

FIRST REGULAR SESSION

HOUSE BILL NO. 633

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (150).

Read 1st time January 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1561L.01I

AN ACT

To repeal section 621.045, RSMo, and to enact in lieu thereof one new section relating to the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects.

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

Section A. Section 621.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 621.045, to read as follows:

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

- Missouri State Board of Accountancy
- Missouri Board [of Registration] for Architects, Professional Engineers [and] ,
- Professional Land Surveyors, and Landscape Architects**
- Board of Barber Examiners
- Board of Cosmetology
- Board of Chiropody and Podiatry
- Board of Chiropractic Examiners
- Missouri Dental Board

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.

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

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

32 (1) Provide the licensee with a written description of the specific conduct for which
33 discipline is sought and a citation to the law and rules allegedly violated, together with copies
34 of any documents which are the basis thereof and the agency's initial settlement offer, or file a
35 contested case against the licensee;

36 (2) If no contested case has been filed against the licensee, allow the licensee at least
37 sixty days, from the date of mailing, to consider the agency's initial settlement offer and to
38 contact the agency to discuss the terms of such settlement offer;

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

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

47 4. If the licensee desires review by the administrative hearing commission pursuant to
48 subdivision (3) of subsection 3 of this section at any time prior to the settlement becoming final,
49 the licensee may rescind and withdraw from the settlement and any admissions of fact or law in
50 the agreement shall be deemed withdrawn and not admissible for any purposes under the law

51 against the licensee. Any settlement submitted to the administrative hearing commission shall
52 not be effective and final unless and until findings of fact and conclusions of law are entered by
53 the administrative hearing commission that the facts agreed to by the parties to the settlement
54 constitute grounds for denying or disciplining the license of the licensee.

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