri and certified by the applicant's current licensing entity that
40 the applicant has a current license. The applicant shall also consent to examination of any
41 disciplinary history.

42 4. The committee shall issue a license to each person who files an application and fee
43 and who furnishes evidence satisfactory to the committee that the applicant has complied with
44 the provisions of this act and has taken and passed a written, open-book examination on Missouri
45 laws and regulations governing the practice of professional counseling as defined in section
46 337.500. The division shall issue a provisional professional counselor license to any applicant
47 who meets all requirements of this section, but who has not completed the required acceptable
48 supervised counseling experience and such applicant may reapply for licensure as a professional
49 counselor upon completion of such acceptable supervised counseling experience.

50 5. All persons licensed to practice professional counseling in this state shall pay on or
51 before the license renewal date a renewal license fee and shall furnish to the committee
52 satisfactory evidence of the completion of the requisite number of hours of continuing education
53 as required by rule, which shall be no more than forty hours biennially. The continuing
54 education requirements may be waived by the committee upon presentation to the committee of
55 satisfactory evidence of the illness of the licensee or for other good cause.

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

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

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

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

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

15 2. [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 otherwise qualified for licensure holding a current license, certificate of**
33 **registration, or permit from another state or territory of the United States or the District**
34 **of Columbia to practice marriage and family therapy may be granted a license without**
35 **examination to engage in the practice of marital and family therapy in this state upon**
36 **application to the state committee, payment of the required fee as established by the state**
37 **committee, and satisfaction of the following:**

38 **(1) Determination by the state committee that the requirements of the other state**
39 **or territory are substantially the same as Missouri;**

40 **(2) Verification by the applicant's licensing entity that the applicant has a current**
41 **license; and**

42 **(3) Consent by the applicant to examination of any disciplinary history in any state.**

43 3. The [division] **state committee** shall issue a license to each person who files an
44 application and fee as required by the provisions of sections 337.700 to 337.739[, and who
45 furnishes evidence satisfactory to the division that the applicant has complied with the provisions
46 of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2
47 of this section].

338.035. 1. Every person who desires to be licensed as an intern pharmacist shall file
2 with the board of pharmacy an application, on a form to be provided by the board of pharmacy.

3 2. If an applicant for an intern pharmacist license has complied with the requirements

4 of this section and with the rules and regulations of the board of pharmacy and is not denied a
5 license on any of the grounds listed in section 338.055, the board of pharmacy may issue to him
6 a license to practice as an intern pharmacist [for a period not to exceed one year].

7 3. Any intern pharmacist who wishes to renew his license shall within thirty days before
8 the license expiration date file an application for a renewal.

9 4. A licensed intern pharmacist may practice pharmacy only under the direct supervision
10 of a pharmacist licensed by the board.

11 5. The board of pharmacy shall promulgate rules and regulations which shall further
12 regulate the duties [and restrictions] of intern pharmacists and shall set the amount of the fees
13 which shall accompany the license and renewal applications for intern pharmacists.

14 6. No rule or portion of a rule promulgated under the authority of this chapter shall
15 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
16 RSMo.

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

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

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

24 3. All permits, licenses or renewal fees collected pursuant to the provisions of sections
25 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of
26 pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the
27 provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general
28 assembly.

29 **4. Class L: Veterinary permit shall not be construed to prohibit or interfere with**
30 **any legally registered practitioner of veterinary medicine in the compounding or**
31 **dispensing of their own prescriptions.**

 339.507. 1. There is hereby created within the division of professional registration of
2 the department of economic development the "Missouri Real Estate Appraisers Commission",
3 which shall consist of seven members appointed by the governor with the advice and consent of
4 the senate, six of whom shall be appraiser members, and one shall be a public member. Each
5 member shall be a resident of this state and a registered voter for a period of one year prior to the
6 person's appointment. The president of the Missouri Appraiser Advisory Council in office at the
7 time shall, at least ninety days prior to the expiration of the term of the commission member,
8 other than the public member, or as soon as feasible after the vacancy on the commission
9 otherwise occurs, submit to the director of the division of professional registration a list of five
10 appraisers qualified and willing to fill the vacancy in question, with the request and
11 recommendation that the governor appoint one of the five persons so listed, and with the list so
12 submitted, the president of the Missouri Appraiser Advisory Council shall include in his or her
13 letter of transmittal a description of the method by which the names were chosen by that
14 association. The public member shall have never been engaged in the businesses of real estate
15 appraisal, real estate sales or making loans secured by real estate. [The governor shall designate
16 one of the appraiser appointees to be chairperson.]

17 2. The real estate appraiser members appointed by the governor shall be Missouri
18 residents who have real estate appraisal experience in the state of Missouri for not less than five
19 years immediately preceding their appointment. [The real estate appraiser members appointed
20 to the commission shall be designated members in good standing of nationally recognized real
21 estate appraisal organizations that required, as of June 1, 1988, in order to become a designated
22 member, appraisal experience, education and testing, and recertification that is at least equal to
23 that required for certification or licensure pursuant to sections 339.500 to 339.549, provided that
24 not more than one member of the commission shall be a designated member of the same
25 nationally recognized real estate appraisal organization. Successor] Appraiser members of the
26 commission shall be appointed from the registry of state-certified real estate appraisers and
27 state-licensed real estate appraisers [and not more than one successor appraiser member of the
28 commission shall be a designated member in good standing of the same nationally recognized

29 real estate appraisal organization as provided in this subsection. The governor shall not exclude
30 a state-certified real estate appraiser or a state-licensed real estate appraiser from appointment
31 as a successor appraiser member of the commission by virtue of membership or lack of
32 membership of the state-certified real estate appraiser or state-licensed real estate appraiser in
33 any particular real estate appraisal organization].

34 3. [Of the initial members appointed, two members shall be appointed for one-year
35 terms, two members for two-year terms, and three members for three-year terms, provided that
36 the initial public member shall be appointed for a three-year term. All successor] **All** members
37 shall be appointed for three-year terms. All members shall serve until their successors have been
38 appointed and qualified. Vacancies occurring in the membership of the commission for any
39 reason shall be filled by appointment by the governor for the unexpired term. Upon expiration
40 of their terms, members of the commission shall continue to hold office until the appointment
41 and qualification of their successors. No more than four members of the commission shall be
42 members of the same political party. No person shall be appointed for more than two
43 consecutive terms. The governor may remove a member for cause. [The executive director of
44 the commission shall be employed by the division of professional registration, subject to
45 approval and confirmation by the commission.]

46 4. The commission shall meet at least once each calendar quarter to conduct its business.
47 [The location in Missouri of future meetings shall be decided by a vote of the members present
48 at the current meeting. The executive director shall give written notice by certified mail to each
49 member of the time and place of each meeting of the commission at least ten days before the
50 scheduled date of the meeting, and notice of any special meeting shall state the specific matters
51 to be considered in the special meeting which is not a regular quarterly meeting.] A quorum of
52 the commission shall consist of four members.

53 5. Each member of the commission shall be entitled to a per diem allowance of fifty
54 dollars for each meeting of the commission at which the member is present and shall be entitled
55 to reimbursement of the member's expenses necessarily incurred in the discharge of the member's
56 official duties. Each member of the commission shall be entitled to reimbursement of travel
57 expenses necessarily incurred in attending meetings of the commission.

339.513. 1. Applications for examination, original certification and licensure, and
2 renewal certification and licensure shall be made in writing to the commission on forms provided
3 by the commission. The application shall specify the classification of certification, or licensure,
4 for which application is being made.

5 2. Appropriate fees shall accompany all applications for examination, original
6 certification or licensure, and renewal certification or licensure; provided that such fees shall be
7 in amounts set by the commission in order to offset the cost and expense of administering

8 sections 339.500 to 339.549, and in amounts to be determined by the commission with reference
9 to the requirements of Section 1109 of the United States Public Law 101-73, as later codified and
10 as may be amended. All fees collected pursuant to this subsection shall be collected by the
11 commission and deposited with the state treasurer into a fund to be known as the "Missouri Real
12 Estate Appraisers Fund". The provisions of section 33.080, RSMo, relating to the transfer of
13 unexpended balances to the general revenue fund shall not apply to the Missouri real estate
14 appraisers fund. **In any proceeding in which a remedy provided by subsection 1 or 2 of**
15 **section 339.532 is imposed, the commission may also require the respondent licensee to pay**
16 **the costs of the proceeding if the commission is a prevailing party or in settlement. The**
17 **moneys shall be placed in the state treasury to the credit of the "Missouri Real Estate**
18 **Appraisers Fund".**

19 3. At the time of filing an application for certification or licensure, each applicant shall
20 sign a pledge to comply with the standards set forth in sections 339.500 to 339.549 and state that
21 he or she understands the types of misconduct for which disciplinary proceedings may be
22 initiated against a state-certified real estate appraiser or a state-licensed real estate appraiser.

339.519. 1. The term of an original certificate or license issued pursuant to sections
2 339.500 to 339.549 shall be for a period set by the commission. All certificates and licenses
3 shall be subject to renewal on the same date. The expiration date of the certificate or license
4 shall appear on the certificate or license and no other notice of its expiration need be given to its
5 holder.

6 2. The commission shall require every state-certified or state-licensed real estate
7 appraiser to provide satisfactory evidence of the completion of the required continuing education
8 hours as promulgated by the appraiser qualifications board. [The commission may waive the
9 requirements of continuing education for retired or disabled licensed or certified appraisers or
10 for other good cause.]

339.521. [If, in the determination by the commission, another state is deemed to have
2 substantially equivalent certification or licensure requirements,] An applicant who is certified
3 or licensed under the laws of [such other] **another** state may obtain certification as a state
4 certified real estate appraiser or licensure as a state licensed real estate appraiser in this state
5 upon such terms and conditions as may be determined by the board, provided that such terms and
6 conditions shall comply with the minimum criteria for certification or licensure issued by the
7 appraiser qualifications board of the appraisal foundation.

339.525. 1. To obtain a renewal certificate or license, a state certified real estate
2 appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee
3 to the commission not earlier than one hundred twenty days nor later than thirty days prior to the
4 expiration date of the certificate or license then held. With the application for renewal, the state

5 certified real estate appraiser or state licensed real estate appraiser shall present evidence in the
6 form prescribed by the commission of having completed the continuing education requirements
7 for renewal specified in section 339.530.

8 2. If the commission determines that a state certified real estate appraiser or state
9 licensed real estate appraiser has failed to meet the requirements for renewal of certification or
10 licensure through mistake, misunderstanding, or circumstances beyond the appraiser's control,
11 the commission may extend the term of the certificate or license for good cause shown for a
12 period not to exceed six months, upon payment of a prescribed fee for the extension.

13 3. [If a state certified real estate appraiser or state licensed real estate appraiser satisfies
14 the requirements for renewal during the extended term of certification or licensure, the beginning
15 date of the new renewal certificate or license shall be the day following the expiration of the
16 certificate or license previously held by the state certified real estate appraiser or state licensed
17 real estate appraiser.

18 4.] If a person is otherwise eligible to renew the person's certification or license, the
19 person may renew an expired certification or license within [one year] **two years** from the date
20 of expiration. To renew such expired certification or license, the person shall submit an
21 application for renewal, pay the renewal fee [and] , pay a delinquent renewal fee as established
22 by the commission, **and present evidence in the form prescribed by the commission of**
23 **having completed the continuing education requirements for renewal specified in section**
24 **339.530.** Upon a finding of extenuating circumstances, the commission may waive the payment
25 of the delinquent fee.

26 [5.] 4. If a person has failed to renew the person's license within [one year] **two years**
27 of its expiration[, the person may renew such expired certification or license by completing either
28 the number of hours of continuing education equal to fifty percent of the hours required for initial
29 certification or licensure or pass the state examination for such classification, submit an
30 application for renewal, pay the renewal fee and pay a delinquent renewal fee not to exceed an
31 amount as established by the commission. Upon a finding of extenuating circumstances, the
32 commission may waive the payment of the delinquent fee] **the license shall be void.**

33 5. **The commission is authorized to issue an inactive certificate or license to any**
34 **licensee who makes written application for such on a form provided by the commission and**
35 **remits the fee for an inactive certificate or license established by the commission. An**
36 **inactive certificate or license may be issued only to a person who has previously been issued**
37 **a certificate or license to practice as a real estate appraiser in this state, who is no longer**
38 **regularly engaged in such practice, and who does not hold himself or herself out to the**
39 **public as being professionally engaged in such practice in this state. Each inactive**
40 **certificate or license shall be subject to all provisions of this chapter, except as otherwise**

41 specifically provided. Each inactive certificate or license may be renewed by the
42 commission subject to all provisions of this section and all other provisions of this chapter.
43 An inactive licensee may apply for a certificate or license to regularly engage in the
44 practice of real estate appraising upon filing a written application on a form provided by
45 the commission, submitting the reactivation fee established by the commission and
46 submitting satisfactory proof of current competency as established by the commission.

47 [6. If a state certified real estate appraiser or state licensed real estate appraiser renews
48 an expired certification or license pursuant to subsection 5 of this section, the beginning date of
49 the new term of certification or licensure shall be the day following the expiration of the
50 certification or license term previously held by the state certified real estate appraiser or state
51 licensed real estate appraiser.]

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

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

660.315. 1. After an investigation and a determination has been made to place a person's
2 name on the employee disqualification list, that person shall be notified in writing mailed to his
3 or her last known address that:

- 4 (1) An allegation has been made against the person, the substance of the allegation and
5 that an investigation has been conducted which tends to substantiate the allegation;
- 6 (2) The person's name will be included in the employee disqualification list of the
7 department;
- 8 (3) The consequences of being so listed including the length of time to be listed; and
9 (4) The person's rights and the procedure to challenge the allegation.

10 2. If no reply has been received within thirty days of mailing the notice, the department
11 may include the name of such person on its list. The length of time the person's name shall
12 appear on the employee disqualification list shall be determined by the director or the director's
13 designee, based upon the criteria contained in subsection 9 of this section.

14 3. If the person so notified wishes to challenge the allegation, such person may file an
15 application for a hearing with the department. The department shall grant the application within
16 thirty days after receipt by the department and set the matter for hearing, or the department shall
17 notify the applicant that, after review, the allegation has been held to be unfounded and the
18 applicant's name will not be listed.

19 4. If a person's name is included on the employee disqualification list without **the**
20 **department providing** notice [by the department] **as required under subsection 1 of this**
21 **section**, such person may file a request with the department for removal of the name or for a
22 hearing. Within thirty days after receipt of the request, the department shall either remove the
23 name from the list or grant a hearing and set a date therefor.

24 5. Any hearing shall be conducted in the county of the person's residence by the director
25 of the department or the director's designee. The provisions of chapter 536, RSMo, for a
26 contested case except those provisions or amendments which are in conflict with this section,
27 shall apply to and govern the proceedings contained in this section and the rights and duties of
28 the parties involved. The person appealing such an action shall be entitled to present evidence,
29 pursuant to the provisions of chapter 536, RSMo, relevant to the allegations.

30 6. Upon the record made at the hearing, the director of the department or the director's
31 designee shall determine all questions presented and shall determine whether the person shall
32 be listed on the employee disqualification list. The director of the department or the director's
33 designee shall clearly state the reasons for his or her decision and shall include a statement of
34 findings of fact and conclusions of law pertinent to the questions in issue.

35 7. A person aggrieved by the decision following the hearing shall be informed of his or
36 her right to seek judicial review as provided under chapter 536, RSMo. If the person fails to
37 appeal the director's findings, those findings shall constitute a final determination that the person
38 shall be placed on the employee disqualification list.

39 8. A decision by the director shall be inadmissible in any civil action brought against a
40 facility or the in-home services provider agency and arising out of the facts and circumstances
41 which brought about the employment disqualification proceeding, unless the civil action is
42 brought against the facility or the in-home services provider agency by the department of health
43 and senior services or one of its divisions.

44 9. The length of time the person's name shall appear on the employee disqualification
45 list shall be determined by the director of the department of health and senior services or the
46 director's designee, based upon the following:

47 (1) Whether the person acted recklessly or knowingly, as defined in chapter 562, RSMo;

48 (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the
49 imminent danger to the health, safety or welfare of a resident or in-home services client;

50 (3) The degree of misappropriation of the property or funds, or falsification of any
51 documents for service delivery of an in-home services client;

52 (4) Whether the person has previously been listed on the employee disqualification list;

53 (5) Any mitigating circumstances;

54 (6) Any aggravating circumstances; and

55 (7) Whether alternative sanctions resulting in conditions of continued employment are
56 appropriate in lieu of placing a person's name on the employee disqualification list. Such
57 conditions of employment may include, but are not limited to, additional training and employee
58 counseling. Conditional employment shall terminate upon the expiration of the designated
59 length of time and the person's submitting documentation which fulfills the department of health
60 and senior services' requirements.

61 10. The removal of any person's name from the list under this section shall not prevent
62 the director from keeping records of all acts finally determined to have occurred under this
63 section.

64 11. The department shall provide the list maintained pursuant to this section to other
65 state departments upon request and to any person, corporation, **organization**, or association who:

66 (1) Is licensed as an operator under chapter 198, RSMo;

67 (2) Provides in-home services under contract with the department;

68 (3) Employs nurses and nursing assistants for temporary or intermittent placement in
69 health care facilities;

70 (4) Is approved by the department to issue certificates for nursing assistants training; [or]

71 (5) Is an entity licensed under chapter 197, RSMo; **or**

72 **(6) Is a recognized school of nursing, medicine, or other health profession for the**
73 **purpose of determining whether students scheduled to participate in clinical rotations with**
74 **entities described in subdivision (1), (2), or (5) of this subsection are included in the**
75 **employee disqualification list.**

76

77 The department shall inform any person listed above who inquires of the department whether or
78 not a particular name is on the list. The department may require that the request be made in
79 writing.

80 12. No person, corporation, **organization**, or association who received the employee
81 disqualification list under **subdivisions (1) to (5) of** subsection 11 of this section shall knowingly
82 employ any person who is on the employee disqualification list. Any person, corporation,
83 **organization**, or association who received the employee disqualification list under **subdivisions**
84 **(1) to (5) of** subsection 11 of this section, or any person responsible for providing health care
85 service, who declines to employ or terminates a person whose name is listed in this section shall
86 be immune from suit by that person or anyone else acting for or in behalf of that person for the
87 failure to employ or for the termination of the person whose name is listed on the employee
88 disqualification list.

89 13. Any employer who is required to discharge an employee because the employee was
90 placed on a disqualification list maintained by the department of health and senior services after
91 the date of hire shall not be charged for unemployment insurance benefits based on wages paid
92 to the employee for work prior to the date of discharge, pursuant to section 288.100, RSMo.

93 14. Any person who has been listed on the employee disqualification list may request
94 that the director remove his or her name from the employee disqualification list. The request
95 shall be written and may not be made more than once every twelve months. The request will be
96 granted by the director upon a clear showing, by written submission only, that the person will
97 not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the
98 falsification of any documents of service delivery to an in-home services client. The director
99 may make conditional the removal of a person's name from the list on any terms that the director
100 deems appropriate, and failure to comply with such terms may result in the person's name being
101 relisted. The director's determination of whether to remove the person's name from the list is not
102 subject to appeal.

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