

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

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FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 780

1 AN ACT

2 To repeal sections 41.950, 256.465, 317.001, 317.006,  
3 317.011, 317.013, 317.015, 317.018, 324.520, 324.522,  
4 327.011, 327.111, 327.181, 327.201, 327.291, 327.441,  
5 327.633, 331.010, 334.120, 335.016, 335.036, 335.066,  
6 335.068, 335.076, 335.096, 335.097, 335.212, 336.010,  
7 336.020, 336.030, 336.040, 336.050, 336.060, 336.070,  
8 336.080, 336.090, 336.140, 336.160, 336.200, 336.220,  
9 336.225, 337.600, 337.603, 337.604, 337.606, 337.609,  
10 337.612, 337.615, 337.618, 337.622, 337.624, 337.627,  
11 337.630, 337.636, 337.639, 337.650, 337.653, 337.659,  
12 337.665, 337.668, 337.674, 337.677, 337.680, 337.686,  
13 337.689, 337.700, 337.715, 337.718, 338.220, 339.100,  
14 339.513, 344.020, 344.030, 344.040, 344.050, 344.060,  
15 344.070, 344.080, 344.105, 345.015, 345.030, 345.045,  
16 345.055, 346.015, 346.030, 346.035, 346.055, 346.060,  
17 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo,  
18 and to enact in lieu thereof one hundred sixteen new  
19 sections relating to the division of professional  
20 registration, with penalty provisions and an effective  
21 date for certain sections.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
23 AS FOLLOWS:

24 Section A. Sections 41.950, 256.465, 317.001, 317.006,  
25 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011,  
26 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010,

1 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096,  
2 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050,  
3 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200,  
4 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609,  
5 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630,  
6 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668,  
7 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715,  
8 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040,  
9 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030,  
10 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060,  
11 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, are  
12 repealed and one hundred sixteen new sections enacted in lieu  
13 thereof, to be known as sections 41.950, 192.632, 256.465,  
14 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 317.019,  
15 324.520, 324.522, 324.523, 324.1100, 324.1102, 324.1104,  
16 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116,  
17 324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128,  
18 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140,  
19 324.1142, 324.1144, 324.1146, 324.1148, 327.011, 327.076,  
20 327.077, 327.181, 327.441, 331.010, 334.120, 335.016, 335.036,  
21 335.066, 335.067, 335.068, 335.076, 335.096, 335.097, 335.212,  
22 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070,  
23 336.080, 336.140, 336.160, 336.220, 336.225, 337.600, 337.603,  
24 337.604, 337.612, 337.615, 337.618, 337.622, 337.627, 337.630,  
25 337.636, 337.643, 337.644, 337.645, 337.646, 337.653, 337.665,  
26 337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.200,  
27 339.205, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060,  
28 344.070, 344.080, 344.105, 344.108, 345.015, 345.030, 345.033,

1 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060,  
2 346.110, 383.130, 383.133, 407.309, 620.010, and 621.045, to read  
3 as follows:

4 41.950. 1. Any resident of this state who is a member of  
5 the national guard or of any reserve component of the armed  
6 forces of the United States or who is a member of the United  
7 States Army, the United States Navy, the United States Air Force,  
8 the United States Marine Corps, the United States Coast Guard or  
9 an officer of the United States Public Health Service detailed by  
10 proper authority for duty with any branch of the United States  
11 armed forces described in this section and who is engaged in the  
12 performance of active duty in the military service of the United  
13 States in a military conflict in which reserve components have  
14 been called to active duty under the authority of 10 U.S.C.

15 672(d) or 10 U.S.C. 673b or any such subsequent call or order by  
16 the President or Congress for any period of thirty days or more  
17 shall be relieved from certain provisions of state law, as  
18 follows:

19 (1) No person performing such military service who owns a  
20 motor vehicle shall be required to maintain financial  
21 responsibility on such motor vehicle as required under section  
22 303.025, RSMo, until such time as that person completes such  
23 military service, unless any person shall be operating such motor  
24 vehicle while the vehicle owner is performing such military  
25 service;

26 (2) No person failing to renew his driver's license while  
27 performing such military service shall be required to take a  
28 complete examination as required under section 302.173, RSMo,

1 when renewing his license within sixty days after completing such  
2 military service;

3 (3) Any motor vehicle registration required under chapter  
4 301, RSMo, that expires for any person performing such military  
5 service may be renewed by such person within sixty days of  
6 completing such military service without being required to pay a  
7 delinquent registration fee; however, such motor vehicle shall  
8 not be operated while the person is performing such military  
9 service unless the motor vehicle registration is renewed;

10 (4) Any person enrolled by the supreme court of Missouri or  
11 licensed, registered or certified under chapter 168, 256, 289,  
12 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335,  
13 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640  
14 or 644, RSMo, and interpreters licensed under sections 209.319 to  
15 209.339, RSMo, whose license, registration or certification  
16 expires while performing such military service, may renew such  
17 license, registration or certification within sixty days of  
18 completing such military service without penalty;

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

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

1 service;

2 (7) No person performing such military service who is  
3 required under state law to file financial disclosure reports  
4 shall be required to file such reports while performing such  
5 military service; however, such reports covering that period of  
6 time that such military service is performed shall be filed  
7 within one hundred eighty days after the completion of such  
8 military service;

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

20 (9) Notwithstanding other provisions of the law to the  
21 contrary, for the purposes of this section, interest shall be  
22 allowed and paid on any overpayment of tax imposed by sections  
23 143.011 to 143.998, RSMo, at the rate of six percent per annum  
24 from the original due date of the return or the date the tax was  
25 paid, whichever is later;

26 (10) No state agency, board, commission or administrative  
27 tribunal shall take any administrative action against any person  
28 performing such military service for that person's failure to

1 take any required action or meet any required obligation not  
2 already provided for in subdivisions (1) to (8) of this  
3 subsection until one hundred eighty days after the completion of  
4 such military service, except that any agency, board, commission  
5 or administrative tribunal affected by this subdivision may, in  
6 its discretion, extend the time required to take such action or  
7 meet such obligation beyond the one-hundred-eighty-day period;

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

15 2. Upon completing such military service, the person shall  
16 provide the appropriate agency, board, commission or  
17 administrative tribunal an official order from the appropriate  
18 military authority as evidence of such military service.

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

22 192.632. 1. There is hereby created a "Chronic Kidney  
23 Disease Task Force". Unless otherwise stated, members shall be  
24 appointed by the director of the department of health and senior  
25 services and shall include, but not be limited to, the following  
26 members:

27 (1) Two physicians appointed from lists submitted by the  
28 Missouri State Medical Association;

- 1       (2) Two nephrologists;  
2       (3) Two family physicians;  
3       (4) Two pathologists;  
4       (5) One member who represents owners or operators of  
5 clinical laboratories in the state;  
6       (6) One member who represents a private renal care  
7 provider;  
8       (7) One member who has a chronic kidney disease;  
9       (8) One member who represents the state affiliate of the  
10 National Kidney Foundation;  
11       (9) One member who represents the Missouri Kidney Program;  
12       (10) Two members of the house of representatives appointed  
13 by the speaker of the house of representatives;  
14       (11) Two members of the senate appointed by the president  
15 pro tempore of the senate;  
16       (12) Additional members may be chosen to represent public  
17 health clinics, community health centers, and private health  
18 insurers.

19       2. A chairperson and a vice-chairperson shall be elected by  
20 the members of the task force.

21       3. The chronic kidney task force shall:

- 22       (1) Develop a plan to educate the public and health care  
23 professionals about the advantages and methods of early  
24 screening, diagnosis, and treatment of chronic kidney disease and  
25 its complications based on kidney disease outcomes, quality  
26 initiative clinical practice guidelines for chronic kidney  
27 disease, or other medically recognized clinical practice  
28 guidelines:

1       (2) Make recommendations on the implementation of a cost-  
2 effective plan for early screening, diagnosis, and treatment of  
3 chronic kidney disease for the state's population;

4       (3) Identify barriers to adoption of best practices and  
5 potential public policy options to address such barriers;

6       (4) Submit a report of its findings and recommendations to  
7 the general assembly within one year of its first meeting.

8       4. The department of health and senior services shall  
9 provide all necessary staff, research, and meeting facilities for  
10 the chronic kidney disease task force.

11       256.465. 1. There is hereby created in the state treasury  
12 "The Board of Geologist Registration Fund".

13       2. The board shall establish, by rule, fees to be charged  
14 for applications, examinations, certification and certification  
15 renewal. The fees shall be set at an amount which shall not be  
16 more than that required to administer sections 256.450 to  
17 256.483. [Any balance in the fund at the end of the biennium  
18 shall remain in the fund and shall not be subject to the  
19 provisions of section 33.080, RSMo.] The provisions of section  
20 33.080, RSMo, to the contrary notwithstanding, money in this fund  
21 shall not be transferred and placed to the credit of general  
22 revenue until the amount in the fund at the end of the biennium  
23 exceeds two times the amount of the appropriation from the  
24 board's funds for the preceding fiscal year or, if the board  
25 requires by rule permit renewal less frequently than yearly, then  
26 three times the appropriation from the board's funds for the  
27 preceding fiscal year. The amount, if any, in the fund which  
28 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.

317.001. As used in sections 317.001 to 317.021, the following words and terms mean:

(1) "Amateur", a person who competes in a boxing, wrestling, kickboxing, or full-contact karate event who has not competed as a contestant for valuable consideration in any event in which similar boxing, wrestling, kickboxing, or full-contact karate skills were used or allowed;

(2) "Bout", one match involving [either] professional boxing, sparring, professional wrestling, professional kickboxing, or professional full-contact karate, including professional mixed martial arts;

(3) "Boxing", the sport of attack and defense where contestants are allowed to only use the fist to attack or strike in competition;

[(2)] (4) "Combative fighting", [also known as "toughman fighting", "toughwoman fighting", "badman fighting", "ultimate fighting", "U.F.C." and "extreme fighting", any boxing or wrestling match, contest or exhibition, between two or more contestants, with or without protective headgear, who use their hands, with or without gloves, or their feet, or both, and who compete for a financial prize or any item of pecuniary value, and which match, contest, tournament championship or exhibition is not recognized by and not sanctioned by any officially recognized state, regional or national boxing or athletic sanctioning authority, or any promoter duly licensed by the division of professional registration] a bout or contest, with or without

1 gloves or protective headgear, whereby any part of the  
2 contestant's body may be used as a weapon or any other means of  
3 fighting may be used with the specific purpose of intentionally  
4 injuring the other contestants in such a manner that they may not  
5 defend themselves and in which there is no referee;

6 [(3)] (5) "Contest", a bout or a group of bouts involving  
7 licensed contestants competing in professional boxing, sparring,  
8 professional wrestling, professional kickboxing, or professional  
9 full-contact karate;

10 [(4)] (6) "Contestant", a person who competes in any  
11 [activity covered by sections 317.001 to 317.021] boxing,  
12 wrestling, kickboxing, or full-contact karate event;

13 [(5)] (7) "Division", the division of professional  
14 registration;

15 [(6)] (8) "Director", the director of the division of  
16 professional registration;

17 (9) "Exhibition", a boxing, wrestling, kickboxing, or full-  
18 contact karate engagement in which persons are participating to  
19 show or display their boxing, wrestling, kickboxing, or full-  
20 contact karate skill and in which no decision is rendered;

21 [(7)] (10) "Fund", the athletic fund established pursuant  
22 to sections 317.001 to 317.021;

23 [(8)] (11) "Mandatory count of eight", a required count of  
24 eight that is given by a referee to a boxing contestant who has  
25 been knocked down;

26 [(9)] (12) "Noncompetitive boxing", boxing or sparring  
27 where a decision is not rendered;

28 [(10)] (13) "Full-contact karate", any form of full-contact

1 martial arts including, but not limited to, full-contact kungfu,  
2 full-contact tae kwon do, or any form of martial arts, mixed  
3 martial arts, combat or self-defense conducted on a full-contact  
4 basis in a match where contestants are allowed to deliver blows  
5 or strikes;

6 (14) "Kickboxing", any match in which contestants are  
7 allowed to use any form of boxing and are also allowed to use any  
8 part of the fist, foot, or leg, with or without shin guards or  
9 protective gear, or any combination thereof to deliver strikes  
10 above the waist and which does not constitute mixed martial arts  
11 as defined by this section;

12 (15) "Mixed martial arts", any match in which any form of  
13 martial arts or self-defense is conducted on a full-contact basis  
14 and where other combative techniques or tactics are allowed in  
15 competition including, but not limited to, kicking, striking,  
16 chokeholds, boxing, wrestling, kickboxing, grappling, or joint  
17 manipulation. Professional mixed martial arts is a form of full-  
18 contact karate;

19 (16) "Office", the division of professional registration,  
20 office of athletics;

21 [(11) "Professional boxing", the sport of attack and  
22 defense which uses the fist and where contestants compete for  
23 valuable consideration;

24 (12) "Professional full-contact karate", any form of  
25 full-contact martial arts including but not limited to  
26 full-contact kungfu, full-contact taw kwon-do, or any form of  
27 martial arts or self-defense conducted on a full-contact basis in  
28 a bout or contest where weapons are not used and where

1 contestants compete for valuable consideration. Such contests  
2 take place in a rope-enclosed ring and are fought in timed  
3 rounds;

4 (13) "Professional kickboxing", any form of boxing in which  
5 blows are delivered with any part of the arm below the shoulder,  
6 including the hand, and any part of the leg below the hip,  
7 including the foot, and where contestants compete for valuable  
8 consideration. Such contests take place in a rope-enclosed ring  
9 and are fought in timed rounds;

10 (14) "Professional wrestling", any performance of wrestling  
11 skills and techniques by two or more professional wrestlers, to  
12 which any admission is charged. Participating wrestlers may not  
13 be required to use their best efforts in order to win, the winner  
14 may have been selected before the performance commences and  
15 contestants compete for valuable consideration. Such contests  
16 take place in a rope-enclosed ring and are fought in timed  
17 rounds;

18 (15) (17) "Professional", a wrestling, boxing, kickboxing,  
19 or full-contact karate bout or contest where the participants  
20 compete for any valuable consideration or a person who competes  
21 in any wrestling, boxing, kickboxing, or full-contact karate bout  
22 or contest for any such consideration;

23 (18) "Sparring", [boxing for practice or as an exhibition]  
24 any boxing, wrestling, kickboxing, or full-contact karate  
25 conducted for practice and for which admission or other similar  
26 consideration, in any form, is charged to any member of the  
27 public;

28 [(16)] (19) "Standing mandatory eight count", the count of

1 eight that is given at the discretion of a referee to a  
2 boxing contestant who has been dazed by a blow and is unable to  
3 defend himself or herself. The standing mandatory eight count  
4 may be waived in a bout only with special permission of the  
5 office;

6 (20) "Wrestling", any performance of wrestling skills and  
7 techniques by two or more individuals. Participating wrestlers  
8 may perform without being required to use their best efforts in  
9 order to win and the winner may have been selected before the  
10 performance commences.

11 317.006. 1. The division [of professional registration]  
12 shall have general charge and supervision of all professional  
13 boxing, sparring, professional wrestling, professional kickboxing  
14 and professional full-contact karate contests held in the state  
15 of Missouri, and it shall have the power, and it shall be its  
16 duty:

17 (1) To make and publish rules governing in every particular  
18 professional boxing, sparring, professional wrestling,  
19 professional kickboxing and professional full-contact karate  
20 contests;

21 (2) To make and publish rules governing the approval of  
22 amateur sanctioning bodies;

23 (3) To accept applications for and issue licenses to  
24 contestants in professional boxing, sparring, professional  
25 wrestling, professional kickboxing and professional full-contact  
26 karate contests held in the state of Missouri, and referees,  
27 judges, matchmakers, managers, promoters, seconds, announcers,  
28 timekeepers and physicians involved in professional boxing,

1 sparring, professional wrestling, professional kickboxing and  
2 professional full-contact karate contests held in the state of  
3 Missouri, as authorized herein. Such licenses shall be issued in  
4 accordance with rules duly adopted by the division;

5        **[(3)] (4)** To charge fees to be determined by the director  
6 and established by rule for every license issued and to assess a  
7 tax of five percent of the gross receipts of any person,  
8 organization, corporation, partnership, limited liability  
9 company, or association holding a promoter's license and permit  
10 under sections 317.001 to 317.021, derived from admission charges  
11 connected with or as an incident to the holding of any  
12 professional boxing, sparring, professional wrestling,  
13 professional kickboxing or professional full-contact karate  
14 contest in **[this state]** the state of Missouri. Such funds shall  
15 be paid to the division of professional registration which shall  
16 pay said funds into the Missouri state treasury to be set apart  
17 into a fund to be known as the "Athletic Fund" which is hereby  
18 established;

19        **[(4)] (5)** To assess a tax of five percent of the gross  
20 receipts of any person, organization, corporation, partnership,  
21 limited liability company or association holding a promoter's  
22 license **[and permit]** under sections 317.001 to 317.021, derived  
23 from the sale, lease or other exploitation in this state of  
24 broadcasting, television, pay-per-view, closed-circuit telecast,  
25 and motion picture rights for any professional boxing, sparring,  
26 professional wrestling, professional kickboxing or professional  
27 full-contact karate contest. Such funds shall be paid to the  
28 division **[of professional registration]** which shall pay said

1 funds into the Missouri state treasury to be set apart into a  
2 fund to be known as the "Athletic Fund";

3 [(5) To assess a tax of twenty-five percent of the gross  
4 receipts of any person, organization, corporation, partnership,  
5 limited liability company or association derived from the sale,  
6 lease or other exploitation in this state of broadcasting,  
7 television, closed-circuit telecast, and motion picture rights  
8 for any combative fighting contest. Such funds shall be paid to  
9 the division of professional registration, which shall pay said  
10 funds into the state treasury to be set apart into a fund to be  
11 known as the athletic fund;]

12 (6) Each cable television system operator whose  
13 pay-per-view or closed-circuit facilities are utilized to  
14 telecast a bout or contest shall, within thirty calendar days  
15 following the date of the telecast, file a report with the office  
16 stating the number of orders sold and the price per order.

17 2. All fees established pursuant to sections 317.001 to  
18 317.021 shall be determined by the director by rule in such  
19 amount as to produce sufficient revenue to fund the necessary  
20 expenses and operating costs incurred in the administration of  
21 the provisions of sections 317.001 to 317.021. All expenses  
22 shall be paid as otherwise provided by law.

23 317.011. 1. The division [of professional registration]  
24 shall have the power, and it shall be its duty, to accept  
25 application for and issue permits to hold professional boxing,  
26 sparring, professional wrestling, professional kickboxing or  
27 professional full-contact karate contests in the state of  
28 Missouri, and to charge a fee for the issuance of same in an

1 amount established by rule; such funds to be paid to the division  
2 [of professional registration] which shall pay such funds into  
3 the Missouri state treasury to be set apart into the athletic  
4 fund.

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

16 3. The division [of professional registration] shall not  
17 grant any permit to hold professional boxing, sparring,  
18 professional wrestling, professional kickboxing or professional  
19 full-contact karate contests in the state of Missouri except:

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

24 [(2) Where such contest shall be of not more than fifteen  
25 rounds of three minutes each duration per bout;] and

26 [(3)] (2) Where a fee has been paid for such permit, in an  
27 amount established by rule.

28 4. In such contests a decision shall be rendered by three



judges licensed by the division.

5. Specifically exempted from the provisions of this chapter are contests or exhibitions for amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact karate. However, all amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact karate must be sanctioned by a nationally recognized amateur sanctioning body approved by the office.

317.013. 1. In order to protect the health and welfare of the contestants, there shall be a mandatory medical suspension of any contestant, not to exceed one hundred ~~[twenty]~~ eighty days, who loses consciousness or who has been injured as a result of blows received to the head or body during a ~~[boxing bout or semiprofessional elimination contest]~~ professional boxing, professional wrestling, professional kickboxing, or professional full-contact karate contest. The determination of consciousness is to be made only by a physician licensed by the board of healing arts and the division. Medical suspensions issued in accordance with this section shall not be reviewable by any tribunal.

2. No license shall be issued to any person who has been injured in such a manner that they may not continue to participate in boxing, wrestling, kickboxing, or full-contact karate contests in the future. Such a person shall be deemed medically retired. No person with a status of medically retired shall compete in any events governed by this chapter. Medical retirements issued in accordance with this section shall not be reviewable by any tribunal.

1           317.015. 1. Any person wishing to make a complaint against  
2 a licensee under sections 317.001 to 317.014 shall file the  
3 written complaint with the division setting forth supporting  
4 details. If the division determines that the charges warrant a  
5 hearing to ascertain whether the licensee shall be disciplined,  
6 it shall file a complaint with the administrative hearing  
7 commission as provided in chapter 621, RSMo. Any person holding  
8 more than one license issued by the division and disciplined  
9 under one license will automatically be disciplined under all  
10 licenses.

11           2. (1) The division may refuse to issue any permit or  
12 license pursuant to this chapter for one or any combination of  
13 reasons stated in paragraphs (a) through (m) of subdivision (2)  
14 of this subsection. The division shall notify the applicant in  
15 writing of the reasons for the refusal and shall advise the  
16 applicant of their rights to file a complaint or an appeal with  
17 the administrative hearing commission as provided in chapter 621,  
18 RSMo.

19           (2) The division may file a complaint with the  
20 administrative hearing commission, as provided in chapter 621,  
21 RSMo, against any holder of any permit or license issued pursuant  
22 to this chapter, or against any person who has failed to renew or  
23 has surrendered their permit or license, for any one or more of  
24 the following reasons:

25           (a) Use of an alcoholic beverage or any controlled  
26 substance, as defined in chapter 195, RSMo, before or during a  
27 bout;

28           (b) The person has been found guilty or has entered a plea

1 of guilty or nolo contendere in a criminal prosecution under any  
2 state or federal law for any offense reasonably related to the  
3 qualifications, functions or duties of any profession licensed or  
4 regulated under this chapter, for any offense an essential  
5 element of which is fraud, dishonesty or an act of violence, or  
6 for any offense involving moral turpitude, whether or not a  
7 sentence is imposed;

8 (c) Use of fraud, deception, misrepresentation or bribery  
9 in securing any permit or license issued pursuant to this  
10 chapter;

11 (d) Providing false information on applications or medical  
12 forms;

13 (e) Incompetency, misconduct, gross negligence, fraud,  
14 misrepresentation or dishonesty in the performing of the  
15 functions or duties of any profession licensed or regulated by  
16 this chapter;

17 (f) Violating or enabling any person to violate any  
18 provision of this chapter or any rule adopted pursuant to this  
19 chapter;

20 (g) Impersonating any permit or license holder or allowing  
21 any person to use their permit or license;

22 (h) Contestants failing to put forth their best effort  
23 during a bout;

24 (i) Disciplinary action against the holder of a license or  
25 other right to practice any profession regulated by this chapter  
26 and issued by another state, territory, federal agency or country  
27 upon grounds for which revocation or suspension is authorized in  
28 this state;

1 (j) A person adjudged mentally incompetent by a court of  
2 competent jurisdiction;

3 (k) Use of any advertisement or solicitation which is  
4 false, misleading or deceptive to the general public or persons  
5 to whom the advertisement or solicitation is primarily directed;

6 (l) Use of foul or abusive language or mannerisms or  
7 threats of physical harm by any person associated with any bout  
8 or contest licensed pursuant to this chapter; or

9 (m) Issuance of a permit or license based upon a mistake of  
10 fact.

11 (3) After the complaint is filed, the proceeding shall be  
12 conducted in accordance with the provisions of chapter 621, RSMo.  
13 If the administrative hearing commission finds that a person has  
14 violated one or more of the grounds as provided in paragraphs (a)  
15 through (m) of subdivision (2) of this subsection, the division  
16 may censure or place the person named in the complaint on  
17 probation on appropriate terms and conditions for a period not to  
18 exceed five years, may suspend the person's license for a period  
19 not to exceed three years, or may revoke the person's license.

20 3. Upon a finding that the grounds provided in subsection 2  
21 of this section for disciplinary action are met, the office may,  
22 singly or in combination, censure or place on probation on such  
23 terms and conditions as the office deems appropriate for a period  
24 not to exceed five years, or may suspend for a period not to  
25 exceed three years or revoke the certificate, license, or permit.  
26 In any order of revocation, the office may provide that the  
27 person shall not apply for a new license for a maximum of three  
28 years and one day following the date of the order of revocation.

All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or in addition to any remedy specifically provided in subsection 1 of this section, the office may require of a licensee:

(1) Satisfactory completion of medical testing and/or rehabilitation programs as the office may specify; and/or

(2) A review conducted as the office may specify and satisfactory completion of medical testing and/or rehabilitation programs as the office may specify.

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2. Anyone who promotes or participates in combative fighting, or anyone who serves as an agent, principal partner, publicist, vendor, producer, referee, or contractor of or for combative fighting is guilty of a class D felony.

3. Any medical personnel who administers to, treats or assists any participants of combative fighting shall not be subject to the provisions of this section.

[4. Nothing in section 317.001 or this section shall be construed to give authority to the Missouri state athletic commission to regulate boxing, sparring, wrestling or contact karate conducted by entities which are not regulated on July 10, 1996, including but not limited to events conducted by the:

(1) Military;

(2) Private schools;

(3) Church schools;

(4) Home schools;

(5) Martial arts academies;

- (6) Private gyms;  
(7) YWCAs and YMCAs;  
(8) Elementary and secondary schools;  
(9) College and university inter- and intra-mural;  
(10) Fraternal organizations;  
(11) Camps, conducted by church or not for profit organizations;  
(12) Olympic committees; or  
(13) Correctional facilities.]

5. Nothing in section 317.001 or this section is intended to regulate, or interfere with or make illegal, traditional, sanctioned amateur or scholastic boxing, [including professional,] amateur[, ] or scholastic[, championship boxing, amateur] wrestling [or scholastic wrestling] amateur or scholastic kickboxing, or amateur or scholastic full-contact karate or amateur or scholastic mixed martial arts.

317.019. 1. The promoter of a professional boxing, professional kickboxing, and professional full-contact karate contest shall sign written bout contracts with each professional contestant. Original bout contracts shall be filed with the division prior to the event as required by the rules of the office. The bout contract shall be on a form supplied by the division and contain at least the following:

- (1) The weight required of the contestant at weigh-in;  
(2) The amount of the purse to be paid for the contest;  
(3) The date and location of the contest;  
(4) The glove size allotted for each contestant;  
(5) Any other payment or consideration provided to the

1 contestant;

2 (6) List of all fees, charges, and expenses including  
3 training expenses that will be assessed to the contestant or  
4 deducted from the contestant's purse;

5 (7) Any advances paid to the contestant before the bout;

6 (8) The amount of any compensation or consideration that a  
7 promoter has contracted to receive in connection with the bout or  
8 contest;

9 (9) The signature of the promoter and contestant;

10 (10) The date signed by both the promoter and the  
11 contestant; and

12 (11) Any information required by the office.

13 2. If the bout contract between a contestant and promoter  
14 is changed, the promoter shall provide the division with the  
15 amended contract containing all contract changes at least two  
16 hours prior to the event's scheduled start time. The amended  
17 contract shall comply with all requirements for original bout  
18 contracts and shall contain the signature of the promoter and  
19 contestant.

20 3. A promoter of an event shall not be a manager for a  
21 contestant who is contracted for ten rounds or more at the event.

22 4. The promoter of an event shall provide payments for the  
23 event official's fees to the office prior to the start of the  
24 event. The form of payment shall be at the discretion of the  
25 office provided that payments remitted by check or money order  
26 shall be made payable directly to the applicable official.

27 324.520. 1. As used in sections 324.520 to 324.524, the  
28 following terms mean:

1           (1) "Body piercing", the perforation of human tissue other  
2 than an ear for a nonmedical purpose;

3           (2) "Branding", a permanent mark made on human tissue by  
4 burning with a hot iron or other instrument;

5           (3) "Controlled substance", any substance defined in  
6 section 195.010, RSMo;

7           (4) "Minor", a person under the age of eighteen;

8           (5) "Tattoo", one or more of the following:

9           (a) An indelible mark made on the body of another person by  
10 the insertion of a pigment under the skin; or

11           (b) An indelible design made on the body of another person  
12 by production of scars other than by branding.

13           2. No person shall knowingly tattoo, brand or perform body  
14 piercing on a minor unless such person obtains the prior written  
15 informed consent of the minor's parent or legal guardian. The  
16 minor's parent or legal guardian shall execute the written  
17 informed consent required pursuant to this subsection in the  
18 presence of the person performing the tattooing, branding or body  
19 piercing on the minor, or in the presence of an employee or agent  
20 of such person. Any person who fraudulently misrepresents  
21 himself or herself as a parent is guilty of a class B  
22 misdemeanor.

23           3. A person shall not tattoo, brand or perform body  
24 piercing on another person if the other person is under the  
25 influence of intoxicating liquor or a controlled substance.

26           4. A person who violates [this section] any provisions of  
27 sections 324.520 to 324.526 is guilty of a misdemeanor and shall  
28 be fined not more than five hundred dollars. If there is a



1 subsequent violation [of this section] within one year of the  
2 initial violation, such person shall be fined not less than five  
3 hundred dollars or more than one thousand dollars.

4 5. No person under the age of eighteen shall tattoo, brand  
5 or perform body piercing on another person.

6 324.522. 1. No practitioner of tattooing, body piercing or  
7 branding shall practice and no establishment in which tattoos,  
8 body piercing or brandings are applied shall be operated without  
9 a license issued by the director of the division of professional  
10 registration. The license fee for each practitioner and each  
11 establishment shall be established by rule.

12 2. The director of the division of professional  
13 registration shall promulgate rules and regulations relative to  
14 the hygienic practice of tattooing, body piercing and branding,  
15 [and] the sanitary operations of tattoo, body piercing and  
16 branding establishments, and the educational and training  
17 requirements for applicants applying to receive and practitioners  
18 desiring to maintain a license to practice any profession that is  
19 licensed or regulated under sections 324.520 to 324.526. Such  
20 rules and regulations shall include:

21 (1) Standards of hygiene to be met and maintained by  
22 establishments and practitioners in order to receive and maintain  
23 a license for the practice of tattooing, body piercing and  
24 branding;

25 (2) Procedures to be used to grant, revoke or reinstate a  
26 license;

27 (3) Inspection of tattoo, body piercing and branding  
28 establishments; and

1 (4) Any other matter necessary to the administration of  
2 this section.

3 3. Any rule or portion of a rule, as that term is defined  
4 in section 536.010, RSMo, that is created under the authority  
5 delegated in sections 324.520 to ~~[324.524]~~ 324.526 shall become  
6 effective only if it complies with and is subject to all of the  
7 provisions of chapter 536, RSMo, and, if applicable, section  
8 536.028, RSMo. This section and chapter 536, RSMo, are  
9 nonseverable and if any of the powers vested with the general  
10 assembly pursuant to chapter 536, RSMo, to review, to delay the  
11 effective date or to disapprove and annul a rule are subsequently  
12 held unconstitutional, then the grant of rulemaking authority and  
13 any rule proposed or adopted after August 28, 2001, shall be  
14 invalid and void.

15 324.523. 1. The division may refuse to issue or cause a  
16 complaint to be filed with the administrative hearing commission  
17 as provided by chapter 621, RSMo, against any holder of any  
18 certificate of registration or authority, permit or license  
19 required under sections 324.520 to 324.526, or any person who has  
20 failed to renew or has surrendered his or her certificate of  
21 registration or authority, permit, or license for any one or any  
22 combination of the following causes:

23 (1) Use or illegal possession of any controlled substance,  
24 as defined in chapter 195, RSMo, or use of any alcoholic beverage  
25 to an extent that such use impairs a person's ability to perform  
26 the work of any profession that is licensed or regulated under  
27 sections 324.520 to 324.526;

28 (2) Final adjudication and finding of guilt, or the

entrance of 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 any profession that is licensed or regulated under sections 324.520 to 324.526, and the regulations promulgated thereunder, 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 certificate of registration or authority, permit or license required under sections 324.520 to 324.526;

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

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession that is licensed or regulated under sections 324.520 to 324.526;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.520 to 324.526, or any lawful rule or regulation adopted under sections 324.520 to 324.526;

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

(8) Disciplinary action against the holder of a license or

1 other right to practice any profession regulated under sections  
2 324.520 to 324.526, granted by another state, territory, federal  
3 agency, or country upon grounds for which revocation or  
4 suspension is authorized in this state;

5 (9) Final adjudication by a court of competent jurisdiction  
6 that a person is insane or incompetent;

7 (10) Assisting or enabling any person to practice or offer  
8 to practice any profession licensed or regulated under sections  
9 324.520 to 324.526, who is licensed and is currently ineligible  
10 to practice under sections 324.520 to 324.526;

11 (11) Causing the division to issue a certificate of  
12 registration or authority, permit, or license based upon a  
13 material mistake of fact;

14 (12) Failure to display a valid license;

15 (13) Violation of any advertisement or solicitation that is  
16 false, misleading, or deceptive to the general public, or persons  
17 to whom the advertisement or solicitation is primarily directed;

18 (14) Failure or refusal to properly guard against  
19 contagious, infectious, or communicable diseases and the spread  
20 thereof.

21 2. After the filing of such complaint, the proceedings  
22 shall be conducted in accordance with the provisions of chapter  
23 621, RSMo. Upon a finding by the administrative hearing  
24 commission that grounds, provided in subsection 1 of this  
25 section, for disciplinary action are met, the division may,  
26 singly, or in combination, censure or place the person named in  
27 the complaint on probation on such terms and conditions as the  
28 division deems appropriate for a period not to exceed five years,

1 or may suspend, for a period not to exceed three years, or revoke  
2 the license, certificate, or permit.

3 3. The division, acting upon its own knowledge or written  
4 or verified complaint filed by any person, may discipline a  
5 person as provided in subsections 1 or 2 of this section or the  
6 division may bring an action to enjoin any person, establishment,  
7 firm, or corporation from engaging in an occupation regulated by  
8 the provisions of sections 324.520 to 324.526, if such person,  
9 firm, or corporation without being licensed to do so by the  
10 division, engages in or practices an occupation licensed under  
11 sections 324.520 to 324.526. The action shall be brought in the  
12 county in which such person resides, or, in the case of an  
13 establishment, firm, or corporation, where the establishment,  
14 firm, or corporation maintains its principal office; and unless  
15 it appears that such person, establishment, firm, or corporation  
16 so engaging or practicing such occupation is licensed, the  
17 injunction shall be issued, and such person, firm, or corporation  
18 shall be perpetually enjoined from engaging in such activities  
19 throughout the state.

20 324.1100. As used in sections 324.1100 to 324.1148, the  
21 following terms mean:

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

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

26 (3) "Department", the department of insurance, financial  
27 institutions and professional registration;

28 (4) "Law enforcement officer", a law enforcement officer as

1 defined in section 556.061, RSMo;

2 (5) "Organization", a corporation, trust, estate,  
3 partnership, cooperative, or association;

4 (6) "Person", an individual or organization;

5 (7) "Private investigator", any person who receives any  
6 consideration, either directly or indirectly, for engaging in the  
7 private investigator business;

8 (8) "Private investigator agency", a person who regularly  
9 employs any other person, other than an organization, to engage  
10 in the private investigator business;

11 (9) "Private investigator business", the furnishing of,  
12 making of, or agreeing to make, any investigation for the purpose  
13 of obtaining information pertaining to:

14 (a) Crimes or wrongs done or threatened against the United  
15 States or any state or territory of the United States;

16 (b) The identity, habits, conduct, business, occupation,  
17 honesty, integrity, credibility, knowledge, trustworthiness,  
18 efficiency, loyalty, activity, movement, whereabouts,  
19 affiliations, associations, transactions, acts, reputation, or  
20 character of any person;

21 (c) The location, disposition, or recovery of lost or  
22 stolen property;

23 (d) Securing evidence to be used before any court, board,  
24 officer, or investigating committee;

25 (e) Sale of personal identification information to the  
26 public; or

27 (f) The cause of responsibility for libel, losses,  
28 accident, or damage or injury to persons or property or

1 protection of life or property.

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

6 2. The board shall be composed of five members, including  
7 two public members, appointed by the governor with the advice and  
8 consent of the senate. Except for the public members, each  
9 member of the board shall be a citizen of the United States, a  
10 resident of Missouri, at least thirty years of age, and shall  
11 have been actively engaged in the private investigator business  
12 for the previous five years. No more than one private  
13 investigator board member may be employed by, or affiliated with,  
14 the same private investigator agency. The initial private  
15 investigator board members shall not be required to be licensed  
16 but shall obtain a license within one hundred eighty days after  
17 the effective date of the rules promulgated under sections  
18 324.1100 to 324.1148 regarding licensure. The public members  
19 shall each be a registered voter and a person who is not and  
20 never was a member of any profession licensed or regulated under  
21 sections 324.1100 to 324.1148 or the spouse of such person; and a  
22 person who does not have and never has had a material, financial  
23 interest in either the providing of the professional services  
24 regulated by sections 324.1100 to 324.1148, or an activity or  
25 organization directly related to any profession licensed or  
26 regulated under sections 324.1100 to 324.1148. The duties of the  
27 public members shall not include the determination of the  
28 technical requirements to be met for licensure or whether any

1 person meets such technical requirements or of the technical  
2 competence or technical judgment of a licensee or a candidate for  
3 licensure.

4 3. The members shall be appointed for terms of two years,  
5 except those first appointed, in which case two members, who  
6 shall be private investigators, shall be appointed for terms of  
7 four years, two members shall be appointed for terms of three  
8 years, and one member shall be appointed for a one-year term.

9 Any vacancy on the board shall be filled for the unexpired term  
10 of the member and in the manner as the first appointment. No  
11 member may serve consecutive terms.

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

16 5. There is hereby created in the state treasury the "Board  
17 of Private Investigator Examiners Fund", which shall consist of  
18 money collected under sections 324.1100 to 324.1148. The state  
19 treasurer shall be custodian of the fund and shall approve  
20 disbursements from the fund in accordance with the provisions of  
21 sections 30.170 and 30.180, RSMo. Upon appropriation, money in  
22 the fund shall be used solely for the administration of sections  
23 324.1100 to 324.1148. The provisions of section 33.080, RSMo, to  
24 the contrary notwithstanding, money in this fund shall not be  
25 transferred and placed to the credit of general revenue until the  
26 amount in the fund at the end of the biennium exceeds two times  
27 the amount of the appropriation from the board's funds for the  
28 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.

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

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

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

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

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

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

(3) Any employee, agent, or independent contractor employed by any government agency, division, or department of the state whose work relationship is established by a written contract while working within the scope of employment established under such contract;

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

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

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

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

18      (8) An insurance adjuster. For the purposes of sections  
19      324.1100 to 324.1148, an "insurance adjuster" means any person  
20      who receives any consideration, either directly or indirectly,  
21      for adjusting in the disposal of any claim under or in connection  
22      with a policy of insurance or engaging in soliciting insurance  
23      adjustment business;

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

27      (10) Employees of a not-for-profit organization or its  
28      affiliate or subsidiary, whether for-profit or not-for-profit,

whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases, including requests for employee background check information under section 660.317, RSMo;

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

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

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

(14) Any person performing duties or conducting investigations relating to serving legal process when such person's investigation is incidental to the serving of legal process; or

(15) A consumer reporting agency is defined in 15 U.S.C. Section 1681(a) and its contract and salaried employees.

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

1       (1) The full name and business address of the applicant;

2       (2) The name under which the applicant intends to conduct  
3 business;

4       (3) A statement as to the general nature of the business in  
5 which the applicant intends to engage;

6       (4) A statement as to the classification or classifications  
7 under which the applicant desires to be qualified;

8       (5) Two recent photographs of the applicant, of a type  
9 prescribed by the board of private investigator examiners, and  
10 two classifiable sets of the applicant's fingerprints processed  
11 in a manner approved by the Missouri state highway patrol,  
12 criminal records and identification division, under section  
13 43.543, RSMo;

14       (6) A verified statement of the applicant's experience  
15 qualifications; and

16       (7) Such other information, evidence, statements, or  
17 documents as may be required by the board of private investigator  
18 examiners.

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

21       (1) Be at least twenty-one years of age;

22       (2) Be a citizen of the United States;

23       (3) Provide proof of liability insurance with amount to be  
24 no less than two hundred fifty thousand dollars in coverage and  
25 proof of workers' compensation insurance if required under  
26 chapter 287, RSMo. The board shall have the authority to raise  
27 the requirements as deemed necessary; and

28       (4) Comply with such other qualifications as the board

1 adopts by rules and regulations.

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

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

12 3. In the event requirements have been met so that testing  
13 has been waived, qualification shall be dependent on a showing  
14 of, for the two previous years:

15 (1) Registration and good standing as a business in this  
16 state; and

17 (2) Two hundred fifty thousand dollars in business general  
18 liability insurance.

19 4. The board may review applicants seeking reciprocity. An  
20 applicant seeking reciprocity shall have undergone a licensing  
21 procedure similar to that required by this state and shall meet  
22 this state's minimum insurance requirements.

23 324.1112. The board of private investigator examiners may  
24 deny a request for a license if the applicant:

25 (1) Has committed any act which, if committed by a  
26 licensee, would be grounds for the suspension or revocation of a  
27 license under the provisions of sections 324.1100 to 324.1148;

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

1       (a) Has been convicted of or entered a plea of guilty or  
2 nolo contendere to a felony offense, including the receiving of a  
3 suspended imposition of sentence following a plea or finding of  
4 guilty to a felony offense;

5       (b) Has been convicted of or entered a plea of guilty or  
6 nolo contendere to a misdemeanor offense involving moral  
7 turpitude;

8       (c) Has falsified or willfully misrepresented information  
9 in an employment application, records of evidence, or in  
10 testimony under oath;

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

12       (e) Has used, possessed, or trafficked in any illegal  
13 substance;

14       (3) Has been refused a license under the provisions of  
15 sections 324.1100 to 324.1148 or had a license revoked in this  
16 state or in any other state;

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

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

21       324.1114. 1. Every application submitted under the  
22 provisions of sections 324.1100 to 324.1148 shall be accompanied  
23 by a fee as determined by the board as follows:

24       (1) For an individual license, agency license and employees  
25 being licensed to work under an agency license; or

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

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

5       3. The fees prescribed by sections 324.1100 to 324.1148  
6       shall be exclusive and notwithstanding any other provision of  
7       law. No municipality may require any person licensed under  
8       sections 324.1100 to 324.1148 to furnish any bond, pass any  
9       examination, or pay any license fee or occupational tax relative  
10      to practicing the person's profession.

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

22      324.1116. A private investigator agency shall not hire any  
23      individual as an employee unless the individual:

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

25      (2) Provides two recent photographs of themselves, of a  
26      type prescribed by the board of private investigator examiners;

27      (3) Has been fingerprinted in a manner approved by the  
28      Missouri state highway patrol, criminal records and

identification division, under section 43.543, RSMo; and

(4) Complies with any other qualifications and requirements  
the board adopts by rule.

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

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

(2) Within two years prior to the hiring date:

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

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

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

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

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

(3) Has been refused a license under the provisions of  
sections 324.1100 to 324.1148 or had a license revoked in this  
state or in any other state;

(4) While unlicensed, committed or aided and abetted the  
commission of any act for which a license is required by sections



324.1100 to 324.1148 after the effective date of this section; or

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

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

324.1122. A licensee shall successfully complete sixteen hours of continuing education units biennially. An individual not licensed as a private investigator who is hired as an employee by a private investigator agency shall successfully complete eight hours of continuing education units biennially. Such continuing education shall be 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 of the license which shall include the:

(1) Name of the licensee;

(2) Name under which the licensee is to operate; and

(3) Number and date of the license.

2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design, and content as determined by the division shall be issued without charge to each licensee. Such card shall be evidence that the licensee is licensed under sections 324.1100 to 324.1148. When any person to whom a card is issued terminates such person's position, office, or association with the licensee, the card shall be surrendered to the licensee and within five

days thereafter shall be mailed or delivered by the licensee to the board of private investigator examiners for cancellation. Within thirty days after any change of address, a licensee shall notify the board of the address change. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.

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

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

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

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

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

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee and the licensee is

1 legally responsible for any acts committed by such licensee's  
2 employees or agents which are in violation of sections 324.1100  
3 to 324.1148. A person receiving an agency license shall directly  
4 manage the agency and employees.

5 3. A license issued under sections 324.1100 to 324.1148  
6 shall not be assignable.

7 324.1128. 1. Any licensee may divulge to the board, any  
8 law enforcement officer, prosecuting attorney, or such person's  
9 representative any information such person may acquire about any  
10 criminal offense. The licensee may instruct his or her client to  
11 divulge such information if the client is the victim, but such  
12 person shall not divulge to any other person, except as he or she  
13 may be required by law, any information acquired by such person  
14 at the direction of the employer or client for whom the  
15 information was obtained.

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

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

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

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

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

5       (5) Manufacture false evidence; or

6       (6) Create any video recording of an individual in their  
7 domicile without the individual's permission. Furthermore, if  
8 such video recording is made, it shall not be admissible as  
9 evidence in any civil proceeding.

10       324.1130. Each licensee shall maintain a record containing  
11 such information relative to the licensee's employees as may be  
12 prescribed by the board of private investigator examiners. Such  
13 licensee shall file with the board the complete address of the  
14 location of the licensee's principal place of business. The  
15 board may require the filing of other information for the purpose  
16 of identifying such principal place of business.

17       324.1132. Every advertisement by a licensee soliciting or  
18 advertising business shall contain the licensee's name, city, and  
19 state as it appears in the records of the board of private  
20 investigator examiners. No individual or business can advertise  
21 as a private investigator, private detective, or private  
22 investigator agency without including their state private  
23 investigator or private investigator agency license number in the  
24 advertisement. A licensee shall not advertise or conduct  
25 business from any Missouri address other than that shown on the  
26 records of the board as the licensee's principal place of  
27 business unless the licensee has received an additional agency  
28 license for such location after compliance with the provisions of

sections 324.1100 to 324.1148 and such additional requirements  
necessary for the protection of the public as the board may  
prescribe by regulation. A licensee shall notify the board in  
writing within ten days after closing or changing the location of  
a branch office. The fee for the additional license shall be  
one-half the cost of the fee for the agency's original license.

324.1134. 1. The board may suspend or refuse to renew any  
certificate of registration or authority, permit or license  
required under sections 324.1100 to 324.1148 for one or any  
combination of causes stated in subsection 2 of this section.  
The board shall notify the applicant in writing of the reasons  
for the suspension or refusal and shall advise the applicant of  
the applicant's right to file a complaint with the administrative  
hearing commission as provided by chapter 621, RSMo. As an  
alternative to a refusal to issue or renew any certificate,  
registration or authority, the board may, at its discretion,  
issue a license which is subject to probation, restriction or  
limitation to an applicant for licensure for any one or any  
combination of causes stated in subsection 2 of this section.  
The board's order of probation, limitation or restriction shall  
contain a statement of the discipline imposed, the basis  
therefor, the date such action shall become effective, and a  
statement that the applicant has thirty days to request in  
writing a hearing before the administrative hearing commission.  
If the board issues a probationary, limited or restricted license  
to an applicant for licensure, either party may file a written  
petition with the administrative hearing commission within thirty  
days of the effective date of the probationary, limited or

1 restricted license seeking review of the board's determination.  
2 If no written request for a hearing is received by the  
3 administrative hearing commission within the thirty-day period,  
4 the right to seek review of the board's decision shall be  
5 considered as waived.

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

13 (1) Making any false statement or given any false  
14 information in connection with an application for a license or a  
15 renewal or reinstatement thereof;

16 (2) Violating any provision of sections 324.1100 to  
17 324.1148;

18 (3) Violating any rule of the board of private investigator  
19 examiners adopted under the authority contained in sections  
20 324.1100 to 324.1148;

21 (4) Impersonating, or permitting or aiding and abetting an  
22 employee to impersonate, a law enforcement officer or employee of  
23 the United States of America, or of any state or political  
24 subdivision thereof;

25 (5) Committing, or permitting any employee to commit any  
26 act, while the license was expired, which would be cause for the  
27 suspension or revocation of a license, or grounds for the denial  
28 of an application for a license;

1       (6) Knowingly violating, or advising, encouraging, or  
2 assisting the violation of, any court order or injunction in the  
3 course of business as a licensee;

4       (7) Using any letterhead, advertisement, or other printed  
5 matter, or in any manner whatever represented that such person is  
6 an instrumentality of the federal government, a state, or any  
7 political subdivision thereof;

8       (8) Using a name different from that under which such  
9 person is currently licensed in any advertisement, solicitation,  
10 or contract for business; or

11       (9) Committing any act which is grounds for denial of an  
12 application for a license under section 324.1112.

13       3. The record of conviction, or a certified copy thereof,  
14 shall be conclusive evidence of such conviction, and a plea or  
15 verdict of guilty is deemed to be a conviction within the meaning  
16 thereof.

17       4. The agency may continue under the direction of another  
18 employee if the licensee's license is suspended or revoked by the  
19 board. The board shall establish a time frame in which the  
20 agency shall identify an acceptable person who is qualified to  
21 assume control of the agency, as required by the board.

22       5. After the filing of a complaint before the  
23 administrative hearing commission, the proceedings shall be  
24 conducted in accordance with the provisions of chapter 621, RSMo.  
25 Upon a finding by the administrative hearing commission that the  
26 grounds in subsection 1 of this section for disciplinary action  
27 are met, the board may singly or in combination censure or place  
28 the person named in the complaint on probation under such terms

1 and conditions as the board deems appropriate for a period not to  
2 exceed five years, may suspend for a period not to exceed three  
3 years, or revoke the license.

4 324.1136. 1. Each private investigator or investigator  
5 agency operating under the provisions of sections 324.1100 to  
6 324.1148 shall be required to keep a complete record of the  
7 business transactions of such investigator or investigator agency  
8 for a period of seven years. Upon the service of a court order  
9 issued by a court of competent jurisdiction or upon the service  
10 of a subpoena issued by the board that is based on a complaint  
11 supported by oath or affirmation, which particularly describes  
12 the records and reports, any licensed private investigator who is  
13 the owner, partner, director, corporate officer, or custodian of  
14 business records shall provide an opportunity for the inspection  
15 of the same and to inspect reports made. Any information  
16 obtained by the board shall be kept confidential, except as may  
17 be necessary to commence and prosecute any legal proceedings.  
18 The board shall not personally enter a licensee's place of  
19 business to inspect records, but shall utilize an employee of the  
20 division of professional registration to act as a gatherer of  
21 information and facts to present to the board regarding any  
22 complaint or inspection under investigation.

23 2. For the purpose of enforcing the provisions of sections  
24 324.1100 to 324.1148, and in making investigations relating to  
25 any violation thereof, the board shall have the power to subpoena  
26 and bring before the board any person in this state and require  
27 the production of any books, records, or papers which the board  
28 deems relevant to the inquiry. The board also may administer an



1 oath to and take the testimony of any person, or cause such  
2 person's deposition to be taken, except that any applicant or  
3 licensee or officer, director, partner, or associate thereof  
4 shall not be entitled to any fees or mileage. A subpoena issued  
5 under this section shall be governed by the Missouri rules of  
6 civil procedure and shall comply with any confidentiality  
7 standards or legal limitations imposed by privacy or open records  
8 acts, fair credit reporting acts, polygraph acts, driver privacy  
9 protection acts, judicially recognized privileged communications,  
10 and the bill of rights of both the United States and Missouri  
11 Constitutions. Any person duly subpoenaed who fails to obey such  
12 subpoena without reasonable cause, or without such cause refuses  
13 to be examined or to answer any legal or pertinent question as to  
14 the character or qualification of such applicant or licensee or  
15 such applicant's alleged unlawful or deceptive practices or  
16 methods, shall be guilty of a class A misdemeanor. The testimony  
17 of witnesses in any investigative proceeding shall be under oath.

18 324.1138. 1. The board shall adopt such rules and  
19 regulations as may be necessary to carry out the provisions of  
20 sections 324.1100 to 324.1148.

21 2. Any rule or portion of a rule, as that term is defined  
22 in section 536.010, RSMo, that is created under the authority  
23 delegated in sections 324.1100 to 324.1148 shall become effective  
24 only if it complies with and is subject to all of the provisions  
25 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
26 This section and chapter 536, RSMo, are nonseverable and if any  
27 of the powers vested with the general assembly under chapter 536,  
28 RSMo, to review, to delay the effective date, or to disapprove

1 and annul a rule are subsequently held unconstitutional, then the  
2 grant of rulemaking authority and any rule proposed or adopted  
3 after August 28, 2007, shall be invalid and void.

4 324.1140. 1. The board of private investigator examiners  
5 shall certify persons who are qualified to train private  
6 investigators.

7 2. In order to be certified as a trainer under this  
8 section, a trainer shall:

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

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

12 (3) Be personally licensed as a private investigator under  
13 sections 324.1100 to 324.1148 and qualified to train private  
14 investigators.

15 3. Persons wishing to become certified trainers shall make  
16 application to the board of private investigator examiners on a  
17 form prescribed by the board and accompanied by a fee determined  
18 by the board. The application shall contain a statement of the  
19 plan of operation of the training offered by the applicant and  
20 the materials and aids to be used and any other information  
21 required by the board.

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

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

25 (2) Has sufficient knowledge of private investigator  
26 business in order to train private investigators sufficiently;

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

28 (4) Has paid the required fee.

1       5. The certificate issued under this section shall expire  
2 on the third year after the year in which it is issued and shall  
3 be renewable triennially upon application and payment of a fee.

4       324.1142. Any person who knowingly falsifies the  
5 fingerprints or photographs or other information required to be  
6 submitted under sections 324.1100 to 324.1148 is guilty of a  
7 class D felony; and any person who violates any of the other  
8 provisions of sections 324.1100 to 324.1148 is guilty of a class  
9 A misdemeanor.

10       324.1144. The board may negotiate and enter into reciprocal  
11 agreements with appropriate officials in other states to permit  
12 licensed private investigator agencies and licensed private  
13 investigators who meet or exceed the qualifications established  
14 in sections 324.1100 to 324.1148 to operate across state lines  
15 under mutually acceptable terms.

16       324.1146. Law enforcement officers who perform private  
17 investigations shall be licensed under this chapter subject to  
18 the following qualifications and limitations:

19       (1) The board may waive testing for law enforcement  
20 officers currently certified under existing peace officer  
21 standards and training requirements under chapter 590, RSMo;

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

24       (3) Law enforcement officers shall assume individual  
25 liability for their actions while performing private  
26 investigations, complying with any insurance or bonding  
27 requirements imposed under sections 324.1100 to 324.1148;

28       (4) Law enforcement officers shall not utilize their

official capacity in the course of a private investigation,  
including but not limited to:

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

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

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

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

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

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

327.011. As used in this chapter, the following words and  
terms shall have the meanings indicated:

(1) "Accredited degree program from a school of  
architecture", a degree from any school or other institution  
which teaches architecture and whose curricula for the degree in

1 question have been, at the time in question, certified as  
2 accredited by the National Architectural Accrediting Board;

3 (2) "Accredited school of landscape architecture", any  
4 school or other institution which teaches landscape architecture  
5 and whose curricula on the subjects in question are or have been  
6 at the times in question certified as accredited by the Landscape  
7 Architecture Accreditation Board of the American Society of  
8 Landscape Architects;

9 (3) "Accredited school of engineering", any school or other  
10 institution which teaches engineering and whose curricula on the  
11 subjects in question are or have been, at the time in question  
12 certified as accredited by the engineering accreditation  
13 commission of the accreditation board for engineering and  
14 technology or its successor organization;

15 (4) "Architect", any person authorized pursuant to the  
16 provisions of this chapter to practice architecture in Missouri,  
17 as the practice of architecture is defined in section 327.091;

18 (5) "Board", the Missouri board for architects,  
19 professional engineers, professional land surveyors and landscape  
20 architects;

21 (6) "Corporation", any general business corporation,  
22 professional corporation or limited liability company;

23 (7) ["Department", the department of economic development;

24 (8) "Division", the division of professional registration  
25 in the department of economic development;

26 (9)] "Landscape architect", any person licensed pursuant to  
27 the provisions of sections 327.600 to 327.635 who is qualified to  
28 practice landscape architecture by reason of special knowledge

1 and the use of biological, physical, mathematical and social  
2 sciences and the principles and methods of analysis and design of  
3 the land, has demonstrated knowledge and ability in such areas,  
4 and has been duly licensed as a landscape architect by the board  
5 on the basis of professional education, examination and  
6 experience in landscape architecture;

7 (8) "Licensee", a person licensed to practice any  
8 profession regulated under this chapter or a corporation  
9 authorized to practice any such profession;

10 [(10)] (9) "Partnership", any partnership or limited  
11 liability partnership;

12 [(11)] (10) "Person", any person, corporation, firm,  
13 partnership, association or other entity;

14 [(12)] (11) "Professional engineer", any person authorized  
15 pursuant to the provisions of this chapter to practice as a  
16 professional engineer in Missouri, as the practice of engineering  
17 is defined in section 327.181;

18 [(13)] (12) "Professional land surveyor", any person  
19 authorized pursuant to the provisions of this chapter to practice  
20 as a professional land surveyor in Missouri as the practice of  
21 land surveying is defined in section 327.272.

22 327.076. 1. Any person who practices architecture,  
23 engineering, land surveying, or landscape architecture, as  
24 defined in sections 327.011 to 327.635, or who holds himself or  
25 herself out as able to practice such profession and who is not  
26 the holder of a currently valid license or certificate of  
27 authority in Missouri, and who is not exempt from holding such a  
28 license or certificate, is guilty of a class A misdemeanor. As

1 used in this section "practice" shall not include the rendering  
2 of opinions or giving of testimony in a civil or criminal  
3 proceeding by a licensed professional.

4 2. The board may cause a complaint to be filed with the  
5 administrative hearing commission, as provided in chapter 621,  
6 RSMo, against any unlicensed person who:

7 (1) Engages in or offers to render or engage in the  
8 practice of architecture, professional engineering, land  
9 surveying, or landscape architecture;

10 (2) Uses or employs titles defined and protected by this  
11 chapter, or implies authorization to provide or offer  
12 professional services, or otherwise uses or advertises any title,  
13 word, figure, sign, card, advertisement, or other symbol or  
14 description tending to convey the impression that the person is  
15 licensed or holds a certificate of authority to practice  
16 architecture, professional engineering, land surveying, or  
17 landscape architecture;

18 (3) Presents or attempts to use another person's license,  
19 seal, or certificate of authority as his or her own;

20 (4) Attempts to use an expired, suspended, revoked, or  
21 nonexistent license or certificate of authority;

22 (5) Affixes his or her or another architect's, engineer's,  
23 land surveyor's, or landscape architect's seal on any plans,  
24 drawings, specifications or reports which have not been prepared  
25 by such person or under such person's immediate personal  
26 supervision care;

27 (6) Gives false or forged evidence of any kind to the board  
28 or any member of the board in obtaining or attempting to obtain a

certificate of licensure in this state or any other state or jurisdiction;

(7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;

(8) Violates any provision of the code of professional conduct or other rule adopted by the board; or

(9) Violates any provision of subsection 2 of section 327.441.

3. When reviewing complaints against unlicensed persons, the board may initiate an investigation and take all measures necessary to find the facts of any potential violation, including issuing subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

4. If the board files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, either singularly or in combination with other provisions of this chapter, impose a civil penalty as provided for in section 327.077 against the person named in the complaint.

327.077. 1. In disciplinary actions against licensed or unlicensed persons, the board may issue an order imposing a civil penalty. Such penalty shall not be imposed until the findings of fact and conclusions of law by the administrative hearing



1 commission have been delivered to the board in accordance with  
2 section 621.110, RSMo. Further, no civil penalty shall commence  
3 until a formal meeting and vote by the board has been taken to  
4 impose such a penalty.

5 2. A civil penalty imposed under this section shall not  
6 exceed five thousand dollars for each offense. Each day of a  
7 continued violation constitutes a separate offense, with a  
8 maximum penalty of twenty-five thousand dollars. In determining  
9 the amount of penalty to be imposed, the board may consider any  
10 of the following:

11 (1) Whether the amount imposed will be a substantial  
12 deterrent to the violation;

13 (2) The circumstances leading to the violation;

14 (3) The severity of the violation and the risk of harm to  
15 the public;

16 (4) The economic benefits gained by the violator as a  
17 result of noncompliance;

18 (5) The interest of the public.

19 3. Any final order imposing a civil penalty is subject to  
20 judicial review upon the filing of a petition under section  
21 536.100, RSMo, by any person subject to the penalty.

22 4. Payment of a civil penalty shall be made within sixty  
23 days of filing the order, or if the order is stayed pending an  
24 appeal within ten days after the court enters a final judgment in  
25 favor of the board. If the penalty is not timely paid, the board  
26 shall notify the attorney general. The attorney general may  
27 commence an action to recover the amount of the penalty,  
28 including reasonable attorney fees and costs and a surcharge of

1 fifteen percent of the penalty plus ten percent per annum on any  
2 amounts owed. In such action, the validity and appropriateness  
3 of the final order imposing the civil penalty shall not be  
4 subject to review.

5 5. An action to enforce an order under this section may be  
6 joined with an action for an injunction.

7 6. Any offer of settlement to resolve a civil penalty under  
8 this section shall be in writing, state that an action for  
9 imposition of a civil penalty may be initiated by the attorney  
10 general representing the board under this section, and identify  
11 any dollar amount as an offer of settlement, which shall be  
12 negotiated in good faith through conference, conciliation, and  
13 persuasion.

14 7. Failure to pay a civil penalty by any person licensed  
15 under this chapter shall be grounds for refusing to renew or  
16 denying reinstatement of a license or certificate of authority.

17 8. Penalties collected under this section shall be handled  
18 in accordance with section 7 of article IX of the Missouri  
19 Constitution. Such penalties shall not be considered a  
20 charitable contribution for tax purposes.

21 327.181. 1. Any person practices in Missouri as a  
22 professional engineer who renders or offers to render or holds  
23 himself or herself out as willing or able to render any service  
24 or creative work, the adequate performance of which requires  
25 engineering education, training, and experience in the  
26 application of special knowledge of the mathematical, physical,  
27 and engineering sciences to such services or creative work as  
28 consultation, investigation, evaluation, planning and design of

1 engineering works and systems, engineering teaching of advanced  
2 engineering subjects or courses related thereto, engineering  
3 surveys, the coordination of services furnished by structural,  
4 civil, mechanical and electrical engineers and other consultants  
5 as they relate to engineering work and the inspection of  
6 construction for the purpose of compliance with drawings and  
7 specifications, any of which embraces such service or work either  
8 public or private, in connection with any utilities, structures,  
9 buildings, machines, equipment, processes, work systems or  
10 projects and including such architectural work as is incidental  
11 to the practice of engineering; or who uses the title  
12 "professional engineer" or "consulting engineer" or the word  
13 "engineer" alone or preceded by any word indicating or implying  
14 that such person is or holds himself or herself out to be a  
15 professional engineer, or who shall use any word or words,  
16 letters, figures, degrees, titles or other description indicating  
17 or implying that such person is a professional engineer or is  
18 willing or able to practice engineering.

19 2. Notwithstanding any provision of subsection 1 of this  
20 section, any person using the word "engineer", "engineers", or  
21 "engineering", alone or preceded by any word, or in combination  
22 with any words, may do so without being subject to disciplinary  
23 action by the board so long as such use is reflective of that  
24 person's profession or vocation and is clearly not indicating or  
25 implying that such person is holding himself or herself out as  
26 being a professional engineer or is willing or able to practice  
27 engineering as defined in this section.

28 327.441. 1. The board may refuse to issue any license or

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

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

14 (1) Use of any controlled substance, as defined in chapter  
15 195, RSMo, or alcoholic beverage to an extent that such use  
16 impairs a person's ability to perform the work of any profession  
17 licensed or regulated by this chapter;

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

26 (3) Use of fraud, deception, misrepresentation or bribery  
27 in securing any license or certificate of authority issued  
28 pursuant to this chapter or in obtaining permission to take any

1 examination given or required pursuant to this chapter;

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

5 (5) Incompetency, misconduct, gross negligence, fraud,  
6 misrepresentation or dishonesty in the performance of the  
7 functions or duties of any profession licensed or regulated by  
8 this chapter;

9 (6) Violation of, or assisting or enabling any person to  
10 violate, any provision of this chapter, or of any lawful rule or  
11 regulation adopted pursuant to this chapter;

12 (7) Impersonation of any person holding a license or  
13 certificate of authority, or allowing any person to use his or  
14 her license or certificate of authority, or diploma from any  
15 school;

16 (8) Disciplinary action against the holder of a license or  
17 a certificate of authority, or other right to practice any  
18 profession regulated by this chapter granted by another state,  
19 territory, federal agency or country upon grounds for which  
20 revocation or suspension is authorized in this state;

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

23 (10) Assisting or enabling any person to practice or offer  
24 to practice any profession licensed or regulated by this chapter  
25 who is not licensed and currently eligible to practice pursuant  
26 to this chapter;

27 (11) Issuance of a professional license or a certificate of  
28 authority based upon a material mistake of fact;

1           (12) Failure to display a valid license or certificate of  
2 authority if so required by this chapter or any rule promulgated  
3 pursuant to this chapter;

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

5           (14) Use of any advertisement or solicitation which is  
6 false, misleading or deceptive to the general public or persons  
7 to whom the advertisement or solicitation is primarily directed.

8           3. After the filing of such complaint, the proceedings  
9 shall be conducted in accordance with the provisions of chapter  
10 621, RSMo. Upon a finding by the administrative hearing  
11 commission that the grounds, provided in subsection 2 of this  
12 section, for disciplinary action are met, the board may, singly  
13 or in combination, censure or place the person named in the  
14 complaint on probation on such terms and conditions as the board  
15 deems appropriate for a period not to exceed five years, or may  
16 suspend, for a period not to exceed three years, or order a civil  
17 penalty under section 327.077, or revoke the license or  
18 certificate of authority of the person named in the complaint.

19           331.010. 1. The "practice of chiropractic" is defined as  
20 the science and art of examination, diagnosis, adjustment,  
21 manipulation and treatment [of malpositioned articulations and  
22 structures of the body,] both in inpatient and outpatient  
23 settings, by those methods commonly taught in any chiropractic  
24 college or chiropractic program in a university which has been  
25 accredited by the Council on Chiropractic Education, its  
26 successor entity or approved by the board. [The adjustment,  
27 manipulation, or treatment shall be directed toward restoring and  
28 maintaining the normal neuromuscular and musculoskeletal function

1 and health.] It shall not include the use of operative surgery,  
2 obstetrics, osteopathy, podiatry, nor the administration or  
3 prescribing of any drug or medicine nor the practice of medicine.  
4 The practice of chiropractic is declared not to be the practice  
5 of medicine and operative surgery or osteopathy within the  
6 meaning of chapter 334, RSMo, and not subject to the provisions  
7 of the chapter.

8 2. [A licensed chiropractor may practice chiropractic as  
9 defined in subsection 1 of this section by those methods commonly  
10 taught in any chiropractic college recognized and approved by the  
11 board.

12 3. Chiropractors may advise and instruct patients in all  
13 matters pertaining to hygiene, nutrition, and sanitary measures  
14 as taught in any chiropractic college recognized and approved by  
15 the board.

16 4.] The practice of chiropractic may include meridian  
17 therapy/acupressure/acupuncture with certification as required by  
18 the board.

19 334.120. 1. There is hereby created and established a  
20 board to be known as "The State Board of Registration for the  
21 Healing Arts" for the purpose of registering, licensing and  
22 supervising all physicians and surgeons, and midwives in this  
23 state. The board shall consist of nine members, including one  
24 voting public member, to be appointed by the governor by and with  
25 the advice and consent of the senate, at least five of whom shall  
26 be graduates of professional schools [approved and accredited as  
27 reputable by the American Medical Association or the Liaison  
28 Committee on Medical Education and] accredited by the Liaison

1 Committee on Medical Education or recognized by the Educational  
2 Commission for Foreign Medical Graduates, and at least two of  
3 whom shall be graduates of professional schools approved and  
4 accredited as reputable by the American Osteopathic Association,  
5 and all of whom, except the public member, shall be duly licensed  
6 and registered as physicians and surgeons pursuant to the laws of  
7 this state. Each member must be a citizen of the United States  
8 and must have been a resident of this state for a period of at  
9 least one year next preceding his or her appointment and shall  
10 have been actively engaged in the lawful and ethical practice of  
11 the profession of physician and surgeon for at least five years  
12 next preceding his or her appointment. Not more than four  
13 members shall be affiliated with the same political party. All  
14 members shall be appointed for a term of four years. Each member  
15 of the board shall receive as compensation an amount set by the  
16 board not to exceed fifty dollars for each day devoted to the  
17 affairs of the board, and shall be entitled to reimbursement of  
18 his or her expenses necessarily incurred in the discharge of his  
19 or her official duties. The president of the Missouri State  
20 Medical Association, for all medical physician appointments, or  
21 the president of the Missouri Association of Osteopathic  
22 Physicians and Surgeons, for all osteopathic physician  
23 appointments, in office at the time shall, at least ninety days  
24 prior to the expiration of the term of the respective board  
25 member, other than the public member, or as soon as feasible  
26 after the appropriate vacancy on the board otherwise occurs,  
27 submit to the director of the division of professional  
28 registration a list of five physicians and surgeons qualified and



1 willing to fill the vacancy in question, with the request and  
2 recommendation that the governor appoint one of the five persons  
3 so listed, and with the list so submitted, the president of the  
4 Missouri State Medical Association or the Missouri Association of  
5 Osteopathic Physicians and Surgeons, as appropriate, shall  
6 include in his or her letter of transmittal a description of the  
7 method by which the names were chosen by that association.

8         2. The public member shall be at the time of his or her  
9 appointment a citizen of the United States; a resident of this  
10 state for a period of one year and a registered voter; a person  
11 who is not and never was a member of any profession licensed or  
12 regulated pursuant to this chapter or the spouse of such person;  
13 and a person who does not have and never has had a material,  
14 financial interest in either the providing of the professional  
15 services regulated by this chapter, or an activity or  
16 organization directly related to any profession licensed or  
17 regulated pursuant to this chapter. All members, including  
18 public members, shall be chosen from lists submitted by the  
19 director of the division of professional registration. The  
20 duties of the public member shall not include the determination  
21 of the technical requirements to be met for licensure or whether  
22 any person meets such technical requirements or of the technical  
23 competence or technical judgment of a licensee or a candidate for  
24 licensure.

25         335.016. As used in this chapter, unless the context  
26 clearly requires otherwise, the following words and terms mean:

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

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

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

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

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

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

24           (7) "Lapsed license status", as defined by rule under  
25 section 335.061;

26           (8) [A] "Licensed practical nurse" or "practical nurse", a  
27 person licensed pursuant to the provisions of this chapter to  
28 engage in the practice of practical nursing;

1           [(8)] (9) "Licensure", the issuing of a license to practice  
2 professional or practical nursing to candidates who have met the  
3 specified requirements and the recording of the names of those  
4 persons as holders of a license to practice professional or  
5 practical nursing;

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

25           [(10)] (11) "Professional nursing", the performance for  
26 compensation of any act which requires substantial specialized  
27 education, judgment and skill based on knowledge and application  
28 of principles derived from the biological, physical, social and

nursing sciences, including, but not limited to:

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

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

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

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

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

~~[(11)]~~ (12) A "registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

(13) "Retired license status", any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.036. 1. The board shall:

1           (1) Elect for a one-year term a president and a secretary,  
2 who shall also be treasurer, and the board may appoint, employ  
3 and fix the compensation of a legal counsel and such board  
4 personnel as defined in subdivision (4) of subsection 16 of  
5 section 620.010, RSMo, as are necessary to administer the  
6 provisions of sections 335.011 to 335.096;

7           (2) Adopt and revise such rules and regulations as may be  
8 necessary to enable it to carry into effect the provisions of  
9 sections 335.011 to 335.096;

10          (3) Prescribe minimum standards for educational programs  
11 preparing persons for licensure pursuant to the provisions of  
12 sections 335.011 to 335.096;

13          (4) Provide for surveys of such programs every five years  
14 and in addition at such times as it may deem necessary;

15          (5) Designate as "approved" such programs as meet the  
16 requirements of sections 335.011 to 335.096 and the rules and  
17 regulations enacted pursuant to such sections; and the board  
18 shall annually publish a list of such programs;

19          (6) Deny or withdraw approval from educational programs for  
20 failure to meet prescribed minimum standards;

21          (7) Examine, license, and cause to be renewed the licenses  
22 of duly qualified applicants;

23          (8) Cause the prosecution of all persons violating  
24 provisions of sections 335.011 to 335.096, and may incur such  
25 necessary expenses therefor;

26          (9) Keep a record of all the proceedings; and make an  
27 annual report to the governor and to the director of the  
28 department of economic development;

1       (10) Establish an impaired nurse program.

2           2. The board shall set the amount of the fees which this  
3 chapter authorizes and requires by rules and regulations. The  
4 fees shall be set at a level to produce revenue which shall not  
5 substantially exceed the cost and expense of administering this  
6 chapter.

7           3. All fees received by the board pursuant to the  
8 provisions of sections 335.011 to 335.096 shall be deposited in  
9 the state treasury and be placed to the credit of the state board  
10 of nursing fund. All administrative costs and expenses of the  
11 board shall be paid from appropriations made for those purposes.

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

23           5. Any rule or portion of a rule, as that term is defined  
24 in section 536.010, RSMo, that is created under the authority  
25 delegated in this chapter shall become effective only if it  
26 complies with and is subject to all of the provisions of chapter  
27 536, RSMo, and, if applicable, section 536.028, RSMo. All  
28 rulemaking authority delegated prior to August 28, 1999, is of no

1 force and effect and repealed. Nothing in this section shall be  
2 interpreted to repeal or affect the validity of any rule filed or  
3 adopted prior to August 28, 1999, if it fully complied with all  
4 applicable provisions of law. This section and chapter 536,  
5 RSMo, are nonseverable and if any of the powers vested with the  
6 general assembly pursuant to chapter 536, RSMo, to review, to  
7 delay the effective date or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 1999,  
10 shall be invalid and void.

11 335.066. 1. The board may refuse to issue or reinstate any  
12 certificate of registration or authority, permit or license  
13 required pursuant to [sections 335.011 to 335.096] chapter 335  
14 for one or any combination of causes stated in subsection 2 of  
15 this section or the board may, as a condition to issuing or  
16 reinstating any such permit or license, require a person to  
17 submit himself or herself for identification, intervention,  
18 treatment, or rehabilitation by the impaired nurse program as  
19 provided in section 335.067. The board shall notify the  
20 applicant in writing of the reasons for the refusal and shall  
21 advise the applicant of his or her right to file a complaint with  
22 the administrative hearing commission as provided by chapter 621,  
23 RSMo.

24 2. The board may cause a complaint to be filed with the  
25 administrative hearing commission as provided by chapter 621,  
26 RSMo, against any holder of any certificate of registration or  
27 authority, permit or license required by sections 335.011 to  
28 335.096 or any person who has failed to renew or has surrendered

1 his or her certificate of registration or authority, permit or  
2 license for any one or any combination of the following causes:

3 (1) Use or unlawful possession of any controlled substance,  
4 as defined in chapter 195, RSMo, or alcoholic beverage to an  
5 extent that such use impairs a person's ability to perform the  
6 work of any profession licensed or regulated by sections 335.011  
7 to 335.096;

8 (2) The person has been finally adjudicated and found  
9 guilty, or entered a plea of guilty or nolo contendere, in a  
10 criminal prosecution pursuant to the laws of any state or of the  
11 United States, for any offense reasonably related to the  
12 qualifications, functions or duties of any profession licensed or  
13 regulated pursuant to sections 335.011 to 335.096, for any  
14 offense an essential element of which is fraud, dishonesty or an  
15 act of violence, or for any offense involving moral turpitude,  
16 whether or not sentence is imposed;

17 (3) Use of fraud, deception, misrepresentation or bribery  
18 in securing any certificate of registration or authority, permit  
19 or license issued pursuant to sections 335.011 to 335.096 or in  
20 obtaining permission to take any examination given or required  
21 pursuant to sections 335.011 to 335.096;

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

25 (5) Incompetency, misconduct, gross negligence, fraud,  
26 misrepresentation or dishonesty in the performance of the  
27 functions or duties of any profession licensed or regulated by  
28 sections 335.011 to 335.096;



1           (6) Violation of, or assisting or enabling any person to  
2 violate, any provision of sections 335.011 to 335.096, or of any  
3 lawful rule or regulation adopted pursuant to sections 335.011 to  
4 335.096;

5           (7) Impersonation of any person holding a certificate of  
6 registration or authority, permit or license or allowing any  
7 person to use his or her certificate of registration or  
8 authority, permit, license or diploma from any school;

9           (8) Disciplinary action against the holder of a license or  
10 other right to practice any profession regulated by sections  
11 335.011 to 335.096 granted by another state, territory, federal  
12 agency or country upon grounds for which revocation or suspension  
13 is authorized in this state;

14           (9) A person is finally adjudged insane or incompetent by a  
15 court of competent jurisdiction;

16           (10) Assisting or enabling any person to practice or offer  
17 to practice any profession licensed or regulated by sections  
18 335.011 to 335.096 who is not registered and currently eligible  
19 to practice pursuant to sections 335.011 to 335.096;

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

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

24           (13) Use of any advertisement or solicitation which is  
25 false, misleading or deceptive to the general public or persons  
26 to whom the advertisement or solicitation is primarily directed;

27           (14) Violation of the drug laws or rules and regulations of  
28 this state, any other state or the federal government;

1           (15) Placement on an employee disqualification list or  
2 other related restriction or finding pertaining to employment  
3 within a health-related profession issued by any state or federal  
4 government or agency following final disposition by such state or  
5 federal government or agency;

6           (16) Failure to successfully complete the impaired nurse  
7 program.

8           3. After the filing of such complaint, the proceedings  
9 shall be conducted in accordance with the provisions of chapter  
10 621, RSMo. Upon a finding by the administrative hearing  
11 commission that the grounds, provided in subsection 2 of this  
12 section, for disciplinary action are met, the board may, singly  
13 or in combination, censure or place the person named in the  
14 complaint on probation on such terms and conditions as the board  
15 deems appropriate for a period not to exceed five years, or may  
16 suspend, for a period not to exceed three years, or revoke the  
17 license, certificate, or permit.

18           4. For any hearing before the full board, the board shall  
19 cause the notice of the hearing to be served upon such licensee  
20 in person or by certified mail to the licensee at the licensee's  
21 last known address. If service cannot be accomplished in person  
22 or by certified mail, notice by publication as described in  
23 subsection 3 of section 506.160, RSMo, shall be allowed; any  
24 representative of the board is authorized to act as a court or  
25 judge would in that section; any employee of the board is  
26 authorized to act as a clerk would in that section.

27           5. An individual whose license has been revoked shall wait  
28 one year from the date of revocation to apply for relicensure.

1 Relicensure shall be at the discretion of the board after  
2 compliance with all the requirements of sections 335.011 to  
3 335.096 relative to the licensing of an applicant for the first  
4 time.

5 [5.] 6. The board may notify the proper licensing authority  
6 of any other state concerning the final disciplinary action  
7 determined by the board on a license in which the person whose  
8 license was suspended or revoked was also licensed of the  
9 suspension or revocation.

10 [6.] 7. Any person, organization, association or  
11 corporation who reports or provides information to the board of  
12 nursing pursuant to the provisions of sections 335.011 to 335.259  
13 and who does so in good faith shall not be subject to an action  
14 for civil damages as a result thereof.

15 8. If the board concludes that a nurse has committed an act  
16 or is engaging in a course of conduct which would be grounds for  
17 disciplinary action which constitutes a clear and present danger  
18 to the public health and safety, the board may file a complaint  
19 before the administrative hearing commission requesting an  
20 expedited hearing and specifying the activities which give rise  
21 to the danger and the nature of the proposed restriction or  
22 suspension of the nurse's license. Within fifteen days after  
23 service of the complaint on the nurse, the administrative hearing  
24 commission shall conduct a preliminary hearing to determine  
25 whether the alleged activities of the nurse appear to constitute  
26 a clear and present danger to the public health and safety which  
27 justify that the nurse's license be immediately restricted or  
28 suspended. The burden of proving that a nurse is a clear and

1 present danger to the public health and safety shall be upon the  
2 state board of nursing. The administrative hearing commission  
3 shall issue its decision immediately after the hearing and shall  
4 either grant to the board the authority to suspend or restrict  
5 the license or dismiss the action.

6 9. If the administrative hearing commission grants  
7 temporary authority to the board to restrict or suspend the  
8 nurse's license, such temporary authority of the board shall  
9 become final authority if there is no request by the nurse for a  
10 full hearing within thirty days of the preliminary hearing. The  
11 administrative hearing commission shall, if requested by the  
12 nurse named in the complaint, set a date to hold a full hearing  
13 under the provisions of chapter 621, RSMo, regarding the  
14 activities alleged in the initial complaint filed by the board.

15 10. If the administrative hearing commission refuses to  
16 grant temporary authority to the board or restrict or suspend the  
17 nurse's license under subsection 8 of this section, such  
18 dismissal shall not bar the board from initiating a subsequent  
19 disciplinary action on the same grounds.

20 335.067. 1. The state board of nursing may establish an  
21 impaired nurse program to promote the early identification,  
22 intervention, treatment, and rehabilitation of nurses who may be  
23 impaired by reasons of illness, substance abuse, or as a result  
24 of any mental condition. This program shall be available to  
25 anyone holding a current license and may be entered voluntarily,  
26 as part of an agreement with the board of nursing, or as a  
27 condition of a disciplinary order entered by the board of  
28 nursing.

1       2. The board may enter into a contractual agreement with a  
2 nonprofit corporation or a nursing association for the purpose of  
3 creating, supporting, and maintaining a program to be designated  
4 as the impaired nurse program. The board may promulgate  
5 administrative rules subject to the provisions of this section  
6 and chapter 536, RSMo, to effectuate and implement any program  
7 formed pursuant to this section.

8       3. The board may expend appropriated funds necessary to  
9 provide for operational expenses of the program formed pursuant  
10 to this section.

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

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

26       6. All records and proceedings of the program which pertain  
27 or refer to a licensee who may be, or who actually is, impaired  
28 shall be privileged and confidential and shall be used by the

program and its members only in the exercise of the proper function of the program and shall not be considered public records under chapter 610, RSMo, and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as provided in subsection 4 of this section.

7. The program may disclose information relative to an impaired licensee only when:

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

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

(3) A licensee has breached his or her contract with the program. In this instance, the breach may be reported only to the board of nursing; or

(4) The information is subject to a court order.

8. When pursuing discipline against a licensed practical nurse, registered nurse, or advanced practice registered nurse for violating one or more causes stated in subsection 2 of section 335.066, the board may, if the violation is related to chemical dependency or mental health, require that the licensed practical nurse, registered nurse, or advanced practice registered nurse complete the impaired nurse program under such terms and conditions as are agreed to by the board and the licensee for a period not to exceed five years. If the licensee violates a term or condition of an impaired nurse program

agreement entered into under this section, the board may elect to pursue discipline against the licensee pursuant to chapter 621, RSMo, for the original conduct that resulted in the impaired nurse program agreement, or for any subsequent violation of subsection 2 of section 335.066. While the licensee participates in the impaired nurse program, the time limitations of section 620.154, RSMo, shall toll under subsection 7 of section 620.154, RSMo. All records pertaining to the impaired nurse program agreements are confidential and may only be released under subdivision (7) of subsection 14 of section 620.010, RSMo.

9. The board may disclose information and records to the impaired nurse program to assist the program in the identification, intervention, treatment, and rehabilitation of licensed practical nurses, registered nurses, or advanced practice registered nurses who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The program shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records closed to the public under chapter 620, RSMo.

335.068. 1. [If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 335.066 have been violated. Any case file documentation that does not result in the board filing an action pursuant to subsection 2 of section 335.066 shall be

1 destroyed within three months after the final case disposition by  
2 the board. No notification to any other licensing board in  
3 another state or any national registry regarding any  
4 investigative action shall be made unless the provisions of  
5 subsection 2 of section 335.066 have been violated.

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

12 (1) Destroy all documentation regarding the complaint;] If  
13 the board determines that a complaint does not constitute a  
14 violation of the nursing practice act or that the complaint is  
15 unsubstantiated, then that complaint, and all documentation  
16 related to it, shall be deemed a sealed record. If the  
17 administrative hearing commission or a court of competent  
18 jurisdiction makes a finding that an action brought by the board  
19 does not constitute sufficient grounds to discipline the license  
20 of a licensee, that complaint, and all documentation related to  
21 it, shall be deemed a sealed record.

22 2. For purposes of this section, a "sealed record" shall  
23 mean that the complaint to which it refers shall be deemed to  
24 never have occurred. The licensee may properly reply that no  
25 record exists with respect to such complaint upon any inquiry in  
26 the matter. A sealed record shall not be disclosed or reported  
27 to any other state agency, other board of nursing, or any other  
28 organization without express, written permission of the licensee.



1       3. Upon determination by the board that a complaint is not  
2 a violation of the nursing practice act or that the complaint is  
3 unsubstantiated, or upon the conclusion of litigation resulting  
4 in a finding of insufficient grounds to impose discipline upon a  
5 licensee's license, the board and the division of professional  
6 registration shall, in a timely fashion:

7           ~~[(2)]~~ (1) Notify any other licensing board in another state  
8 or any national registry regarding the board's action if they  
9 have been previously notified of the complaint; and

10          ~~[(3)]~~ (2) Send a letter to the licensee that clearly states  
11 that the board found the complaint to be unsubstantiated[ , that  
12 the board has taken the requested action,] or that litigation  
13 resulted in a finding that there are insufficient grounds to  
14 discipline the licensee's license, that the board has sealed all  
15 records concerning the complaint, and notify the licensee of the  
16 provisions of subsection ~~[3]~~ 4 of this section.

17          ~~[3.]~~ 4. Any person who has been the subject of an  
18 unsubstantiated complaint as provided in subsection 1 ~~[or 2]~~ of  
19 this section shall not be required to disclose the existence of  
20 such complaint in subsequent applications or representations  
21 relating to their nursing professions.

22          5. Nothing contained in this section shall prevent the  
23 board of nursing from maintaining such records as to ensure that  
24 all complaints received by the board are properly investigated  
25 and reviewed by the board and the results of that investigation  
26 are reported to the appropriate parties.

27          335.076. 1. Any person who holds a license to practice  
28 professional nursing in this state may use the title "Registered

Professional Nurse" and the abbreviation "R.N.". No other person [may] shall use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person [may] shall use the title "Licensed Practical Nurse" or the abbreviation "L.P.N.". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license or recognition to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", and the abbreviation "APRN", and any other title designations appearing on his or her license. No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing [or], practical nursing, or advanced practice nursing in this state [for compensation] or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse [or], practical nurse,

1 or advanced practice nurse unless he or she has been duly  
2 licensed under the provisions of [sections 335.011 to 335.096]  
3 this chapter.

4 5. In the interest of public safety and consumer awareness,  
5 it is unlawful for any person to use the title "nurse" in  
6 reference to himself or herself in any capacity, except  
7 individuals who are or have been licensed as a registered nurse,  
8 licensed practical nurse, or advanced practice registered nurse  
9 under this chapter.

10 6. Notwithstanding any law to the contrary, nothing in this  
11 chapter shall prohibit a person listed as a Christian Science  
12 nurse in the Christian Science Journal published by the Christian  
13 Science Publishing Society, Houston, Massachusetts, from using  
14 the title "Christian Science nurse", so long as such person  
15 provides religious nonmedical services when offering or providing  
16 services to a member of his or her own religious organization and  
17 does not hold his or her own religious organization and does not  
18 hold himself or herself out as a registered nurse, advanced  
19 practice registered nurse, nurse practitioner, licensed practical  
20 nurse, nurse midwife, clinical nurse specialist, or nurse  
21 anesthetists, unless otherwise authorized by law to do so.

22 335.096. Any person who violates any of the provisions of  
23 [sections 335.011 to 335.096] chapter 335 is guilty of a class [A  
24 misdemeanor] D felony and, upon conviction, shall be punished as  
25 provided by law.

26 335.097. 1. The president or secretary of the board of  
27 nursing may administer oaths, issue subpoenas duces tecum and  
28 require production of documents and records. Subpoenas duces

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

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

19         3. Reports made to the board under the mandated reporting  
20   requirements as defined in chapter 383, RSMo, shall not be deemed  
21   a violation of the federal health insurance portability and  
22   accountability act (HIPAA) and the privacy rules located in the  
23   act because the Missouri state board of nursing qualifies as a  
24   health oversight agency as defined in the HIPAA privacy rules.

25         335.212. As used in sections 335.212 to 335.242, the  
26   following terms mean:

- 27         (1) "Board", the Missouri state board of nursing;  
28         (2) "Department", the Missouri department of health and

1 senior services;

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

4 (4) "Eligible student", a resident who has been accepted as  
5 a full-time student in a formal course of instruction leading to  
6 an associate degree, a diploma, a bachelor of science, or a  
7 master of science in nursing or leading to the completion of  
8 educational requirements for a licensed practical nurse;

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

15 (6) "Qualified applicant", an eligible student approved by  
16 the board for participation in the professional and practical  
17 nursing student loan program established by sections 335.212 to  
18 335.242;

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

(8) "Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.

336.010. [Any one or any combination of the following practices constitutes the "practice of optometry":

(1) The examination of the human eye, without the use of drugs, medicines or surgery, to ascertain the presence of defects or abnormal conditions which can be corrected by the use of lenses, prisms or ocular exercises;

(2) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range of power of vision of the human eye;

(3) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation.] 1. The "practice of optometry" is the examination, diagnosis, treatment, and preventative care of the eye, adnexa, and vision. The practice includes, but is not limited to:

(1) The examination of the eye, adnexa, and vision to determine the accommodative and refractive states, visual perception, conditions, and diseases;

(2) The diagnosis and treatment of conditions or diseases of the eye, adnexa, and vision;

(3) The performance of diagnostic procedures and ordering of laboratory and imaging tests for the diagnosis of vision and conditions and diseases of the eye and adnexa;

(4) The prescription and administration of pharmaceutical

agents, excluding injectable agents, for the purpose of examination, diagnosis, and treatment of vision and conditions or diseases of the eye and adnexa;

(5) The removal of superficial foreign bodies from the eye or adnexa;

(6) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye;

(7) The prescription or adaptation of lenses, prisms, devices, or ocular exercises to correct defects or abnormal conditions of the human eye or vision or to adjust the human eye to special conditions;

(8) The prescription and fitting of ophthalmic or contact lenses and devices;

(9) The prescription and administration of vision therapy; and

(10) The prescription and administration of low vision care.

2. An optometrist may not perform surgery, including the use of lasers for treatment of any disease or condition or for the correction of refractive error.

3. As used in this chapter, except as the context may otherwise require, the following terms mean:

(1) "Eye", the human eye;

(2) "Adnexa", all structures adjacent to the eye and the conjunctiva, lids, lashes, and lacrimal system;

(3) "Board", the Missouri state board of optometry;

(4) "Diagnostic pharmaceutical agents", topically applied

pharmaceuticals used for the purpose of conducting an examination of the eye, adnexa, and vision;

(5) "Low vision care", the examination, treatment, and management of patients with visual impairments not treatable by conventional eyewear or contact lenses and may include a vision rehabilitation program to enhance remaining vision skills;

(6) "Pharmaceutical agents", any diagnostic and therapeutic drug or combination of drugs that assist the diagnosis, prevention, treatment, or mitigation of abnormal conditions or symptoms of the human eye, adnexa, and vision;

(7) "Therapeutic pharmaceutical agents", those pharmaceuticals, excluding injectable agents, used for the treatment of conditions or diseases of the eye, adnexa, and vision;

(8) "Vision therapy", a treatment regiment to improve a patient's diagnosed visual dysfunctions, prevent the development of visual problems, or enhance visual performance to meet the defined needs of the patient.

336.020. It shall be unlawful for any person to practice [optometry or], to attempt to practice [optometry], or to offer to practice optometry, or to be employed by [a] any person, corporation, partnership, [or] association [for the purpose of practicing optometry], or other entity that practice or attempts to practice without a [certificate of registration] license as [a registered] an optometrist issued by the [state] board [of optometry]. Nothing in this section shall be construed to prohibit a person licensed or registered under chapter 334, RSMo, whose license is in good standing from acting within the scope of



1 his or her practice or a person licensed as an optometrist in any  
2 state to serve as an expert witness in a civil, criminal, or  
3 administrative proceeding.

4 336.030. 1. A person is qualified to receive a  
5 [certificate of registration as a registered] license as an  
6 optometrist:

7 (1) Who is at least twenty-one years of age;

8 (2) Who is of good moral character [and];

9 (3) Who has graduated from a college or school of optometry  
10 approved by the [state] board [of optometry]; and

11 (4) Who has [passed a satisfactory examination conducted by  
12 or approved by the state board of optometry to determine his  
13 fitness to receive a certificate of registration as a registered  
14 optometrist] met either of the following conditions:

15 \_\_\_\_\_ (a) Has passed an examination satisfactory to, conducted  
16 by, or approved by the board to determine his or her fitness to  
17 receive a license as an optometrist with pharmaceutical  
18 certification and met the requirements of licensure as may be  
19 required by rule and regulation; or

20 \_\_\_\_\_ (b) Has been licensed and has practiced for at least three  
21 years in the five years immediately preceding the date of  
22 application with pharmaceutical certification in another state,  
23 territory, country, or province in which the requirements are  
24 substantially equivalent to the requirements in this state and  
25 has satisfactorily completed any practical examination or any  
26 examination on Missouri laws as may be required by rule and  
27 regulation.

28 \_\_\_\_\_ 2. The board may adopt reasonable rules and regulations

1 providing for the examination and certification of optometrists  
2 who apply to the board for the authority to practice optometry in  
3 this state.

4 336.040. Every person who desires to obtain a [certificate  
5 of registration] license to practice optometry shall apply  
6 [therefor] to the [state] board [of optometry], in writing, on  
7 [blanks] forms prepared and furnished by the [state] board [of  
8 optometry]. [Each] The application shall [contain proof of the  
9 particular] state the required qualifications [required] of the  
10 applicant, [shall contain a statement that it is] that the  
11 representations are made under oath or affirmation and [that its  
12 representations] are true and correct to the applicant's best  
13 knowledge [and belief of the person signing same], subject to the  
14 penalties of making a false affidavit or declaration and shall be  
15 accompanied by the examination fee.

16 336.050. The [state] board [of optometry] shall hold  
17 examinations of applicants for [certificates of registration as  
18 registered optometrists] a license as an optometrist at such  
19 times and places as it may determine. The examination of  
20 applicants for [certificates of registration as registered  
21 optometrists] a license as an optometrist may include both  
22 practical demonstrations and written and oral tests, and shall  
23 embrace the subjects normally taught in schools of optometry  
24 approved by the [state] board [of optometry].

25 336.060. Whenever the provisions of this chapter have been  
26 complied with, and upon payment of the [certificate] license fee,  
27 the [state] board [of optometry] shall issue a [certificate of

1 registration as a registered optometrist] license as an  
2 optometrist.

3 336.070. Every holder of [a certificate of registration] an  
4 optometry license shall display [it] the license in a conspicuous  
5 place in his or her principal office, place of business or  
6 employment. Whenever a [registered] licensed optometrist  
7 practices optometry [outside of, or] away from[, ] his or her  
8 principal office, [places of business or employment, he] the  
9 licensee shall [deliver to each patient in his care a certificate  
10 of identification or provide other identification as authorized  
11 by rule and regulation] obtain a duplicate renewal license from  
12 the board and display it in clear view of the public.

13 336.080. 1. Every [registered] licensed optometrist who  
14 continues in active practice or service shall, on or before the  
15 renewal date, renew his [certificate of registration] or her  
16 license and pay the required renewal fee and present satisfactory  
17 evidence to the [state] board [of optometry] of his or her  
18 attendance for a minimum of [eight hours each year] thirty-two  
19 hours of board-approved continuing education, or their equivalent  
20 during the preceding [licensing period at educational optometric  
21 programs, or their equivalent, that have been approved by the  
22 board] two-year continuing education reporting period as  
23 established by rule and regulation. The [attendance or  
24 equivalent] continuing education requirement may be waived by the  
25 board upon presentation to it of satisfactory evidence of the  
26 illness of the optometrist or for other good cause as defined by  
27 rule and regulation. The board shall not reject any such

1 application if approved programs are not available within the  
2 state of Missouri. Every [certificate of registration] license  
3 which has not been renewed on or before the renewal date shall  
4 expire.

5       2. Any [registered] licensed optometrist who permits his  
6 [certificate] or her license to expire may renew it within five  
7 years of expiration upon payment of the required [restoration]  
8 reactivation fee and presentation of satisfactory evidence to the  
9 [state] board [of optometry] of his or her attendance for a  
10 minimum of [twenty-four] forty-eight hours of board-approved  
11 continuing education, or their equivalent, during the five years  
12 [at educational programs, or their equivalent, that have been  
13 approved by the board. The attendance or equivalent may be  
14 waived by the board upon presentation to it of satisfactory  
15 evidence of the illness of the optometrist or for other good  
16 cause as defined by rule and regulation].

17       336.140. 1. The board shall hold meetings for the  
18 examination of applicants for registration and the transaction of  
19 other business pertaining to its duties at least once in six  
20 months. [The board shall give thirty days' public notice of the  
21 time and place of this meeting.] Each member of the board shall  
22 receive as compensation an amount set by the board not to exceed  
23 fifty dollars for each day devoted to the affairs of the board,  
24 and shall be entitled to reimbursement of his expenses  
25 necessarily incurred in the discharge of his official duties.  
26 All fees payable under this chapter shall be collected by the  
27 division of professional registration, which shall transmit the  
28 same to the department of revenue for deposit in the state

1 treasury to the credit of a fund to be known as the "Optometry  
2 Fund". All costs and expenses incurred in administering the  
3 provisions of this chapter shall be appropriated and paid from  
4 this fund.

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

16 336.160. 1. The [state] board [of optometry] may adopt  
17 reasonable rules and regulations within the scope and terms of  
18 this chapter for the proper administration and enforcement  
19 thereof. It may employ such board personnel, as defined in  
20 subdivision (4) of subsection 16 of section 620.010, RSMo, as it  
21 deems necessary within appropriations therefor.

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

27 336.220. 1. [The state board of optometry may adopt  
28 reasonable rules and regulations providing for the examination

1 and certification of registered optometrists who apply to the  
2 board for authority to administer pharmaceutical agents in the  
3 practice of optometry. Such pharmaceutical agents may be  
4 "diagnostic pharmaceutical agents" or "therapeutic pharmaceutical  
5 agents". As used in this section, the term "diagnostic  
6 pharmaceutical agents" means those topically applied  
7 pharmaceuticals used for the purpose of conducting an examination  
8 upon the eye or adnexa, and the term "therapeutic pharmaceutical  
9 agents" means those pharmaceuticals, excluding injectable agents,  
10 used for the treatment of conditions or diseases of the eye or  
11 the adnexa.

12 2. No registered optometrist shall administer diagnostic  
13 pharmaceutical agents or therapeutic pharmaceutical agents in the  
14 practice of optometry unless such person submits to the state  
15 board of optometry evidence of satisfactory completion of: a  
16 course of instruction in general and ocular pharmacology; which  
17 includes at least one hundred hours of approved, supervised,  
18 clinical training in the examination, diagnosis and treatment of  
19 conditions of the human eye and adnexa in a program supervised by  
20 a board-certified ophthalmologist; and such other educational  
21 requirements or examination as may be required by the board, and  
22 is certified by the board as qualified to administer diagnostic  
23 pharmaceutical agents and therapeutic pharmaceutical agents in  
24 the practice of optometry. An optometrist may not be certified  
25 by the board to administer therapeutic pharmaceutical agents  
26 unless the optometrist is certified to administer diagnostic  
27 pharmaceutical agents. The board shall not approve a course of  
28 instruction in general or ocular pharmacology unless it is taught

1 by an institution utilizing both the didactic and clinical  
2 instruction in pharmacology and which is accredited by a regional  
3 or professional accrediting organization which is recognized by  
4 the United States Department of Education or its successors and  
5 the transcript for the course of instruction is certified to the  
6 board by the institution as being comparable in content to those  
7 courses in general and ocular pharmacology required by other  
8 licensing boards whose licenses or registrants are permitted the  
9 administration of pharmaceutical agents in the course of their  
10 professional practice for either diagnostic or therapeutic  
11 purposes or both.

12 3. In issuing a certificate of registration or a renewal of  
13 a certificate of registration, the state board of optometry  
14 shall:

15 (1) State upon the certificate of an optometrist certified  
16 by the board to administer diagnostic pharmaceutical agents in  
17 the practice of optometry that the optometrist is so certified;  
18 and

19 (2) State upon the certificate of an optometrist certified  
20 by the board to administer therapeutic pharmaceutical agents in  
21 the practice of optometry that the optometrist is so certified.

22 4. Any provision of section 336.010 to the contrary  
23 notwithstanding, a registered optometrist who is examined and so  
24 certified by the state board of optometry in the administration  
25 of diagnostic pharmaceutical agents or therapeutic pharmaceutical  
26 agents may administer those agents for which he is certified in  
27 the practice of optometry. An optometrist's prescriptions for  
28 therapeutic pharmaceutical agents should be dispensed by a

1 pharmacist licensed under chapter 338, RSMo. When therapeutic  
2 pharmaceutical agents are dispensed by an optometrist the  
3 provisions of section 338.059, RSMo, shall apply.

4 5. An optometrist certified in the administration of  
5 therapeutic pharmaceutical agents may:

6 (1) Administer and prescribe pharmaceutical agents,  
7 excluding injectable agents, for the diagnosis and treatment of  
8 conditions or diseases of the eye or adnexa; and

9 (2) Perform diagnostic procedures and order laboratory and  
10 imaging tests for the diagnosis of conditions or diseases of the  
11 eye or adnexa.

12 6. Each optometrist certified in the administration of  
13 therapeutic pharmaceutical agents shall, within one year of  
14 August 28, 1995, complete a course of instruction approved by the  
15 board that includes at least twenty-four hours of training in the  
16 treatment of glaucoma. The board shall not approve a course of  
17 instruction in the treatment of glaucoma unless it is taught by  
18 an institution that is accredited by a regional or professional  
19 accrediting organization that is recognized by the United States  
20 Department of Education or its successor and the content for the  
21 course of instruction is certified to the board by the  
22 institution as being comparable in the content to those courses  
23 in the treatment of glaucoma required by other licensing boards  
24 whose licensees or registrants are permitted to treat glaucoma in  
25 the course of their professional practice; except that, any  
26 optometrist initially licensed in Missouri after December 31,  
27 1990, who had previously passed the examination of the National  
28 Board of Examiners in Optometry in the year 1990, or anytime



1 after such year, shall be exempt from the requirement of  
2 completing the course of instruction in the treatment of glaucoma  
3 required by this subsection. Until December 31, 1999, as a  
4 condition for the annual renewal of the certificate of  
5 registration, each optometrist certified in the administration of  
6 therapeutic pharmaceutical agents shall, as a condition for the  
7 annual renewal of certification through December 31, 1999,  
8 complete a continuing course of instruction of at least six hours  
9 in the treatment of glaucoma as approved by the board; provided  
10 that, such six hours may be credited against the initial course  
11 of at least twenty-four hours required by this section and  
12 against the educational optometric program of at least eight  
13 hours required by section 336.080.

14 7. An optometrist certified by the board in the  
15 administration of therapeutic pharmaceutical agents may remove  
16 superficial foreign bodies from the eye and adnexa. An  
17 optometrist may not perform surgery, including the use of lasers  
18 for treatment of any disease or condition or for the correction  
19 of refractive error. An optometrist certified to use  
20 pharmaceutical agents as provided in this section shall be held  
21 to the same standard of care in the use of such agents in the  
22 optometrist's diagnosis and treatment as are physicians, licensed  
23 by the Missouri state board of registration for the healing arts,  
24 who exercise that degree of skill and proficiency commonly  
25 exercised by ordinary, skillful, careful and prudent physicians  
26 and surgeons engaged in the practice of medicine.

27 8. Any optometrist authorized by the board to administer  
28 diagnostic pharmaceutical agents shall refer a patient to a

1 physician licensed under chapter 334, RSMo, if an examination of  
2 the eyes indicates a condition, including reduced visual acuity,  
3 which requires medical treatment, further medical diagnosis, or  
4 further refraction. This referral is not required on known or  
5 previously diagnosed conditions. The record of the referral in  
6 the optometrist's notes shall have the standing of any business  
7 record. Any optometrist violating this section shall be subject  
8 to the provisions of section 336.110.] Notwithstanding the  
9 provisions of subsection 1 of section 336.010, any optometrist  
10 who is not certified to use either diagnostic or therapeutic  
11 pharmaceutical agents shall continue to be prohibited from  
12 administering, dispensing, or prescribing the respective  
13 pharmaceutical agents unless the optometrist has completed an  
14 approved course of study and has been certified by the board.  
15 Such status shall be noted on the license at each renewal.

16 2. Any optometrist authorized by the board to administer  
17 only diagnostic pharmaceutical agents shall refer a patient to a  
18 physician licensed under chapter 334, RSMo, if an examination of  
19 the eyes indicates a condition, including reduced visual acuity,  
20 which requires medical treatment, further medical diagnosis, or  
21 further refraction. This referral is not required on known or  
22 previously diagnosed conditions. The record of the referral in  
23 the optometrist's notes shall have the standing of any business  
24 record. Any optometrist violating this section shall be subject  
25 to the provisions of section 336.110.

26 3. An optometrist's prescriptions for therapeutic  
27 pharmaceutical agents shall be dispensed by a pharmacist licensed  
28 under chapter 338, RSMo. When therapeutic pharmaceutical agents

1 are dispensed by an optometrist, the provisions of section  
2 338.059, RSMo, shall apply.

3 4. An optometrist certified to use pharmaceutical agents  
4 shall be held to the standard of care in the use of  
5 pharmaceutical agents in the optometrist's diagnosis and  
6 treatment as are physicians licensed by the Missouri State Board  
7 of Registration for the Healing Arts, who exercise that degree of  
8 skill and learning ordinarily used under the same or similar  
9 circumstances by physicians and surgeons engaged in the practice  
10 of medicine.

11 5. The board may adopt reasonable rules and regulations  
12 providing for the examination and certification of optometrists  
13 who apply to the board for authority to administer and prescribe  
14 pharmaceutical agents in the practice of optometry.

15 336.225. [Notwithstanding any other provision of law, any  
16 written or broadcast advertising for eye exam services whether  
17 regional or national by any optical firm shall not be required to  
18 list the name of the optometrist in the advertisement provided  
19 those optometrists practicing under a trade name at a specific  
20 location shall be identified to any person by having the  
21 optometrist's name prominently displayed at such specific  
22 location. All eye exam services provided by any optical firm  
23 must be provided by a person in accordance with the provisions  
24 contained in section 336.030.] Any optometrist or any person,  
25 firm, or corporation employing or associated with an optometrist  
26 may advertise the availability of optometric service. The  
27 optometrist shall be responsible for ensuring that his or her  
28 name is prominently displayed at all of his or her practice

1 locations. All eye examination services shall be provided by a  
2 person in accordance with the provisions of section 336.030.

3 337.600. As used in sections 337.600 to 337.689, the  
4 following terms mean:

5 (1) "Advanced macro social worker", the applications of  
6 social work theory, knowledge, methods, principles, values, and  
7 ethics; and the professional use of self to community and  
8 organizational systems, systemic and macrocosm issues, and other  
9 indirect nonclinical services; specialized knowledge and advanced  
10 practice skills in case management, information and referral,  
11 nonclinical assessments, counseling, outcome evaluation,  
12 mediation, nonclinical supervision, nonclinical consultation,  
13 expert testimony, education, outcome evaluation, research,  
14 advocacy, social planning and policy development, community  
15 organization, and the development, implementation and  
16 administration of policies, programs, and activities. A licensed  
17 advanced macro social worker may not treat mental or emotional  
18 disorders or provide psychotherapy without the direct supervision  
19 of a licensed clinical social worker; or diagnose a mental  
20 disorder;

21 (2) "Clinical social work", the application of social work  
22 theory, knowledge, values, methods, principles, and techniques of  
23 case work, group work, client-centered advocacy, [community  
24 organization,] administration, [planning, evaluation,]  
25 consultation, research, psychotherapy and counseling methods and  
26 techniques to persons, families and groups in assessment,  
27 diagnosis, treatment, prevention and amelioration of mental and  
28 emotional conditions;

1       (3) "Committee", the state committee for social workers  
2 established in section 337.622;

3       [(2)] (4) "Department", the Missouri department of economic  
4 development;

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

8       [(4)] (6) "Division", the division of professional  
9 registration;

10       [(5)] (7) "Independent practice", any practice of social  
11 workers outside of an organized setting such as a social,  
12 medical, or governmental agency in which a social worker assumes  
13 responsibility and accountability for services required;

14       (8) "Licensed advanced macro social worker", any person who  
15 offers to render services to individuals, groups, families,  
16 couples, organizations, institutions, communities, government  
17 agencies, corporations, or the general public for a fee, monetary  
18 or otherwise, implying that the person is trained, experienced,  
19 and licensed as an advanced macro social worker, and who holds a  
20 current valid license to practice as an advanced macro social  
21 worker;

22       (9) "Licensed baccalaureate social worker", any person who  
23 offers to render services to individuals, groups, organizations,  
24 institutions, corporations, government agencies, or the general  
25 public for a fee, monetary or otherwise, implying that the person  
26 is trained, experienced, and licensed as a baccalaureate social  
27 worker, and who holds a current valid license to practice as a  
28 baccalaureate social worker;

1     \_\_\_\_[(6)] (10) "Licensed clinical social worker", any person  
2     who offers to render services to individuals, groups,  
3     organizations, institutions, corporations, government agencies,  
4     or the general public for a fee, monetary or otherwise, implying  
5     that the person is trained, experienced, and licensed as a  
6     clinical social worker, and who holds a current, valid license to  
7     practice as a clinical social worker;

8     (11) "Licensed master social worker", any person who offers  
9     to render services to individuals, groups, families, couples,  
10    organizations, institutions, communities, government agencies,  
11    corporations, or the general public for a fee, monetary or  
12    otherwise, implying that the person is trained, experienced, and  
13    licensed as a master social worker, and who holds a current valid  
14    license to practice as a master social worker. A licensed master  
15    social worker may not treat mental or emotional disorders,  
16    provide psychotherapy without the direct supervision of a  
17    licensed clinical social worker, or diagnose a mental disorder;

18    (12) "Master social work", the application of social work  
19    theory, knowledge, methods, and ethics and the professional use  
20    of self to restore or enhance social, psychosocial, or bio-  
21    psychosocial functioning of individuals, couples, families,  
22    groups, organizations, communities, institutions, government  
23    agencies, or corporations. The practice includes the  
24    applications of specialized knowledge and advanced practice  
25    skills in the areas of assessment, treatment planning,  
26    implementation and evaluation, case management, mediation,  
27    information and referral, counseling, client education,  
28    supervision, consultation, education, research, advocacy,

1 community organization and development, planning, evaluation,  
2 implementation and administration of policies, programs, and  
3 activities. Under supervision as provided in this section, the  
4 practice of master social work may include the practices reserved  
5 to clinical social workers or advanced macro social workers;

6 (13) "Practice of advanced macro social work", rendering,  
7 offering to render, or supervising those who render to  
8 individuals, couples, families, groups, organizations,  
9 institutions, corporations, government agencies, communities, or  
10 the general public any service involving the application of  
11 methods, principles, and techniques of advanced practice macro  
12 social work;

13 (14) "Practice of baccalaureate social work", rendering,  
14 offering to render, or supervising those who render to  
15 individuals, families, groups, organizations, institutions,  
16 corporations, or the general public any service involving the  
17 application of methods, principles, and techniques of  
18 baccalaureate social work;

19 [(7)] (15) "Practice of clinical social work", rendering,  
20 offering to render, or supervising those who render to  
21 individuals, couples, groups, organizations, institutions,  
22 corporations, or the general public any service involving the  
23 application of methods, principles, and techniques of clinical  
24 social work;

25 (16) "Practice of master social work", rendering, offering  
26 to render, or supervising those who render to individuals,  
27 couples, families, groups, organizations, institutions,  
28 corporations, government agencies, communities, or the general

public any service involving the application of methods,  
principles, and techniques of master social work;

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

(18) "Qualified advanced macro supervisor", any licensed  
social worker who meets the qualifications of a qualified  
clinical supervisor or a licensed advanced macro social worker  
who has:

(a) Practiced in the field for which he or she is  
supervising the applicant for a minimum uninterrupted period of  
five years;

(b) Has successfully completed a minimum of sixteen hours  
of supervisory training from the Association of Social Work  
boards, the National Association of Social Workers, an accredited  
university, or a program approved by the state committee for  
social workers. All organizations providing the supervisory  
training shall adhere to the basic content and quality standards  
outlined by the state committee on social work; and

(c) Met all the requirements of sections 337.600 to  
337.689, and as defined by rule by the state committee for social  
workers;

(19) "Qualified baccalaureate supervisor", any licensed  
social worker who meets the qualifications of a qualified



clinical supervisor, qualified master supervisor, qualified advanced macro supervisor, or a licensed baccalaureate social worker who has:

(a) Practiced in the field for which he or she is supervising the applicant for a minimum uninterrupted period of five years;

(b) Has successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social workers; and

(c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social workers;

(20) "Qualified clinical supervisor", any licensed clinical social worker who has:

(a) Practiced in the field for which he or she is supervising the applicant uninterrupted since August 28, 2004, or a minimum of five years;

(b) Has successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social work; and

1        (c) Met all the requirements of sections 337.600 to  
2        337.689, and as defined by rule by the state committee for social  
3        workers;

4            [(9)] (21) "Social worker", any individual that has:

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

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

9            (c) A current [baccalaureate or clinical] social worker  
10       license as set forth in sections 337.600 to 337.689.

11        337.603. No person shall use the title of "licensed  
12       clinical social worker", "clinical social worker" or "provisional  
13       licensed clinical social worker" [and], or engage in the practice  
14       of clinical social work in this state, unless the person is  
15       licensed as required by the provisions of sections 337.600 to  
16       [337.639] 337.689. Only individuals who are licensed clinical  
17       social workers shall practice clinical social work. Sections  
18       337.600 to [337.639] 337.689 shall not apply to:

19            (1) Any person registered, certificated, or licensed by  
20       this state, another state, or any recognized national  
21       certification agent acceptable to the committee to practice any  
22       other occupation or profession while rendering services similar  
23       in nature to clinical social work in the performance of the  
24       occupation or profession which the person is registered,  
25       certificated, or licensed; and

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

1           337.604. 1. No person shall hold himself or herself out to  
2 be a "social worker" unless such person has:

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

6           (2) Received a doctorate or Ph.D. in social work; or

7           (3) A current [baccalaureate or clinical] social worker  
8 license as set forth in sections 337.600 to 337.689.

9           2. No government entities, public or private agencies or  
10 organizations in the state shall use the title "social worker" or  
11 any form of the title for volunteer or employment positions or  
12 within contracts for services, documents, manuals, or reference  
13 material effective January 1, 2004, unless the volunteers or  
14 employees in those positions meet the criteria set forth in  
15 subdivision [(8)] (17) of section 337.600 or subsection 1 of this  
16 section.

17           337.612. 1. Applications for licensure as a clinical  
18 social worker, baccalaureate social worker, advanced macro social  
19 worker or master social worker shall be in writing, submitted to  
20 the committee on forms prescribed by the committee and furnished  
21 to the applicant. The application shall contain the applicant's  
22 statements showing the applicant's education, experience, and  
23 such other information as the committee may require. Each  
24 application shall contain a statement that it is made under oath  
25 or affirmation and that the information contained therein is true  
26 and correct to the best knowledge and belief of the applicant,  
27 subject to the penalties provided for the making of a false  
28 affidavit or declaration. Each application shall be accompanied

1 by the fees required by the committee.

2 2. The committee shall mail a renewal notice to the last  
3 known address of each licensee prior to the licensure renewal  
4 date. Failure to provide the committee with the information  
5 required for licensure, or to pay the licensure fee after such  
6 notice shall effect a revocation of the license after a period of  
7 sixty days from the licensure renewal date. The license shall be  
8 restored if, within two years of the licensure date, the  
9 applicant provides written application and the payment of the  
10 licensure fee and a delinquency fee.

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

14 4. The committee shall set the amount of the fees which  
15 sections 337.600 to [337.639] 337.689 authorize and require by  
16 rules and regulations promulgated pursuant to section 536.021,  
17 RSMo. The fees shall be set at a level to produce revenue which  
18 shall not substantially exceed the cost and expense of  
19 administering the provisions of sections 337.600 to [337.639]  
20 337.689. All fees provided for in sections 337.600 to [337.639]  
21 337.689 shall be collected by the director who shall deposit the  
22 same with the state treasurer in a fund to be known as the  
23 "Clinical Social Workers Fund". After August 28, 2007, the  
24 "Clinical Social Workers Fund" shall be called the "Licensed  
25 Social Workers Fund" and after such date all references in state  
26 law to the "Clinical Social Workers Fund" shall be considered  
27 references to the "Licensed Social Workers Fund".

28 5. The provisions of section 33.080, RSMo, to the contrary

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

12 337.615. 1. Each applicant for licensure as a clinical  
13 social worker shall furnish evidence to the committee that:

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

18 (2) The applicant has completed three thousand hours of  
19 supervised clinical experience with a [licensed clinical social  
20 worker acceptable to the committee, as defined by rule,]  
21 "qualified clinical supervisor", as defined in section 337.600,  
22 in no less than twenty-four months and no more than forty-eight  
23 consecutive calendar months;

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

28 (4) The applicant is at least eighteen years of age, is of

1 good moral character, is a United States citizen or has status as  
2 a legal resident alien, and has not been convicted of a felony  
3 during the ten years immediately prior to application for  
4 licensure.

5 2. Any person holding a current license, certificate of  
6 registration, or permit from another state or territory of the  
7 United States or the District of Columbia to practice clinical  
8 social work who has had no disciplinary action taken against the  
9 license, certificate of registration, or permit for the preceding  
10 five years may be granted a license to practice clinical social  
11 work in this state if the person meets one of the following  
12 criteria:

13 (1) Has received a masters or doctoral degree from a  
14 college or university program of social work accredited by the  
15 council of social work education and has been licensed to  
16 practice clinical social work for the preceding five years; or

17 (2) Is currently licensed or certified as a clinical social  
18 worker in another state, territory of the United States, or the  
19 District of Columbia having substantially the same requirements  
20 as this state for clinical social workers.

21 3. The committee shall issue a license to each person who  
22 files an application and fee as required by the provisions of  
23 sections 337.600 to [337.639] 337.689 and who furnishes evidence  
24 satisfactory to the committee that the applicant has complied  
25 with the provisions of subdivisions (1) to (4) of subsection 1 of  
26 this section or with the provisions of subsection 2 of this  
27 section. The committee shall issue a provisional clinical social  
28 worker license to any applicant who meets all requirements of

1 subdivisions (1), (3) and (4) of subsection 1 of this section,  
2 but who has not completed the twenty-four months of supervised  
3 clinical experience required by subdivision (2) of subsection 1  
4 of this section, and such applicant may reapply for licensure as  
5 a clinical social worker upon completion of the twenty-four  
6 months of supervised clinical experience.

7 337.618. Each license issued pursuant to the provisions of  
8 sections 337.600 to [337.639] 337.689 shall expire on a renewal  
9 date established by the director. The term of licensure shall be  
10 twenty-four months. The committee shall require a minimum number  
11 of thirty clock hours of continuing education for renewal of a  
12 license issued pursuant to sections 337.600 to [337.639] 337.689.  
13 The committee shall renew any license, other than a provisional  
14 license, upon application for a renewal, completion of the  
15 required continuing education hours and upon payment of the fee  
16 established by the committee pursuant to the provisions of  
17 section 337.612. As provided by rule, the board may waive or  
18 extend the time requirements for completion of continuing  
19 education for reasons related to health, military service,  
20 foreign residency, or for other good cause. All requests for  
21 waivers or extensions of time shall be made in writing and  
22 submitted to the board before the renewal date.

23 337.622. 1. There is hereby established the "State  
24 Committee for Social Workers", which shall guide, advise, and  
25 make recommendations to the division and fulfill other  
26 responsibilities designated by sections 337.600 to [337.649 and  
27 sections 337.650 to] 337.689. The committee shall approve any  
28 examination required by sections 337.600 to [337.649 and sections

1 337.650 to] 337.689 and shall assist the division in carrying out  
2 the provisions of sections 337.600 to [337.649 and sections  
3 337.650 to] 337.689.

4 2. The committee shall consist of [nine] ten members,  
5 including a public member appointed by the governor with the  
6 advice and consent of the senate. Each member of the committee  
7 shall be a citizen of the United States and a resident of this  
8 state. The committee shall consist of six licensed clinical  
9 social workers, [two] one licensed master social worker, one  
10 licensed baccalaureate social workers, one licensed advanced  
11 macro social worker, and one voting public member. At least two  
12 committee members shall be involved in the private practice of  
13 clinical social work. [Any person who is a member of any  
14 clinical social worker advisory committee appointed by the  
15 director of the division of professional registration shall be  
16 eligible for appointment to the state committee for social work  
17 on August 28, 1997.] The governor shall endeavor to appoint  
18 members from different geographic regions of the state and with  
19 regard to the pattern of distribution of social workers in the  
20 state. The term of office for committee members shall be four  
21 years and no committee member shall serve more than ten years.  
22 [Of the members first appointed, the governor shall appoint three  
23 members, one of whom shall be the public member, whose terms  
24 shall be four years; three members whose terms shall be three  
25 years; two members whose terms shall be two years; and one member  
26 whose term shall be one year.] The president of the National  
27 Association of Social Workers Missouri Chapter in office at the  
28 time shall, at least ninety days prior to the expiration of a



1 term of a member of a clinical social worker, master social  
2 worker, advanced macro social worker, or baccalaureate social  
3 worker committee member or as soon as feasible after a vacancy on  
4 the committee otherwise occurs, submit to the director of the  
5 division of professional registration a list of five [clinical]  
6 social workers qualified [or five baccalaureate social workers]  
7 and willing to fill the vacancy in question, with the request and  
8 recommendation that the governor appoint one of the five persons  
9 in each category so listed, and with the list so submitted, the  
10 president of the National Association of Social Workers Missouri  
11 Chapter shall include in his or her letter of transmittal a  
12 description of the method by which the names were chosen by that  
13 association.

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

17 4. Notwithstanding any other provision of law to the  
18 contrary, any appointed member of the committee shall receive as  
19 compensation an amount established by the director of the  
20 division of professional registration not to exceed seventy  
21 dollars per day for committee business plus each member of the  
22 committee shall be reimbursed for necessary and actual expenses  
23 incurred in the performance of the member's official duties. The  
24 director of the division of professional registration shall  
25 establish by rule guidelines for payment. All staff for the  
26 committee shall be provided by the division.

27 5. The committee shall hold an annual meeting at which it  
28 shall elect from its membership a chairperson and a secretary.

1 The committee may hold such additional meetings as may be  
2 required in the performance of its duties, provided that notice  
3 of every meeting must be given to each member at least three days  
4 prior to the date of the meeting. A quorum of the board shall  
5 consist of a majority of its members.

6 6. The governor may remove a committee member for  
7 misconduct, incompetency or neglect of the member's official  
8 duties after giving the committee member written notice of the  
9 charges against such member and an opportunity to be heard  
10 thereon.

11 7. The public member shall be at the time of such member's  
12 appointment a citizen of the United States; a resident of this  
13 state for a period of one year and a registered voter; a person  
14 who is not and never was a member of any profession licensed or  
15 regulated pursuant to sections 337.600 to [337.649 or sections  
16 337.650 to] 337.689, or the spouse of such person; and a person  
17 who does not have and never has had a material, financial  
18 interest in either the providing of the professional services  
19 regulated by sections 337.600 to [337.649 or sections 337.650 to]  
20 337.689, or an activity or organization directly related to any  
21 profession licensed or regulated pursuant to sections 337.600 to  
22 [337.649] 337.689. The duties of the public member shall not  
23 include the determination of the technical requirements to be met  
24 for licensure or whether any person meets such technical  
25 requirements or of the technical competence or technical judgment  
26 of a licensee or a candidate for licensure.

27 337.627. 1. The committee shall promulgate rules and  
28 regulations pertaining to:

1           (1) The form and content of license applications required  
2 by the provisions of sections 337.600 to ~~[337.639]~~ 337.689 and  
3 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 337.600 to  
6 ~~[337.639]~~ 337.689;

7           (3) The characteristics of "supervised clinical experience"  
8 ~~[as that term is used in section 337.615]~~, "supervised master  
9 experience", "supervised advanced macro experience", and  
10 "supervised baccalaureate experience";

11           (4) The standards and methods to be used in assessing  
12 competency as a licensed clinical social worker, licensed master  
13 social worker, licensed advanced macro social worker, and  
14 licensed baccalaureate social worker, including the requirement  
15 for continuing education hours;

16           (5) Establishment and promulgation of procedures for  
17 investigating, hearing and determining grievances and violations  
18 occurring pursuant to the provisions of sections 337.600 to  
19 ~~[337.639]~~ 337.689;

20           (6) Development of an appeal procedure for the review of  
21 decisions and rules of administrative agencies existing pursuant  
22 to the constitution or laws of this state;

23           (7) Establishment of a policy and procedure for reciprocity  
24 with other states, including states which do not have clinical, master,  
25 advanced macro, or baccalaureate social worker licensing  
26 laws or states whose licensing laws are not substantially the  
27 same as those of this state; and

28           (8) Any other policies or procedures necessary to the

1 fulfillment of the requirements of sections 337.600 to [337.639]  
2 337.689.

3 2. [No rule or portion of a rule promulgated pursuant to  
4 the authority of sections 337.600 to 337.639 shall become  
5 effective unless it has been promulgated pursuant to the  
6 provisions of section 536.024, RSMo.] Any rule or portion of a  
7 rule, as that term is defined in section 536.010, RSMo, that is  
8 created under the authority delegated in this section shall  
9 become effective only if it complies with and is subject to all  
10 of the provisions of chapter 536, RSMo, and, if applicable,  
11 section 536.028, RSMo. This section and chapter 536, RSMo, are  
12 nonseverable and if any of the powers vested with the general  
13 assembly pursuant to chapter 536, RSMo, to review, to delay the  
14 effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2007,  
17 shall be invalid and void.

18 337.630. 1. The committee may refuse to issue or renew any  
19 license required by the provisions of sections 337.600 to  
20 [337.639] 337.689 for one or any combination of causes stated in  
21 subsection 2 of this section. The committee shall notify the  
22 applicant in writing of the reasons for the refusal and shall  
23 advise the applicant of the applicant's right to file a complaint  
24 with the administrative hearing commission as provided by chapter  
25 621, RSMo.

26 2. The committee may cause a complaint to be filed with the  
27 administrative hearing commission as provided by chapter 621,  
28 RSMo, against any holder of any license required by sections

1 337.600 to [337.639] 337.689 or any person who has failed to  
2 renew or has surrendered the person's license for any one or any  
3 combination of the following causes:

4 (1) Use of any controlled substance, as defined in chapter  
5 195, RSMo, or alcoholic beverage to an extent that such use  
6 impairs a person's ability to engage in the occupation of  
7 [clinical] social work licensed under this chapter; except that  
8 the fact that a person has undergone treatment for past substance  
9 or alcohol abuse and/or has participated in a recovery program,  
10 shall not by itself be cause for refusal to issue or renew a  
11 license;

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

21 (3) Use of fraud, deception, misrepresentation or bribery  
22 in securing any license issued pursuant to the provisions of  
23 sections 337.600 to [337.639] 337.689 or in obtaining permission  
24 to take any examination given or required pursuant to the  
25 provisions of sections 337.600 to [337.639] 337.689;

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

1           (5) Incompetency, misconduct, fraud, misrepresentation or  
2 dishonesty in the performance of the functions or duties of a  
3 [clinical] social worker licensed pursuant to this chapter;

4           (6) Violation of, or assisting or enabling any person to  
5 violate, any provision of sections 337.600 to [337.639] 337.689,  
6 or of any lawful rule or regulation adopted pursuant to sections  
7 337.600 to [337.639] 337.689;

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

11           (8) Revocation or suspension of a license or other right to  
12 practice [clinical] social work licensed pursuant to this chapter  
13 granted by another state, territory, federal agency or country  
14 upon grounds for which revocation or suspension is authorized in  
15 this state;

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

18           (10) Assisting or enabling any person to practice or offer  
19 to practice [clinical] social work licensed pursuant to this  
20 chapter who is not licensed and currently eligible to practice  
21 pursuant to the provisions of sections 337.600 to [337.639]  
22 337.689;

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

25           (12) Failure to display a valid license if so required by  
26 sections 337.600 to [337.639] 337.689 or any rule promulgated  
27 hereunder;

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

1           (14) Use of any advertisement or solicitation which is  
2 false, misleading or deceptive to the general public or persons  
3 to whom the advertisement or solicitation is primarily directed;

4           (15) Being guilty of unethical conduct as defined in the  
5 ethical standards for clinical social workers adopted by the  
6 committee by rule and filed with the secretary of state.

7           3. Any person, organization, association or corporation who  
8 reports or provides information to the committee pursuant to the  
9 provisions of sections 337.600 to [337.639] 337.689 and who does  
10 so in good faith shall not be subject to an action for civil  
11 damages as a result thereof.

12           4. After the filing of such complaint, the proceedings  
13 shall be conducted in accordance with the provisions of chapter  
14 621, RSMo. Upon a finding by the administrative hearing  
15 commission that the grounds, provided in subsection 2 of this  
16 section, for disciplinary action are met, the committee may  
17 censure or place the person named in the complaint on probation  
18 on such terms and conditions as the committee deems appropriate  
19 for a period not to exceed five years, or may suspend, for a  
20 period not to exceed three years, or revoke the license.

21           337.636. Persons licensed under the provisions of sections  
22 337.600 to [337.639] 337.689 may not disclose any information  
23 acquired from persons consulting them in their professional  
24 capacity, or be compelled to disclose such information except:

25           (1) With the written consent of the client, or in the case  
26 of the client's death or disability, the client's personal  
27 representative or other person authorized to sue, or the  
28 beneficiary of an insurance policy on the client's life, health

1 or physical condition;

2 (2) When such information pertains to a criminal act;

3 (3) When the person is a child under the age of eighteen  
4 years and the information acquired by the licensee indicated that  
5 the child was the victim of a crime;

6 (4) When the person waives the privilege by bringing  
7 charges against the licensee;

8 (5) When the licensee is called upon to testify in any  
9 court or administrative hearings concerning matters of adoption,  
10 adult abuse, child abuse, child neglect, or other matters  
11 pertaining to the welfare of clients of the licensee; or

12 (6) When the licensee is collaborating or consulting with  
13 professional colleagues or an administrative superior on behalf  
14 of the client.

15 337.643. 1. No person shall use the title of licensed  
16 master social worker and engage in the practice of master social  
17 work in this state unless the person is licensed as required by  
18 the provisions of this section and section 337.644.

19 2. A licensed master social worker shall be deemed  
20 qualified to practice the applications of social work theory,  
21 knowledge, methods and ethics and the professional use of self to  
22 restore or enhance social, psychosocial, or bio-psychosocial  
23 functioning of individuals, couples, families, groups,  
24 organizations, and communities. Master social work practice  
25 includes the applications of specialized knowledge and advanced  
26 practice skills in the management, information and referral,  
27 counseling, supervision, consultation, education, research,  
28 advocacy, community organization, and the development,



1 implementation, and administration of policies, programs, and  
2 activities. Under supervision as provided in sections 337.600 to  
3 337.689, the practice of master social work may include the  
4 practices reserved to clinical social workers or advanced macro  
5 social workers.

6 337.644. 1. Each applicant for licensure as a master  
7 social worker shall furnish evidence to the committee that:

8 (1) The applicant has a master's or doctorate degree in  
9 social work from an accredited social work degree program  
10 approved by the council of social work education;

11 (2) The applicant has achieved a passing score, as defined  
12 by the committee, on an examination approved by the committee.  
13 The eligibility requirements for such examination shall be  
14 determined by the state committee for social workers;

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

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

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

24 2. Any applicant who answers in the affirmative to any  
25 question on the application that relates to possible grounds for  
26 denial of licensure under section 337.630 shall submit a sworn  
27 affidavit setting forth in detail the facts which explain such  
28 answer and copies of appropriate documents related to such

1 answer.

2 3. Any person holding a valid unrevoked and unexpired  
3 license, certificate, or registration from another state or  
4 territory of the United States having substantially the same  
5 requirements as this state for master social workers may be  
6 granted a license to engage in the person's occupation in this  
7 state upon application to the committee accompanied by the  
8 appropriate fee as established by the committee under section  
9 337.612.

10 4. The committee shall issue a license to each person who  
11 files an application and fee as required by the provisions of  
12 sections 337.600 to 337.689 and who furnishes evidence  
13 satisfactory to the committee that the applicant has complied  
14 with the provisions of subsection 1 of this section or with the  
15 provisions of subsection 3 of this section. The license shall  
16 refer to the individual as a licensed master social worker and  
17 shall recognize that individual's right to practice licensed  
18 master social work as defined in section 337.600.

19 337.645. 1. Each applicant for licensure as an advanced  
20 macro social worker shall furnish evidence to the committee that:

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

25 (2) The applicant has completed three thousand hours of  
26 supervised advanced macro experience with a "qualified advanced  
27 macro supervisor" as defined in section 337.600 in no less than  
28 twenty-four months and no more than forty-eight consecutive

1 calendar months;

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

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

11 2. Any person holding a current license, certificate of  
12 registration, or permit from another state or territory of the  
13 United States or the District of Columbia to practice advanced  
14 macro social work who has had no disciplinary action taken  
15 against the license, certificate of registration, or permit for  
16 the preceding five years may be granted a license to practice  
17 advanced macro social work in this state if the person meets one  
18 of the following criteria:

19 (1) Has received a master's or doctoral degree from a  
20 college or university program of social work accredited by the  
21 council of social work education and has been licensed to  
22 practice advanced macro social work for the preceding five years;  
23 or

24 (2) Is currently licensed or certified as an advanced macro  
25 social worker in another state, territory of the United States,  
26 or the District of Columbia having substantially the same  
27 requirements as this state for advanced macro social workers.

28 3. The committee shall issue a license to each person who

files an application and fee as required by the provisions of  
sections 337.600 to 337.689 and who furnishes evidence  
satisfactory to the committee that the applicant has complied  
with the provisions of subdivisions (1) to (4) of subsection 1 of  
this section or with the provisions of subsection 2 of this  
section.

337.646. 1. No person shall use the title of licensed  
advanced macro social worker and engage in the practice of  
advanced macro social work in this state unless the person is  
licensed as required by the provisions of section 337.645.

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]  
337.600 to 337.689.

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

(1) Engage in 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

1 shall be defined as providing support, direction, and guidance to  
2 clients by assisting them in successfully solving complex social  
3 problems;

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

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

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

11 (8) Inform and refer clients to other professional  
12 services;

13 (9) Perform case management and outreach, including but not  
14 limited to planning, managing, directing or coordinating social  
15 services; and

16 (10) Engage in the training and education of social work  
17 students from an accredited institution and supervise other  
18 licensed baccalaureate social workers.

19 3. [A] If the licensed baccalaureate social worker has  
20 completed three thousand hours of supervised baccalaureate  
21 experience with a qualified baccalaureate supervisor in no less  
22 than twenty-four months and no more than forty-eight consecutive  
23 calendar months, the licensed baccalaureate social worker may  
24 engage in the independent practice of baccalaureate social work  
25 as defined in [subdivision (6) of] section [337.650] 337.600 and  
26 subdivisions (1) to (10) of subsection 2 of this section. Upon  
27 demonstrating the successful completion of supervised experience,  
28 the state committee for social workers shall provide the licensee

1 with a certificate clearly stating the individual's qualification  
2 to practice independently with the words "independent practice"  
3 or "IP" next to his or her licensure.

4 337.665. 1. Each applicant for licensure as a  
5 baccalaureate social worker shall furnish evidence to the  
6 committee that:

7 (1) The applicant has a baccalaureate degree in social work  
8 from an accredited social work degree program approved by the  
9 council of social work education;

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

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

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

24 [(5)] (4) The applicant has submitted a written application  
25 on forms prescribed by the state board;

26 [(6)] (5) The applicant has submitted the required  
27 licensing fee, as determined by the [division] committee.

28 2. Any applicant who answers in the affirmative to any

1 question on the application that relates to possible grounds for  
2 denial of licensure pursuant to section [337.680] 337.630 shall  
3 submit a sworn affidavit setting forth in detail the facts which  
4 explain such answer and copies of appropriate documents related  
5 to such answer.

6 3. Any person holding a valid unrevoked and unexpired  
7 license, certificate or registration from another state or  
8 territory of the United States having substantially the same  
9 requirements as this state for baccalaureate social workers may  
10 be granted a license to engage in the person's occupation in this  
11 state upon application to the committee accompanied by the  
12 appropriate fee as established by the committee pursuant to  
13 section [337.662] 337.612.

14 4. The committee shall issue a license to each person who  
15 files an application and fee as required by the provisions of  
16 sections [337.650] 337.600 to 337.689 and who furnishes evidence  
17 satisfactory to the committee that the applicant has complied  
18 with the provisions of subsection 1 of this section or with the  
19 provisions of subsection 2 of this section. [The committee shall  
20 issue a one-time provisional baccalaureate social worker license  
21 to any applicant who meets all requirements of subdivisions (1),  
22 (2), (4), (5) and (6) of subsection 1 of this section, but who  
23 has not completed the supervised baccalaureate experience  
24 required by subdivision (3) of subsection 1 of this section, and  
25 such applicant may apply for licensure as a baccalaureate social  
26 worker upon completion of the supervised baccalaureate  
27 experience.]

28 5. The committee shall issue a certificate to practice

1 independently under subsection 3 of section 337.653 to any  
2 licensed baccalaureate social worker who has satisfactorily  
3 completed three thousand hours of supervised experience with a  
4 qualified baccalaureate supervisor in no less than twenty-four  
5 months and no more than forty-eight consecutive calendar months.

6       337.689. Nothing in sections ~~[337.650]~~ 337.600 to 337.689  
7 shall be construed to prohibit any person licensed pursuant to  
8 the provisions of sections ~~[337.650]~~ 337.600 to 337.689 from  
9 testifying in court hearings concerning matters of adoption,  
10 adult abuse, child abuse, child neglect, or other matters  
11 pertaining to the welfare of children or any dependent person, or  
12 from seeking collaboration or consultation with professional  
13 colleagues or administrative supervisors on behalf of the client.

14       337.700. As used in sections 337.700 to 337.739, the  
15 following terms mean:

16       (1) "Committee", the state committee for family and marital  
17 therapists;

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

20       (3) "Director", the director of the division of  
21 professional registration in the department of economic  
22 development;

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

24       (5) "Fund", the marital and family therapists' fund created  
25 in section 337.712;

26       (6) "Licensed marital and family therapist", a person to  
27 whom a license has been issued pursuant to the provisions of  
28 sections 337.700 to 337.739, whose license is in force and not



1 suspended or revoked;

2 (7) "Marital and family therapy", the use of scientific and  
3 applied marriage and family theories, methods and procedures for  
4 the purpose of describing, diagnosing, evaluating and modifying  
5 marital, family and individual behavior within the context of  
6 marital and family systems, including the context of marital  
7 formation and dissolution. Marriage and family therapy is based  
8 on systems theories, marriage and family development, normal and  
9 dysfunctional behavior, human sexuality and psychotherapeutic,  
10 marital and family therapy theories and techniques and includes  
11 the use of marriage and family therapy theories and techniques in  
12 the diagnosis, evaluation, assessment and treatment of  
13 intrapersonal or interpersonal dysfunctions within the context of  
14 marriage and family systems. Marriage and family therapy may  
15 also include clinical research into more effective methods for  
16 the treatment and prevention of the above-named conditions;

17 (8) "Practice of marital and family therapy", the rendering  
18 of professional marital and family therapy services to  
19 individuals, family groups and marital pairs, singly or in  
20 groups, whether such services are offered directly to the general  
21 public or through organizations, either public or private, for a  
22 fee, monetary or otherwise.

23 337.715. 1. Each applicant for licensure as a marital and  
24 family therapist shall furnish evidence to the division that:

25 (1) The applicant has a master's degree or a doctoral  
26 degree in marital and family therapy, or its equivalent, from an  
27 acceptable educational institution accredited by a regional  
28 accrediting body or accredited by an accrediting body which has

1    been approved by the United States Department of Education;

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

5           (3)   After August 28, 2008, the applicant shall have  
6   completed a minimum of three semester hours of graduate level  
7   course work in diagnostic systems either within the curriculum  
8   leading to a degree as defined in subdivision (1) of this  
9   subsection or as post master's graduate level course work. Each  
10   applicant shall demonstrate supervision of diagnosis as a core  
11   component of the postgraduate supervised clinical experience as  
12   defined in subdivision (2) of this subsection;

13                (4)   Upon examination, the applicant is possessed of  
14   requisite knowledge of the profession, including techniques and  
15   applications research and its interpretation and professional  
16   affairs and ethics;

17          **[(4)]**   (5)   The applicant is at least eighteen years of age,  
18   is of good moral character, is a United States citizen or has  
19   status as a legal resident alien, and has not been convicted of a  
20   felony during the ten years immediately prior to application for  
21   licensure.

22          2.    [A licensed marriage and family therapist who has had no  
23   violations and no suspensions and no revocation of a license to  
24   practice marriage and family therapy in any jurisdiction may  
25   receive a license in Missouri provided said marriage and family  
26   therapist passes a written examination on Missouri laws and  
27   regulations governing the practice of professional counseling as  
28   defined in section 337.700, and meets one of the following

1 criteria:

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

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

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

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

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

12 (3) Is currently licensed or certified as a marriage and  
13 family therapist in another state, territory of the United  
14 States, or the District of Columbia that extends like privileges  
15 for reciprocal licensing or certification to persons licensed by  
16 this state with similar qualifications.] Any person otherwise  
17 qualified for licensure holding a current license, certificate of  
18 registration, or permit from another state or territory of the  
19 United States or the District of Columbia to practice marriage  
20 and family therapy may be granted a license without examination  
21 to engage in the practice of marital and family therapy in this  
22 state upon application to the state committee, payment of the  
23 required fee as established by the state committee, and  
24 satisfaction of the following:

25 (1) Determination by the state committee that the  
26 requirements of the other state or territory are substantially  
27 the same as Missouri;

28 (2) Verification by the applicant's licensing entity that

1 the applicant has a current license; and

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

4 3. The [division] state committee shall issue a license to  
5 each person who files an application and fee as required by the  
6 provisions of sections 337.700 to 337.739[, and who furnishes  
7 evidence satisfactory to the division that the applicant has  
8 complied with the provisions of subdivisions (1) to (4) of  
9 subsection 1 of this section or with the provisions of subsection  
10 2 of this section.]

11 337.718. 1. Each license issued pursuant to the provisions  
12 of sections 337.700 to 337.739 shall expire on a renewal date  
13 established by the director. The term of licensure shall be  
14 twenty-four months; however, the director may establish a shorter  
15 term for the first licenses issued pursuant to sections 337.700  
16 to 337.739. The division shall renew any license upon  
17 application for a renewal and upon payment of the fee established  
18 by the division pursuant to the provisions of section 337.712.  
19 Effective August 28, 2008, as a prerequisite for renewal, each  
20 licensee shall furnish to the committee satisfactory evidence of  
21 the completion of the requisite number of hours of continuing  
22 education as defined by rule, which shall be no more than forty  
23 contact hours biennially. The continuing education requirements  
24 may be waived by the committee upon presentation to the committee  
25 of satisfactory evidence of illness or for other good cause.

26 2. The division may issue temporary permits to practice  
27 under extenuating circumstances as determined by the division and  
28 defined by rule.

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

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

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

1 maintained by the same owner.

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

9 4. Class L: Veterinary permit shall not be construed to  
10 prohibit or interfere with any legally registered practitioner of  
11 veterinary medicine in the compounding or dispensing of their own  
12 prescriptions.

13 5. Notwithstanding any other law to the contrary, the  
14 provisions of this section shall not apply to the sale,  
15 dispensing, or filling of a pharmaceutical product or drug used  
16 for treating animals.

17 339.100. 1. The commission may, upon its own motion, and  
18 shall upon receipt of a written complaint filed by any person,  
19 investigate any real estate-related activity of a licensee  
20 licensed under sections 339.010 to 339.180 and sections 339.710  
21 to 339.860 or an individual or entity acting as or representing  
22 themselves as a real estate licensee. In conducting such  
23 investigation, if the questioned activity or written complaint  
24 involves an affiliated licensee, the commission may forward a  
25 copy of the information received to the affiliated licensee's  
26 designated broker. The commission shall have the power to hold  
27 an investigatory hearing to determine whether there is a  
28 probability of a violation of sections 339.010 to 339.180 and

1 sections 339.710 to 339.860. The commission shall have the power  
2 to issue a subpoena to compel the production of records and  
3 papers bearing on the complaint. The commission shall have the  
4 power to issue a subpoena and to compel any person in this state  
5 to come before the commission to offer testimony or any material  
6 specified in the subpoena. Subpoenas and subpoenas duces tecum  
7 issued pursuant to this section shall be served in the same  
8 manner as subpoenas in a criminal case. The fees and mileage of  
9 witnesses shall be the same as that allowed in the circuit court  
10 in civil cases.

11 2. The commission may cause a complaint to be filed with  
12 the administrative hearing commission as provided by the  
13 provisions of chapter 621, RSMo, against any person or entity  
14 licensed under this chapter or any licensee who has failed to  
15 renew or has surrendered his or her individual or entity license  
16 for any one or any combination of the following acts:

17 (1) Failure to maintain and deposit in a special account,  
18 separate and apart from his or her personal or other business  
19 accounts, all moneys belonging to others entrusted to him or her  
20 while acting as a real estate broker or as the temporary  
21 custodian of the funds of others, until the transaction involved  
22 is consummated or terminated, unless all parties having an  
23 interest in the funds have agreed otherwise in writing;

24 (2) Making substantial misrepresentations or false promises  
25 or suppression, concealment or omission of material facts in the  
26 conduct of his or her business or pursuing a flagrant and  
27 continued course of misrepresentation through agents,  
28 salespersons, advertising or otherwise in any transaction;

1           (3) Failing within a reasonable time to account for or to  
2 remit any moneys, valuable documents or other property, coming  
3 into his or her possession, which belongs to others;

4           (4) Representing to any lender, guaranteeing agency, or any  
5 other interested party, either verbally or through the  
6 preparation of false documents, an amount in excess of the true  
7 and actual sale price of the real estate or terms differing from  
8 those actually agreed upon;

9           (5) Failure to timely deliver a duplicate original of any  
10 and all instruments to any party or parties executing the same  
11 where the instruments have been prepared by the licensee or under  
12 his or her supervision or are within his or her control,  
13 including, but not limited to, the instruments relating to the  
14 employment of the licensee or to any matter pertaining to the  
15 consummation of a lease, listing agreement or the purchase, sale,  
16 exchange or lease of property, or any type of real estate  
17 transaction in which he or she may participate as a licensee;

18           (6) Acting for more than one party in a transaction without  
19 the knowledge of all parties for whom he or she acts, or  
20 accepting a commission or valuable consideration for services  
21 from more than one party in a real estate transaction without the  
22 knowledge of all parties to the transaction;

23           (7) Paying a commission or valuable consideration to any  
24 person for acts or services performed in violation of sections  
25 339.010 to 339.180 and sections 339.710 to 339.860;

26           (8) Guaranteeing or having authorized or permitted any  
27 licensee to guarantee future profits which may result from the  
28 resale of real property;



1           (9) Having been finally adjudicated and been found guilty  
2 of the violation of any state or federal statute which governs  
3 the sale or rental of real property or the conduct of the real  
4 estate business as defined in subsection 1 of section 339.010;

5           (10) Obtaining a certificate or registration of authority,  
6 permit or license for himself or herself or anyone else by false  
7 or fraudulent representation, fraud or deceit;

8           (11) Representing a real estate broker other than the  
9 broker with whom associated without the express written consent  
10 of the broker with whom associated;

11           (12) Accepting a commission or valuable consideration for  
12 the performance of any of the acts referred to in section 339.010  
13 from any person except the broker with whom associated at the  
14 time the commission or valuable consideration was earned;

15           (13) Using prizes, money, gifts or other valuable  
16 consideration as inducement to secure customers or clients to  
17 purchase, lease, sell or list property when the awarding of such  
18 prizes, money, gifts or other valuable consideration is  
19 conditioned upon the purchase, lease, sale or listing; or  
20 soliciting, selling or offering for sale real property by  
21 offering free lots, or conducting lotteries or contests, or  
22 offering prizes for the purpose of influencing a purchaser or  
23 prospective purchaser of real property;

24           (14) Placing a sign on or advertising any property offering  
25 it for sale or rent without the written consent of the owner or  
26 his or her duly authorized agent;

27           (15) Violation of, or attempting to violate, directly or  
28 indirectly, or assisting or enabling any person to violate, any

1 provision of sections 339.010 to 339.180 and sections 339.710 to  
2 339.860, or of any lawful rule adopted pursuant to sections  
3 339.010 to 339.180 and sections 339.710 to 339.860;

4 (16) Committing any act which would otherwise be grounds  
5 for the commission to refuse to issue a license under section  
6 339.040;

7 (17) Failure to timely inform seller of all written offers  
8 unless otherwise instructed in writing by the seller;

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

17 (19) Any other conduct which constitutes untrustworthy,  
18 improper or fraudulent business dealings, demonstrates bad faith  
19 or incompetence, misconduct, or gross negligence;

20 (20) Disciplinary action against the holder of a license or  
21 other right to practice any profession regulated under sections  
22 339.010 to 339.180 and sections 339.710 to 339.860 granted by  
23 another state, territory, federal agency, or country upon grounds  
24 for which revocation, suspension, or probation is authorized in  
25 this state;

26 (21) Been found by a court of competent jurisdiction of  
27 having used any controlled substance, as defined in chapter 195,  
28 RSMo, to the extent that such use impairs a person's ability to

1 perform the work of any profession licensed or regulated by  
2 sections 339.010 to 339.180 and sections 339.710 to 339.860;

3 (22) Been finally adjudged insane or incompetent by a court  
4 of competent jurisdiction;

5 (23) Assisting or enabling any person to practice or offer  
6 to practice any profession licensed or regulated under sections  
7 339.010 to 339.180 and sections 339.710 to 339.860 who is not  
8 registered and currently eligible to practice under sections  
9 339.010 to 339.180 and sections 339.710 to 339.860;

10 (24) Use of any advertisement or solicitation which is  
11 knowingly false, misleading or deceptive to the general public or  
12 persons to whom the advertisement or solicitation is primarily  
13 directed.

14 3. After the filing of such complaint, the proceedings will  
15 be conducted in accordance with the provisions of law relating to  
16 the administrative hearing commission. A finding of the  
17 administrative hearing commissioner that the licensee has  
18 performed or attempted to perform one or more of the foregoing  
19 acts shall be grounds for the suspension or revocation of his  
20 license by the commission, or the placing of the licensee on  
21 probation on such terms and conditions as the real estate  
22 commission shall deem appropriate, or the imposition of a civil  
23 penalty by the commission not to exceed two thousand five hundred  
24 dollars for each offense. Each day of a continued violation  
25 shall constitute a separate offense.

26 4. The commission may prepare a digest of the decisions of  
27 the administrative hearing commission which concern complaints  
28 against licensed brokers or salespersons and cause such digests

1 to be mailed to all licensees periodically. Such digests may  
2 also contain reports as to new or changed rules adopted by the  
3 commission and other information of significance to licensees.

4 5. Notwithstanding other provisions of this section, a  
5 broker or salesperson's license shall be revoked, or in the case  
6 of an applicant, shall not be issued, if the licensee or  
7 applicant has pleaded guilty to, entered a plea of nolo  
8 contendere to, or been found guilty of any of the following  
9 offenses or offenses of a similar nature established under the  
10 laws of this, any other state, the United States, or any other  
11 country, notwithstanding whether sentence is imposed:

12 (1) Any dangerous felony as defined under section 556.061,  
13 RSMo, or murder in the first degree;

14 (2) Any of the following sexual offenses: rape, statutory  
15 rape in the first degree, statutory rape in the second degree,  
16 sexual assault, forcible sodomy, statutory sodomy in the first  
17 degree, statutory sodomy in the second degree, child molestation  
18 in the first degree, child molestation in the second degree,  
19 deviate sexual assault, sexual misconduct involving a child,  
20 sexual misconduct in the first degree, sexual abuse, enticement  
21 of a child, or attempting to entice a child;

22 (3) Any of the following offenses against the family and  
23 related offenses: incest, abandonment of a child in the first  
24 degree, abandonment of a child in the second degree, endangering  
25 the welfare of a child in the first degree, abuse of a child,  
26 using a child in a sexual performance, promoting sexual  
27 performance by a child, or trafficking in children; and

28 (4) Any of the following offenses involving child

1 pornography and related offenses: promoting obscenity in the  
2 first degree, promoting obscenity in the second degree when the  
3 penalty is enhanced to a class D felony, promoting child  
4 pornography in the first degree, promoting child pornography in  
5 the second degree, possession of child pornography in the first  
6 degree, possession of child pornography in the second degree,  
7 furnishing child pornography to a minor, furnishing pornographic  
8 materials to minors, or coercing acceptance of obscene material.

9         6. A person whose license was revoked under subsection 5 of  
10 this section may appeal such revocation to the administrative  
11 hearing commission. Notice of such appeal must be received by  
12 the administrative hearing commission within ninety days of  
13 mailing, by certified mail, the notice of revocation. Failure of  
14 a person whose license was revoked to notify the administrative  
15 hearing commission of his or her intent to appeal waives all  
16 rights to appeal the revocation. Upon notice of such person's  
17 intent to appeal, a hearing shall be held before the  
18 administrative hearing [commissioner] commission.

19         339.200. 1. It shall be unlawful for any person not  
20 holding the required license from the commission to perform any  
21 act for which a license is required by sections 339.010 to  
22 339.180 and sections 339.710 to 339.860. The commission may  
23 cause a complaint to be filed with the administrative hearing  
24 commission, as provided in chapter 621, RSMo, against any  
25 unlicensed person who:

26         (1) Engages in or offers to perform any act for which a  
27 license is required by sections 339.010 to 339.180 and sections  
28 339.710 to 339.860; or

1       (2) Uses or employs titles defined and protected by this  
2 chapter, or implies authorization to provide or offer  
3 professional services, or otherwise uses or advertises any title,  
4 word, figure, sign, card, advertisement, or other symbol or  
5 description tending to convey the impression that the person  
6 holds any license required by sections 339.010 to 339.180 and  
7 sections 339.710 to 339.860.

8       2. When reviewing complaints against unlicensed persons,  
9 the commission may initiate an investigation and take all  
10 measures necessary to find the facts of any potential violation,  
11 including issuing subpoenas to compel the attendance and  
12 testimony of witnesses and the disclosure of evidence.

13       3. If the commission files a complaint with the  
14 administrative hearing commission, the proceedings shall be  
15 conducted in accordance with the provisions of chapter 621, RSMo.  
16 Upon a finding by the administrative hearing commission that the  
17 grounds provided in subsection 1 of this section for action are  
18 met, the commission may, either singularly or in combination with  
19 other provisions of this chapter, impose a civil penalty against  
20 the person named in the complaint in an amount not to exceed the  
21 limit authorized by section 339.205.

22       339.205. 1. In actions against unlicensed persons or  
23 disciplinary actions against licensed persons, the commission may  
24 issue an order imposing a civil penalty. Such penalty shall not  
25 be imposed until the findings of facts and conclusions of law by  
26 the administrative hearing commission have been delivered to the  
27 commission in accordance with section 621.110, RSMo. Further, no  
28 civil penalty shall be assessed until a formal meeting and vote

1 by the board has been taken to impose such a penalty.

2 2. Any civil penalty imposed by the commission shall not  
3 exceed two thousand five hundred dollars for each offense. Each  
4 day of a continued violation constitutes a separate offense, with  
5 a maximum penalty of twenty-five thousand dollars. In  
6 determining the amount of penalty to be imposed, the commission  
7 may consider any of the following:

8 (1) Whether the amount imposed will be a substantial  
9 deterrent to the violation;

10 (2) The circumstances leading to the violation;

11 (3) The severity of the violation and the risk of harm to  
12 the public;

13 (4) The economic benefits gained by the violator as a  
14 result of noncompliance; and

15 (5) The interest of the public.

16 3. Any final order imposing a civil penalty is subject to  
17 judicial review upon the filing of a petition under section  
18 536.100, RSMo, by any person subject to the penalty.

19 4. Payment of a civil penalty shall be made within sixty  
20 days of filing the order, or if the order is stayed pending an  
21 appeal, within ten days after the court enters a final judgment  
22 in favor of the commission. If the penalty is not timely paid,  
23 the commission shall notify the attorney general. The attorney  
24 general may commence an action to recover the amount of the  
25 penalty, including reasonable attorney fees and costs and a  
26 surcharge of fifteen percent of the penalty plus ten percent per  
27 annum on any amounts owed. In such action, the validity and  
28 appropriateness of the final order imposing the civil penalty

1 shall not be subject to review.

2 5. An action to enforce an order under this section may be  
3 joined with an action for an injunction.

4 6. Any offer of settlement to resolve a civil penalty under  
5 this section shall be in writing, state that an action for  
6 imposition of a civil penalty may be initiated by the attorney  
7 general representing the commission under this section, and  
8 identify any dollar amount as an offer of settlement, which shall  
9 be negotiated in good faith through conference, conciliation, and  
10 persuasion.

11 7. Failure to pay a civil penalty by any person licensed  
12 under this chapter shall be grounds for denying, disciplining or  
13 refusing to renew or reinstate a license or certificate of  
14 authority.

15 8. Penalties collected under this section shall be handled  
16 in accordance with section 7 of article IX of the Missouri  
17 Constitution. Such penalties shall not be considered a  
18 charitable contribution for tax purposes.

19 339.513. 1. Applications for examination, original  
20 certification and licensure, and renewal certification and  
21 licensure shall be made in writing to the commission on forms  
22 provided by the commission. The application shall specify the  
23 classification of certification, or licensure, for which  
24 application is being made.

25 2. Appropriate fees shall accompany all applications for  
26 examination, original certification or licensure, and renewal  
27 certification or licensure; provided that such fees shall be in  
28 amounts set by the commission in order to offset the cost and



1 expense of administering sections 339.500 to 339.549, and in  
2 amounts to be determined by the commission with reference to the  
3 requirements of Section 1109 of the United States Public Law  
4 101-73, as later codified and as may be amended. All fees  
5 collected pursuant to this subsection shall be collected by the  
6 commission and deposited with the state treasurer into a fund to  
7 be known as the "Missouri Real Estate Appraisers Fund". [The  
8 provisions of section 33.080, RSMo, relating to the transfer of  
9 unexpended balances to the general revenue fund shall not apply  
10 to the Missouri real estate appraisers fund.] The provisions of  
11 section 33.080, RSMo, to the contrary notwithstanding, money in  
12 this fund shall not be transferred and placed to the credit of  
13 general revenue until the amount in the fund at the end of the  
14 biennium exceeds two times the amount of the appropriation from  
15 the board's funds for the preceding fiscal year or, if the board  
16 requires by rule permit renewal less frequently than yearly, then  
17 three times the appropriation from the board's funds for the  
18 preceding fiscal year. The amount, if any, in the fund which  
19 shall lapse is that amount in the fund which exceeds the  
20 appropriate multiple of the appropriations from the board's funds  
21 for the preceding fiscal year.

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

1 344.020. No person shall act or serve in the capacity of a  
2 nursing home administrator without first procuring a license from  
3 the Missouri board of nursing home administrators as provided in  
4 sections 344.010 to ~~[344.100]~~ 344.108. The board may issue a  
5 separate license to administrators of assisted living facilities,  
6 as defined in section 198.006, RSMo. Any individual who receives  
7 a license to operate an assisted living facility is not thereby  
8 authorized to operate any intermediate care facility or skilled  
9 nursing facility as those terms are defined in section 198.006,  
10 RSMo.

11 344.030. 1. An applicant for an initial license shall file  
12 a completed application with the board on a form provided by the  
13 board, accompanied by an application fee ~~[of one hundred dollars]~~  
14 as provided by rule payable to the ~~[director of revenue]~~  
15 department of health and senior services. Information provided  
16 in the application ~~[shall be given under oath subject to the~~  
17 ~~penalties for making a false affidavit]~~ attested by signature to  
18 be true and correct to the best of the applicant's knowledge and  
19 belief.

20 2. No initial license shall be issued to a person as a  
21 nursing home administrator unless:

22 (1) The applicant provides the board satisfactory proof  
23 that the applicant is twenty-one years of age or over, of good  
24 moral character and a high school graduate or equivalent;

25 (2) The applicant provides the board satisfactory proof  
26 that the applicant has had a minimum of three years' experience  
27 in health care administration or two years of postsecondary  
28 education in health care administration or has satisfactorily

1 completed a course of instruction and training prescribed by the  
2 board, which includes instruction in the needs properly to be  
3 served by nursing homes, the protection of the interests of  
4 residents therein, and the elements of good nursing home  
5 administration, or has presented evidence satisfactory to the  
6 board of sufficient education, training, or experience in the  
7 foregoing fields to administer, supervise and manage a nursing  
8 home; and

9 (3) The applicant passes the [written examination]  
10 examinations administered by the board. If an applicant fails to  
11 make a passing grade on [the examination] either of the  
12 examinations such applicant may make application for  
13 reexamination on a form furnished by the board and may be  
14 retested [at the next regularly scheduled examination]. If an  
15 applicant fails [the examination] either of the examinations a  
16 third time, the applicant shall be required to complete a course  
17 of instruction prescribed and approved by the board [before the  
18 applicant may reapply for examination]. After completion of the  
19 board-prescribed course of instruction, the applicant may reapply  
20 for examination. With regard to the national examination  
21 required for licensure, no examination scores from other states  
22 shall be recognized by the board after the applicant has failed  
23 his or her third attempt at the national examination. There  
24 shall be a separate, nonrefundable fee for each examination. The  
25 board shall set the amount of the fee for examination by rules  
26 and regulations promulgated pursuant to section 536.021, RSMo.  
27 The fee shall be set at a level to produce revenue which shall  
28 not substantially exceed the cost and expense of administering

1 the examination.

2 3. The board may issue a license through reciprocity to any  
3 person who is regularly licensed as a nursing home administrator  
4 in any other state, territory, or the District of Columbia, if  
5 the regulations for securing such license are equivalent to those  
6 required in the state of Missouri. However, no license by  
7 reciprocity shall be issued until the applicant passes a special  
8 examination approved by the board, which will examine the  
9 applicant's knowledge of specific provisions of Missouri statutes  
10 and regulations pertaining to nursing homes. The applicant shall  
11 furnish satisfactory evidence that such applicant is of good  
12 moral character and has acted in the capacity of a nursing home  
13 administrator in such state, territory, or the District of  
14 Columbia, at least one year after the securing of the license.  
15 The board, in its discretion, may enter into written reciprocal  
16 agreements pursuant to this section with other states which have  
17 equivalent laws and regulations.

18 4. Nothing in sections 344.010 to [344.100] 344.108, or the  
19 rules or regulations thereunder shall be construed to require an  
20 applicant for a license as a nursing home administrator, who is  
21 employed by an institution listed and certified by the Commission  
22 for Accreditation of Christian Science Nursing  
23 Organizations/Facilities, Inc., to administer institutions  
24 certified by such commission for the care and treatment of the  
25 sick in accordance with the creed or tenets of a recognized  
26 church or religious denomination, to demonstrate proficiency in  
27 any techniques or to meet any educational qualifications or  
28 standards not in accord with the remedial care and treatment

1 provided in such institutions. The applicant's license shall be  
2 endorsed to confine the applicant's practice to such  
3 institutions.

4 5. The board may issue a temporary emergency license for a  
5 period not to exceed ninety days to a person twenty-one years of  
6 age or over, of good moral character and a high school graduate  
7 or equivalent to serve as an acting nursing home administrator,  
8 provided such person is replacing a licensed nursing home  
9 administrator who has died, has been removed or has vacated the  
10 nursing home administrator's position. No temporary emergency  
11 license may be issued to a person who has had a nursing home  
12 administrator's license denied, suspended or revoked. A  
13 temporary emergency license may be renewed for one additional  
14 ninety-day period upon a showing that the person seeking the  
15 renewal of a temporary emergency license meets the qualifications  
16 for licensure and has filed an application for a regular license,  
17 accompanied by the application fee, and the [examination has not  
18 yet been given] applicant has taken the examination or  
19 examinations but the results have not been received by the board.

20 No temporary emergency license may be renewed more than one time.

21 344.040. 1. Every license issued under this chapter shall  
22 expire on June thirtieth of the year following the year of  
23 issuance and every other year thereafter, provided that licenses  
24 issued or renewed during the year 2006 may be issued or renewed  
25 by the board for a period of either one or two years, as provided  
26 by rule. Licensees seeking renewal shall, during the month of  
27 May of the year of renewal, file an application for renewal on  
28 forms furnished by the board, which shall include evidence

1 satisfactory to the board of completion of the approved  
2 continuing education hours required by the board, and shall be  
3 accompanied by a renewal fee as provided by rule payable to the  
4 department of health and senior services.

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

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

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

26       5. By April first of each year, the board shall mail an  
27 application for renewal of license to every person whose license  
28 shall be renewed during the current year. The applicant must

1 submit such information as will enable the board to determine if  
2 the applicant's license should be renewed. Information provided  
3 in the application shall be [given under oath] attested by  
4 signature to be true and correct to the best of the applicant's  
5 knowledge and belief.

6 6. Any licensee who fails to apply to renew his or her  
7 license by June thirtieth of the licensee's year of renewal may  
8 be relicensed by the board if he meets the requirements set forth  
9 by the board pursuant to sections 344.010 to [344.100] 344.108  
10 and pays the renewal fee required by rule, plus a penalty of  
11 twenty-five dollars. No action shall be taken by the board in  
12 addition to a penalty of twenty-five dollars imposed by this  
13 section against any such licensee whose license has not expired  
14 for a period of more than two months, and who has had no action  
15 in the preceding five years taken against them by the board, and  
16 who has met all other licensure requirements by June thirtieth of  
17 the year of renewal; provided, however, that nothing in this  
18 section shall prevent the board from taking any other  
19 disciplinary action against a licensee if there shall exist a  
20 cause for discipline pursuant to section 344.050. A person whose  
21 license has expired for a period of more than twelve months must  
22 meet the requirements set out in section 344.030 for initial  
23 licensure.

24 344.050. 1. The board may refuse to issue or renew any  
25 certificate of registration or authority, permit or license  
26 required pursuant to this chapter for one or any combination of  
27 causes stated in subsection 2 of this section. The board shall  
28 notify the applicant in writing of the reasons for the refusal

1 and shall advise the applicant of his or her right to file a  
2 complaint with the administrative hearing commission as provided  
3 by chapter 621, RSMo. As an alternative to refusal to issue or  
4 renew any certificate, registration or authority, permit or  
5 license, the board may, at its discretion, issue a license which  
6 is subject to probation for any one or any combination of causes  
7 stated in subsection 2 of this section. The board's order of  
8 probation shall contain a statement of the discipline imposed,  
9 the basis therefore, the date such action shall become effective,  
10 and a statement that the applicant has thirty days to request in  
11 writing a hearing before the administrative hearing commission.  
12 If the board issues a probationary license to an applicant for  
13 licensure, the applicant may file a written petition with the  
14 administrative hearing commission within thirty days of the  
15 effective date of the probationary license seeking review of  
16 whether cause exists to discipline the licensee under subsection  
17 2 of this section. If no written request for a hearing is  
18 received by the administrative hearing commission within the  
19 thirty-day period, the right to seek review of the board's  
20 decision shall be waived.

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

28 (1) Use or unlawful possession of any controlled substance,



1 as defined in chapter 195, RSMo, or alcoholic beverage to an  
2 extent that such use impairs a person's ability to perform the  
3 work of any profession licensed or regulated by this chapter;

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

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

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

21 (5) Incompetency, misconduct, gross negligence, fraud,  
22 misrepresentation or dishonesty in the performance of the  
23 functions or duties of any profession licensed or regulated by  
24 this chapter;

25 (6) Violation of, or assisting or enabling any person to  
26 violate, any provision of this chapter, or of any lawful rule or  
27 regulation adopted pursuant to this chapter;

28 (7) Violation of, or assisting or enabling any person to

violate, any provision of chapter 198, RSMo, or any lawful rule or regulation promulgated thereunder;

(8) Impersonation of any person holding a certificate of registration or authority, permit or license, or allowing any person to use ~~[his]~~ such person's certificate of registration or authority, permit, license or diploma from any school;

~~[(8)]~~ (9) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

~~[(9)]~~ (10) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

~~[(10)]~~ (11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

~~[(11)]~~ (12) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

~~[(12)]~~ (13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

~~[(13)]~~ (14) Knowingly failing to report abuse or neglect of a resident in a long-term care facility, as required by section 198.070, RSMo, of which he or she has actual knowledge that it is abuse or neglect;

(15) Violation of any professional trust or confidence;

1       (16) Having served as the administrator, operator, or any  
2 principal involved in the operation of a facility licensed under  
3 chapter 198, RSMo, and during such time the facility has had its  
4 license revoked under section 198.036, RSMo, has entered into a  
5 consent agreement to obtain a probationary license under  
6 subsection 5 of section 198.026, RSMo, has had a license denied  
7 under subsection 2 of section 198.022, RSMo, or has surrendered  
8 its license while under investigation.

9           3. The administrative hearing commission shall have no  
10 authority to require issuance of a license, pending a final  
11 determination by the commission, in any case in which an  
12 applicant is seeking initial licensure.

13           4. No license may be suspended or revoked and no  
14 application for renewal of a license may be denied under this  
15 section until the licensee has been afforded an opportunity for  
16 hearing after due notice as provided in sections 621.015 to  
17 621.205, RSMo.

18           5. Upon a finding by the administrative hearing commission  
19 that the grounds, provided in subsection 2 of this section, for  
20 disciplinary action are met, the board may, singly or in  
21 combination, [place upon probation,] censure or place the person  
22 named in the complaint on probation on such terms as the board  
23 deems appropriate, or may suspend or revoke [a] the certificate  
24 [of registration or authority], permit or license. The board may  
25 exclude any application for up to five years for any person who  
26 has had his or her license revoked by the board or has  
27 surrendered his or her license to the board.

28           344.060. 1. The director of the department of health and

1 senior services shall appoint ten suitable persons who together  
2 with the director [of the division of aging] of the department of  
3 health and senior services or the director's designee shall  
4 constitute the "Missouri Board of Nursing Home Administrators"  
5 which is hereby created within the department of health and  
6 senior services and which shall have the functions, powers and  
7 duties prescribed by sections 344.010 to [344.100] 344.108.

8 2. In addition to the director of the [division of aging]  
9 department of health and senior services or [his] the director's  
10 designee the membership of the board shall consist of one  
11 licensed physician, two licensed health professionals, one person  
12 from the field of health care education, four persons who have  
13 been in general administrative charge of a licensed nursing home  
14 for a period of at least five years immediately preceding their  
15 appointment, and two public members. In addition to these  
16 qualifications, the physician, the two licensed health care  
17 professionals, and the health care educator shall be citizens of  
18 the United States and taxpaying residents of the state of  
19 Missouri for one year preceding their appointments. The four  
20 appointees who have been in general administrative charge of a  
21 licensed nursing home shall be citizens of the United States and  
22 either residents of the state of Missouri for one year preceding  
23 their appointments or persons who have been licensed by the board  
24 and whose five years of employment in a licensed nursing home  
25 immediately preceding their appointment have occurred in the  
26 state of Missouri. The public members shall be citizens of the  
27 United States, residents of the state of Missouri for one year  
28 preceding their appointment, and registered voters. The public

1 members shall be persons who are not, or never were, licensed  
2 nursing home administrators or the spouse of such persons, or  
3 persons who do not have or never have had a material, financial  
4 interest in either the providing of licensed nursing home  
5 services or in an activity or organization directly related to  
6 licensed nursing home administration. Neither the one licensed  
7 physician, the two licensed health professionals, nor the person  
8 from the health care education field shall have any financial  
9 interest in a licensed nursing home.

10         3. The members of the board shall be appointed for  
11 three-year terms or until their successors are appointed and  
12 qualified provided that no more than four members' terms shall  
13 expire in the same year. All members appointed prior to  
14 September 28, 1979, shall serve the term for which they were  
15 appointed. The governor shall fill any vacancies on the board as  
16 necessary. Appointment to fill an unexpired term shall not be  
17 considered an appointment for a full term. Board membership,  
18 continued until successors are appointed and qualified, shall not  
19 constitute an extension of the three-year term and the successors  
20 shall serve only the remainder of the term.

21         4. Every member shall receive a certificate of appointment;  
22 and every appointee, before entering upon his or her duties,  
23 shall take the oath of office required by article VII, section  
24 11, of the Constitution of Missouri.

25         5. Any member of the board may be removed by the director  
26 of the department of health and senior services for misconduct,  
27 incompetency or neglect to duty after first being given an  
28 opportunity to be heard in his or her own behalf.

1        344.070. 1. The board shall annually elect one of its  
2 members as president, another as vice president, and another as  
3 secretary. It shall adopt an official seal. It shall file and  
4 preserve all written applications, petitions, complaints, charges  
5 or requests made or presented to it. It shall cause to be kept  
6 accurate records and minutes of its proceedings, and shall  
7 maintain a register of the names and addresses of all persons  
8 holding licenses as nursing home administrators. A copy of any  
9 entry in the register, or of any records or minutes of the board,  
10 certified by the president or secretary of the board under its  
11 seal, shall be received in evidence, to all intents and purposes  
12 as the original. The board may employ such part- or full-time  
13 clerical assistance, purchase such equipment and supplies, employ  
14 legal counsel, employ a part- or full-time investigator, and  
15 incur travel and other expense, within the limits of its  
16 appropriations.

17        2. The board shall adopt, amend and repeal rules and  
18 regulations necessary to carry out the provisions of sections  
19 **[344.030 to 344.100]** 344.020 to 344.108. Any rule or regulation  
20 under the authority of sections **[344.030 to 344.100]** 344.020 to  
21 344.108 shall be promulgated in accordance with chapter 536,  
22 RSMo. The committee on administrative rules may file a complaint  
23 in accordance with the provisions of chapter 536, RSMo, before  
24 the commission contesting the validity of any rule purportedly  
25 promulgated under the authority of sections **[344.030 to 344.100]**  
26 344.020 to 344.108. On filing any complaint in accordance with  
27 this section, the administrative hearing commission shall  
28 immediately suspend that portion of the rule which is challenged

1 until the commission has determined the matter. The commission  
2 shall hold a hearing within ten days of the filing to determine  
3 the matter. No rule or portion of a rule promulgated under the  
4 authority of this chapter shall become effective unless it has  
5 been promulgated pursuant to the provisions of section 536.024,  
6 RSMo.

7 3. The board shall examine, license, and renew the license  
8 of duly qualified applicants, and shall conduct hearings  
9 affording due process of law, upon charges calling for discipline  
10 of a licensee. The board shall refer to the appropriate  
11 prosecuting attorney information regarding any persons violating  
12 the provisions of sections 344.010 to ~~[344.100]~~ 344.108 and may  
13 incur necessary expenses therefor.

14 344.080. The members of the board, other than the director  
15 of the ~~[division of aging]~~ department of health and senior  
16 services or his designee, shall receive as compensation for their  
17 services fifty dollars for each day devoted to the affairs of the  
18 board, and shall be entitled to reimbursement for their expenses  
19 necessarily incurred in the discharge of their official duties.

20 344.105. 1. Any nursing home administrator possessing a  
21 current license to practice as a nursing home administrator in  
22 this state who has maintained an active license for at least ten  
23 years may retire his or her license by filing an affidavit with  
24 the board which states the date on which the licensee retired  
25 from such practice and such other facts as tend to verify the  
26 retirement as the board may deem necessary. The affidavit shall  
27 be accompanied by a fee ~~[of twenty-five dollars]~~ as provided by  
28 rule, made payable to the ~~[division of aging]~~ department of

1 health and senior services. Such request for retired status may  
2 also be accomplished by signing the request for retired status  
3 that appears on the nursing home administrator's application for  
4 license renewal and returning such application to the board prior  
5 to June thirtieth of the year of renewal of the administrator's  
6 active license, accompanied by a fee [of twenty-five dollars] as  
7 provided by rule, made payable to the [division of aging]  
8 department of health and senior service. Information provided in  
9 the request for retired status shall be given under oath subject  
10 to the penalties for the making of a false affidavit.

11 2. An individual who requests retired license status shall  
12 return his or her original wall license and all other indicia of  
13 licensure to the board. Once the board has received the original  
14 wall license from the licensee or evidence satisfactory to the  
15 board that the license has been lost, stolen, or destroyed, and  
16 the other requirements for requesting retired status have been  
17 met, the board shall issue a new license to the licensee  
18 indicating that the licensee is retired.

19 3. A retired license may be reactivated within five years  
20 of the granting of the retired license by filing with the board  
21 evidence satisfactory to the board of the completion of twenty  
22 clock hours of continuing education for each calendar year the  
23 license was retired accompanied by a fee as provided by rule made  
24 payable to the department of health and senior services. All  
25 clock hours of continuing education shall be completed prior to  
26 the filing of the affidavit or renewal form requesting  
27 reactivation of the retired license. If more than five years  
28 have passed since the issuance of a retired license to a



1 licensee, the licensee shall follow the procedures for initial  
2 licensure stated in section 344.030.

3 4. No person shall practice as a nursing home administrator  
4 in this state or hold himself or herself out as a nursing home  
5 administrator if his or her license is retired.

6 5. Retired licensees shall remain subject to disciplinary  
7 action for violations of this chapter and the rules promulgated  
8 thereunder.

9 344.108. 1. Any nursing home administrator possessing a  
10 current license to practice as a nursing home administrator in  
11 this state may place such license on inactive status by filing a  
12 written signed request for inactive status with the board,  
13 accompanied by evidence satisfactory to the board of completion  
14 of ten clock hours of continuing education in the area of patient  
15 care and a fee as provided by rule made payable to the department  
16 of health and senior services. This request may also be  
17 accomplished by signing the request for inactive status that  
18 appears on the nursing home administrator's application for  
19 license renewal and returning such application to the board prior  
20 to June thirtieth of the year of renewal of the administrator's  
21 active license, accompanied by evidence satisfactory to the board  
22 of the completion of ten clock hours of continuing education in  
23 the area of patient care and a fee as provided by rule made  
24 payable to the department of health and senior services.  
25 Information provided in the request for inactive status shall be  
26 given under oath subject to the penalties of making a false  
27 affidavit.

28 2. An individual who requests that his or her license be

1 placed on inactive status shall return all indicia of licensure  
2 to the board or submit evidence satisfactory to the board that  
3 the license has been lost, stolen, or destroyed.

4 3. An inactive license shall expire on June thirtieth of  
5 the second year following the year of issuance and every other  
6 year thereafter. Licensees seeking to renew shall, during the  
7 month of May of the year of renewal, file an application for  
8 renewal on forms furnished by the board that include evidence  
9 satisfactory to the board of the completion of ten clock hours of  
10 continuing education in the area of patient care and shall be  
11 accompanied by a renewal fee as provided by rule, payable to the  
12 department of health and senior services.

13 4. A license may be carried in inactive status for up to  
14 six years from the date of issuance. If the licensee does not  
15 reactivate the license during the six-year period, the license  
16 shall expire on the last day of the six-year period.

17 5. A holder of an inactive license may reactivate the  
18 license by submitting a written request to the board, accompanied  
19 by evidence satisfactory to the board of the completion or plan  
20 for completion of forty clock hours of continuing education and a  
21 fee as provided by rule made payable to the department of health  
22 and senior services. The forty clock hours of continuing  
23 education shall be earned no earlier than six months prior to the  
24 request for reactivation and no later than twelve months after  
25 the inactive license has been reactivated. If the holder of an  
26 inactive license requests reactivation prior to completing the  
27 forty clock hours of continuing education, the board shall issue  
28 a six-month interim license to the licensee. The interim license

1 shall expire six months from the date of issuance or at such  
2 earlier time as the licensee earns the forty clock hours of  
3 continuing education and submits evidence satisfactory to the  
4 board of completion of the required hours.

5 6. A request for reactivation of an inactive license shall  
6 show, under oath or affirmation of the nursing home  
7 administrator, a statement that the nursing home administrator  
8 has not practiced during the inactive period and is not presently  
9 practicing in this state.

10 7. No person shall practice as a nursing home administrator  
11 or hold himself or herself out as a nursing home administrator in  
12 this state while his or her license is inactive.

13 8. Inactive licensees shall remain subject to discipline  
14 for violations of this chapter and the rules promulgated  
15 thereunder.

16 345.015. As used in sections 345.010 to 345.080, the  
17 following terms mean:

18 (1) "Audiologist", a person who is licensed as an  
19 audiologist pursuant to sections 345.010 to 345.080 to practice  
20 audiology;

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

- 1           (a) Be at least eighteen years of age;
- 2           (b) Furnish evidence of the person's educational
- 3 qualifications which shall be at a minimum:
- 4           a. Certification of graduation from an accredited high
- 5 school or its equivalent; and
- 6           b. On-the-job training;
- 7           (c) Be employed in a setting in which direct and indirect
- 8 supervision are provided on a regular and systematic basis by a
- 9 licensed audiologist.

10 However, the aide shall not administer or interpret hearing

11 screening or diagnostic tests, fit or dispense hearing

12 instruments, make ear impressions, make diagnostic statements,

13 determine case selection, present written reports to anyone other

14 than the supervisor without the signature of the supervisor, make

15 referrals to other professionals or agencies, use a title other

16 than speech-language pathology aide or clinical audiology aide,

17 develop or modify treatment plans, discharge clients from

18 treatment or terminate treatment, disclose clinical information,

19 either orally or in writing, to anyone other than the supervising

20 speech-language pathologist/audiologist, or perform any procedure

21 for which he or she is not qualified, has not been adequately

22 trained or both;

23           (3) "Board", the state board of registration for the

24 healing arts;

25           (4) "Clinical fellowship", the supervised professional

26 employment period following completion of the academic and

27 practicum requirements of an accredited training program as

28 defined in sections 345.010 to 345.080;

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

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

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

11          (8) "Practice of audiology":

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

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

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

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

26          (e) Provides for involvement in related research, teaching  
27 or public education;

28          (f) Provides for rendering of services or participates in

1 the planning, directing or conducting of programs which are  
2 designed to modify audition, communicative, balance or cognitive  
3 disorder, which may involve speech and language or education  
4 issues;

5 (g) Provides and interprets behavioral and neurophysiologic  
6 measurements of auditory balance, cognitive processing and  
7 related functions, including intraoperative monitoring;

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

12 (i) Provides selection [and] assessment, fitting,  
13 programming, and dispensing of hearing instruments, assistive  
14 listening devices, and other amplification systems;

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

18 (k) Provides assessment of external ear and cerumen  
19 management;

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

23 (m) Provides information in noise control and hearing  
24 conservation including education, equipment selection, equipment  
25 calibration, site evaluation and employee evaluation;

26 (n) Provides performing basic speech-language screening  
27 test;

28 (o) Provides involvement in social aspects of

1 communication, including challenging behavior and ineffective  
2 social skills, lack of communication opportunities;

3 (p) Provides support and training of family members and  
4 other communication partners for the individual with auditory  
5 balance, cognitive and communication disorders;

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

8 (r) Evaluates, collaborates and manages audition problems  
9 in the assessment of the central auditory processing disorders  
10 and providing intervention for individuals with central auditory  
11 processing disorders;

12 (s) Develops and manages academic and clinical problems in  
13 communication sciences and disorders;

14 (t) Conducts, disseminates and applies research in  
15 communication sciences and disorders;

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

17 (a) Provides screening, identification, assessment,  
18 diagnosis, treatment, intervention, including but not limited to  
19 prevention, restoration, amelioration and compensation, and  
20 follow-up services for disorders of:

21 a. Speech: articulation, fluency, voice, including  
22 respiration, phonation and resonance;

23 b. Language, involving the parameters of phonology,  
24 morphology, syntax, semantics and pragmatic; and including  
25 disorders of receptive and expressive communication in oral,  
26 written, graphic and manual modalities;

27 c. Oral, pharyngeal, cervical esophageal and related  
28 functions, such as dysphagia, including disorders of swallowing

1 and oral functions for feeding; orofacial myofunctional  
2 disorders;

3 d. Cognitive aspects of communication, including  
4 communication disability and other functional disabilities  
5 associated with cognitive impairment;

6 e. Social aspects of communication, including challenging  
7 behavior, ineffective social skills, lack of communication  
8 opportunities;

9 (b) Provides consultation and counseling and makes  
10 referrals when appropriate;

11 (c) Trains and supports family members and other  
12 communication partners of individuals with speech, voice,  
13 language, communication and swallowing disabilities;

14 (d) Develops and establishes effective augmentative and  
15 alternative communication techniques and strategies, including  
16 selecting, prescribing and dispensing of augmentative aids and  
17 devices; and the training of individuals, their families and  
18 other communication partners in their use;

19 (e) Selects, fits and establishes effective use of  
20 appropriate prosthetic/adaptive devices for speaking and  
21 swallowing, such as tracheoesophageal valves, electrolarynges, or  
22 speaking valves;

23 (f) Uses instrumental technology to diagnose and treat  
24 disorders of communication and swallowing, such as  
25 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

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

28 (h) Collaborates in the assessment of central auditory



1 processing disorders in cases in which there is evidence of  
2 speech, language or other cognitive communication disorders;  
3 provides intervention for individuals with central auditory  
4 processing disorders;

5 (i) Conducts pure-tone air conduction hearing screening and  
6 screening tympanometry for the purpose of the initial  
7 identification or referral;

8 (j) Enhances speech and language proficiency and  
9 communication effectiveness, including but not limited to accent  
10 reduction, collaboration with teachers of English as a second  
11 language and improvement of voice, performance and singing;

12 (k) Trains and supervises support personnel;

13 (l) Develops and manages academic and clinical programs in  
14 communication sciences and disorders;

15 (m) Conducts, disseminates and applies research in  
16 communication sciences and disorders;

17 (n) Measures outcomes of treatment and conducts continuous  
18 evaluation of the effectiveness of practices and programs to  
19 improve and maintain quality of services;

20 (10) "Speech-language pathologist", a person who is  
21 licensed as a speech-language pathologist pursuant to sections  
22 345.010 to 345.080; who engages in the practice of  
23 speech-language pathology as defined in sections 345.010 to  
24 345.080;

25 (11) "Speech-language pathology aide", a person who is  
26 registered as a speech-language aide by the board, who does not  
27 act independently but works under the direction and supervision  
28 of a licensed speech-language pathologist. Such person assists

1 the speech-language pathologist with activities which require an  
2 understanding of speech-language pathology but do not require  
3 formal training in the relevant academics. To be eligible for  
4 registration by the board, each applicant shall submit a  
5 registration fee, be of good moral and ethical character; and:

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

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

9 a. Certification of graduation from an accredited high  
10 school or its equivalent; and

11 b. On-the-job training;

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

27 (12) "Speech-language pathology assistant", a person who is  
28 registered as a speech-language pathology assistant by the board,

1 who does not act independently but works under the direction and  
2 supervision of a licensed speech-language pathologist and whose  
3 activities require both academic and practical training in the  
4 field of speech-language pathology although less training than  
5 those established by sections 345.010 to 345.080 as necessary for  
6 licensing as a speech-language pathologist. To be eligible for  
7 registration by the board, each applicant shall submit the  
8 registration fee, be of good moral character and furnish evidence  
9 of the person's educational qualifications which meet the  
10 following:

11 (a) Hold a bachelor's level degree in the field of  
12 speech-language pathology from an institution accredited or  
13 approved by a regional accrediting body recognized by the United  
14 States Department of Education or its equivalent; and

15 (b) Submit official transcripts from one or more accredited  
16 colleges or universities presenting evidence of the completion of  
17 bachelor's level course work and clinical practicum requirements  
18 equivalent to that required or approved by a regional accrediting  
19 body recognized by the United States Department of Education or  
20 its equivalent.

21 345.030. 1. The board shall administer, coordinate, and  
22 enforce the provisions of sections 345.010 to 345.080, evaluate  
23 the qualifications of applicants, supervise the examination of  
24 applicants, issue licenses, and shall investigate persons  
25 engaging in practices which appear to violate the provisions of  
26 sections 345.010 to 345.080.

27 2. The board shall conduct such hearings and keep such  
28 records and minutes as shall be necessary to an orderly dispatch

1 of business.

2 3. The board shall adopt reasonable rules and regulations  
3 which establish ethical standards of practice and may amend or  
4 repeal the same. Rules and regulations shall be adopted that  
5 ensure consumer protection related to hearing instrument  
6 dispensing that meet or exceed those provided under sections  
7 346.007 to 346.250, RSMo, and rules and regulations promulgated  
8 pursuant thereto.

9 4. Regular meetings of the commission shall be held at such  
10 times and places as it prescribes, and special meetings may be  
11 held upon the call of the chairperson or by request of at least  
12 two other members of the commission, but at least one regular  
13 meeting shall be held each year.

14 5. No rule or portion of a rule promulgated pursuant to the  
15 authority of sections 345.010 to 345.080 shall become effective  
16 unless it has been promulgated pursuant to the provisions of  
17 chapter 536, RSMo.

18 345.033. 1. Any person licensed under sections 345.010 to  
19 345.080 who dispenses products associated with professional  
20 practice to clients for remuneration shall deliver to each person  
21 supplied with a product a completed purchase agreement which  
22 shall include the terms of the sale clearly stated using ordinary  
23 English language and terminology which is easily understood by  
24 the purchaser. If a product which is not new is sold, the  
25 purchase agreement and the container thereof shall be clearly  
26 marked as "used", "recased", or "reconditioned", whichever is  
27 applicable, with terms of guarantee, if any.

28 2. Any audiologist licensed under sections 345.010 to

1 345.080 who dispenses hearing instruments shall include in the  
2 purchase agreement for a hearing instrument the following:

3 (1) The licensee's signature, business address, and license  
4 number;

5 (2) The specifications of the hearing instrument dispensed  
6 including make, model, and serial number;

7 (3) The exact amount of any down payment;

8 (4) The length of any trial period provided;

9 (5) The amount of any charges or service fees connected  
10 with any trial period;

11 (6) A description of the right of the purchaser to return  
12 the hearing instrument or written notification that no such right  
13 exists;

14 (7) The name of the manufacturer of the component parts and  
15 the assembler or reassembler of the hearing instrument when the  
16 product sold is remanufactured or assembled by someone other than  
17 the manufacturer of the component parts.

18 345.045. 1. Except as otherwise provided in this section,  
19 all moneys received pursuant to sections 345.010 to 345.080 shall  
20 be collected by the division of professional registration and  
21 shall be transmitted to the department of revenue for deposit in  
22 the state treasury to the credit of the board of registration for  
23 the healing arts fund.

24 2. Effective July 1, 2008, the board shall, in every odd  
25 numbered year, transfer from the "Board of Registration for the  
26 Healing Arts Fund" to the "Hearing Instrument Specialist Fund" an  
27 amount not to exceed sixty-one thousand dollars per transfer as  
28 necessary to replace decreased renewal fees received by the board

1 of examiners for hearing instrument specialists as a result of  
2 the decrease in licensees under subsection 2 of section 346.060,  
3 RSMo. The initial transfer amount shall be equal to the license  
4 renewal fees paid during fiscal years 2006 and 2007 by  
5 individuals licensed under subsection 2 of section 346.060, RSMo.  
6 The amount of subsequent transfers may decrease each odd numbered  
7 year. Any decrease shall be no more than twenty-five percent of  
8 the initial transfer amount. The transfer amount shall be  
9 requested through the legislative budget process by the director  
10 of the division of professional registration, with the advice and  
11 consultation of the board and the board of examiners for hearing  
12 instrument specialists.

13 3. Moneys collected and deposited under this section may be  
14 used to assist in the enforcement of the statutes relating to the  
15 fitting and dispensing of hearing aids by unlicensed individuals.

16 345.055. 1. The board shall charge a license or  
17 registration renewal fee for each license or registration  
18 renewed. Persons possessing the required training and  
19 qualifications to be licensed or registered as both a  
20 speech-language pathologist and audiologist shall receive both  
21 licenses, which for the purposes of this section shall be  
22 considered as a single license or certificate. Duplicate  
23 licenses or certificates shall be issued without additional  
24 charge to persons practicing in more than one location. Persons  
25 who allow their licenses to lapse shall submit a reinstatement  
26 fee, and if the license has lapsed for more than a three-year  
27 period, the board may require reexamination.

28 2. The fees prescribed by section 345.051 and this section

1 shall be exclusive, and notwithstanding any other provision of  
2 law, no municipality may require any person licensed pursuant to  
3 the provisions of sections 345.010 to 345.080 to furnish any  
4 bond, pass any examination, or pay any license fee or  
5 occupational tax.

6 3. The board shall set the amount of the fees which  
7 sections 345.010 to 345.080 authorize and require by rules and  
8 regulations promulgated pursuant to section 536.021, RSMo. The  
9 fees shall be set at a level to produce:

10 (1) Revenue which shall not substantially exceed the cost  
11 and expense of administering sections 345.010 to 345.080; and

12 (2) Effective July 1, 2008, any transfer required from the  
13 board under subsection 2 of section 345.045.

14 346.015. 1. No person shall engage in the practice of  
15 fitting hearing instruments or display a sign or in any other way  
16 advertise or represent such person by any other words, letters,  
17 abbreviations or insignia indicating or implying that the person  
18 practices the fitting of hearing instruments unless the person  
19 holds a valid license issued by the division as provided in this  
20 chapter. The license shall be conspicuously posted in the  
21 person's office or place of business. Duplicate licenses shall  
22 be issued by the department to valid license holders operating  
23 more than one office, without additional payment. A license  
24 under this chapter shall confer upon the holder the right to  
25 select, fit and sell hearing instruments.

26 2. Each person licensed pursuant to sections 346.010 to  
27 346.250 shall display the license in an appropriate and public  
28 manner and shall keep the board informed of the licensee's

1 current address. A license issued pursuant to sections 346.010  
2 to 346.250 is the property of the division and must be  
3 surrendered on demand in the event of expiration or after a final  
4 determination is made with respect to revocation, suspension or  
5 probation.

6 3. Nothing in this chapter shall prohibit a corporation,  
7 partnership, trust, association or other like organization  
8 maintaining an established business address from engaging in the  
9 business of selling or offering for sale hearing instruments at  
10 retail, provided that it employ only properly licensed hearing  
11 instrument specialists or properly licensed audiologists in the  
12 direct sale and fitting of such instruments. Each corporation,  
13 partnership, trust, association or other like organization shall  
14 file annually with the board on a form provided by the board, a  
15 list of all licensed hearing instrument specialists employed by  
16 it. Each organization shall also file with the division a  
17 statement, on a form provided by the division, that it agrees to  
18 comply with the rules and regulations of the division and the  
19 provisions of this chapter.

20 4. Any person who violates any provision of this section is  
21 guilty of a class B misdemeanor.

22 346.030. Sections 346.010 to 346.250 [are not intended to  
23 prevent] shall not apply to any audiologist licensed pursuant to  
24 chapter 345, RSMo, [from engaging in the practice of measuring  
25 human hearing for the purpose of selection of hearing aids,  
26 provided such audiologist, or organization employing such  
27 audiologist, does not sell hearing instruments, or accessories  
28 thereto, except in the case of earmolds provided by an



1 audiologist to be used only for the purpose of audiologic  
2 evaluation] while practicing exclusively under that license.

3 346.035. [1.] Sections 346.010 to 346.250 shall not apply  
4 to a person who is a physician licensed to practice in Missouri  
5 pursuant to chapter 334, RSMo.

6 [2. Sections 346.010 to 346.250 shall not apply to an  
7 audiologist, provided such person or organization employing such  
8 person does not engage in the sale of hearing aids.]

9 346.055. 1. An applicant may obtain a license by  
10 successfully passing a qualifying examination of the type  
11 described in sections 346.010 to 346.250, provided the applicant:

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

13 (2) Is of good moral character; and

14 (3) Until December 31, 2008, has an education equivalent to  
15 at least a high school diploma from an accredited high school.

16 2. Beginning January 1, 2009, an applicant for a hearing  
17 instrument specialist license or a hearing instrument specialist-  
18 in-training permit shall demonstrate successful completion of a  
19 minimum of sixty semester hours, or its equivalent, at a state or  
20 regionally accredited institution of higher education.

21 3. Beginning January 1, 2011, an applicant for a hearing  
22 instrument specialist license or a hearing instrument specialist-  
23 in-training permit shall hold an associate's level degree or  
24 higher from a state or regionally accredited institution of  
25 higher education.

26 4. Beginning January 1, 2013, or any date thereafter when  
27 an associate degree program in hearing instrument sciences is  
28 available from a state or regionally accredited institution

1 within Missouri, an applicant for a hearing instrument specialist  
2 license or a hearing instrument specialist-in-training permit  
3 shall hold:

4 (1) An associate's degree or higher in hearing instrument  
5 sciences; or

6 (2) A master's or doctoral degree in audiology from a state  
7 or regionally accredited institution.

8 5. The provisions of subsections 2, 3, and 4 of this  
9 section shall not apply to any person holding a valid Missouri  
10 hearing instrument specialist license under this chapter when  
11 applying for the renewal of that license. These provisions shall  
12 apply to any person holding a hearing instrument specialist-in-  
13 training permit at the time of their application for licensure or  
14 renewal of said permit.

15 346.060. [1.] An applicant for license by examination  
16 shall appear at a time, place, and before such persons as the  
17 board may designate to be examined by means of written and  
18 practical tests in order to demonstrate that the applicant is  
19 qualified to engage in the practice of fitting hearing  
20 instruments. Nothing in this examination shall imply that the  
21 applicant shall possess the degree of medical competence normally  
22 expected of physicians.

23 [2. Notwithstanding the provisions of subsection 1 of this  
24 section, any applicant who is an audiologist licensed pursuant to  
25 chapter 345, RSMo, and who holds the certification of clinical  
26 competence or is completing the clinical fellowship year offered  
27 by the American Speech-Language-Hearing Association shall not be  
28 required to pass either the written exam or the practical exam

1 for licensure as a hearing instrument specialist in this state.]

2 346.110. No person shall:

3 (1) Sell through the mails, hearing instruments without  
4 prior fitting and testing by a hearing instrument specialist  
5 licensed under this chapter or an audiologist licensed under  
6 chapter 345, RSMo;

7 (2) Sell, barter, or offer to sell or barter a license;

8 (3) Purchase or procure by barter a license with intent to  
9 use it as evidence of the holder's qualification to engage in the  
10 practice of fitting hearing instruments;

11 (4) Alter a license with fraudulent intent;

12 (5) Use or attempt to use as a valid license a license  
13 which has been purchased, fraudulently obtained, counterfeited or  
14 materially altered;

15 (6) Willfully make a false statement in an application for  
16 license or application for renewal of a license.

17 383.130. As used in sections 383.130[, ] and 383.133 [and  
18 383.500], the following terms shall mean:

19 (1) "Disciplinary action", any final action taken by the  
20 board of trustees or similarly empowered officials of a hospital  
21 or ambulatory surgical center, or owner or operator of a  
22 temporary nursing staffing agency, to reprimand, discipline or  
23 restrict the practice of a health care professional. [If the  
24 health care professional is a physician or surgeon,] Only such  
25 reprimands, discipline, or restrictions in response to activities  
26 which are also grounds for disciplinary actions [pursuant to  
27 section 334.100, RSMo,] according to the professional licensing  
28 law for that health care professional shall be considered

1 disciplinary actions for the purposes of this definition[. If  
2 the health care professional is a dentist, only such reprimands,  
3 discipline, or restrictions in response to activities which are  
4 also grounds for disciplinary actions pursuant to section  
5 332.321, RSMo, shall be considered disciplinary actions for the  
6 purposes of this definition];

7 (2) "Health care professional", a physician or surgeon  
8 licensed under the provisions of chapter 334, RSMo, a dentist  
9 licensed under the provisions of chapter 332, RSMo, or a  
10 podiatrist licensed under the provisions of chapter 330, RSMo, or  
11 a pharmacist licensed under the provisions of chapter 338, RSMo,  
12 a psychologist licensed under the provisions of chapter 337,  
13 RSMo, or a nurse licensed under the provisions of chapter 335,  
14 RSMo, while acting within their scope of practice;

15 (3) "Hospital", a place devoted primarily to the  
16 maintenance and operation of facilities for the diagnosis,  
17 treatment or care for not less than twenty-four hours in any week  
18 of three or more nonrelated individuals suffering from illness,  
19 disease, injury, deformity or other abnormal physical conditions;  
20 or a place devoted primarily to provide for not less than  
21 twenty-four hours in any week medical or nursing care for three  
22 or more nonrelated individuals. The term "hospital" does not  
23 include convalescent, nursing, shelter or boarding homes as  
24 defined in chapter 198, RSMo;

25 (4) "Licensing authority", the appropriate board or  
26 authority which is responsible for the licensing or regulation of  
27 the health care professional;

28 (5) "Temporary nursing staffing agency", any person, firm,

1 partnership, or corporation doing business within the state that  
2 supplies, on a temporary basis, registered nurses, licensed  
3 practical nurses to a hospital, nursing home, or other facility  
4 requiring the services of those persons.

5 383.133. 1. [Beginning on January 1, 1987,] The chief  
6 executive office or similarly empowered official of any hospital  
7 [or], ambulatory surgical center, as such [term is] terms are  
8 defined in [section 197.200] chapter 197, RSMo, or temporary  
9 nursing staffing agency, shall report to the appropriate health  
10 care professional licensing authority any disciplinary action  
11 against any health care professional or the voluntary resignation  
12 of any health care professional against whom any complaints or  
13 reports have been made which might have led to disciplinary  
14 action.

15 2. All reports required by this section shall be submitted  
16 within fifteen days of the final disciplinary action and shall  
17 contain, but need not be limited to, the following information:

18 (1) The name, address and telephone number of the person  
19 making the report;

20 (2) The name, address and telephone number of the person  
21 who is the subject of the report;

22 (3) A [brief] description of the facts, including as much  
23 detail and information as possible, which gave rise to the  
24 issuance of the report, including the dates of occurrence deemed  
25 to necessitate the filing of the report;

26 (4) If court action is involved and known to the reporting  
27 agent, the identity of the court, including the date of filing  
28 and the docket number of the action.

1           3. Upon request, the licensing authority may furnish a  
2 report of any disciplinary action received by it under the  
3 provisions of this section to any [of the hospitals or ambulatory  
4 surgical centers] entity required to report under this section.  
5 Such licensing authority may also furnish, upon request, a report  
6 of disciplinary action taken by the licensing authority to any  
7 other administrative or law enforcement agency acting within the  
8 scope of its statutory authority.

9           4. There shall be no liability on the part of, and no cause  
10 of action of any nature shall arise against any health care  
11 professional licensing authority or any [hospital or ambulatory  
12 surgical center] entity required to report under this section, or  
13 any of their agents or employees for any action taken in good  
14 faith and without malice in carrying out the provisions of this  
15 section.

16           5. Neither a report required to be filed under subsection 2  
17 of this section nor the record of any proceeding shall be used  
18 against a health care professional in any other administrative or  
19 judicial proceeding.

20           6. Violation of any provision of this section is an  
21 infraction.

22           407.309. 1. As used in this section, the following terms  
23 mean:

24           (1) "Performing group", a vocal or instrumental group  
25 seeking to use the name of another group that has previously  
26 released a commercial sound recording under that name;

27           (2) "Recording group", a vocal or instrumental group at  
28 least one of whose members has previously released a commercial

sound recording under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(3) "Sound recording", a work that results from the fixation on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material object, such as a disk, tape, or other phono-record, in which the sounds are embodied.

2. It shall be unlawful for any person to advertise or conduct a live musical performance or production in this state through the use of a false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group. This section shall not apply if:

(1) The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States Patent and Trademark Office;

(2) At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(3) The live musical performance or production is identified in all advertising and promotion as a salute or tribute;

(4) The advertising does not relate to a live musical performance or production taking place in this state; or

(5) The performance or production is expressly authorized by the recording group.

1       3. Whenever the attorney general has reason to believe that  
2 any person is advertising or conducting or is about to advertise  
3 or conduct a live musical performance or production in violation  
4 of this section and that proceedings would be in the public  
5 interest, the attorney general may bring an action against the  
6 person to restrain by temporary or permanent injunction that  
7 practice.

8       4. Whenever any court issues a permanent injunction to  
9 restrain and prevent violations of this section as authorized in  
10 subsection 3 of this section, the court may in its discretion  
11 direct that the defendant restore to any person in interest any  
12 moneys or property, real or personal, which may have been  
13 acquired by means of any violation of this section, under terms  
14 and conditions to be established by the court.

15       5. Notwithstanding the provisions of section 407.100 to the  
16 contrary, any person who violates this section shall be assessed  
17 a civil penalty of not less than five thousand dollars nor more  
18 than fifteen thousand dollars per violation, which civil penalty  
19 shall be in addition to any other relief which may be granted  
20 under subsection 4 of this section. Each performance or  
21 production declared unlawful by this section shall constitute a  
22 separate violation.

23       620.010. 1. There is hereby created a "Department of  
24 Economic Development" to be headed by a director appointed by the  
25 governor, by and with the advice and consent of the senate. All  
26 of the general provisions, definitions and powers enumerated in  
27 section 1 of the Omnibus State Reorganization Act of 1974 shall  
28 continue to apply to this department and its divisions, agencies



1 and personnel.

2 2. The office of director of the department of business and  
3 administration, chapter 35, RSMo, and others, is abolished and  
4 all powers, duties, personnel and property of that office, not  
5 previously reassigned by executive reorganization plan no. 1 of  
6 1973 as submitted by the governor pursuant to chapter 26, RSMo,  
7 are transferred by type I transfer to the director of the  
8 department of economic development. The department of business  
9 and administration is hereby abolished.

10 3. The duties and responsibilities relating to subsection 2  
11 of section 35.010, RSMo, are transferred by type I transfer to  
12 the personnel division, office of administration.

13 4. The powers, duties and functions vested in the public  
14 service commission, chapters 386, 387, 388, 389, 390, 392, and  
15 393, RSMo, and others, and the administrative hearing commission,  
16 sections 621.015 to 621.198, RSMo, and others, are transferred by  
17 type III transfers, and the state banking board, chapter 361,  
18 RSMo, and others, and the savings and loan commission, chapter  
19 369, RSMo, and others, are transferred by type II transfers to  
20 the department of economic development. The director of the  
21 department is directed to provide and coordinate staff and  
22 equipment services to these agencies in the interest of  
23 facilitating the work of the bodies and achieving optimum  
24 efficiency in staff services common to all the bodies. Nothing  
25 in the Reorganization Act of 1974 shall prevent the chairman of  
26 the public service commission from presenting additional budget  
27 requests or from explaining or clarifying its budget requests to  
28 the governor or general assembly.

1           5. The powers, duties and functions vested in the office of  
2 the public counsel are transferred by type III transfer to the  
3 department of economic development. Funding for the general  
4 counsel's office shall be by general revenue.

5           6. The public service commission is authorized to employ  
6 such staff as it deems necessary for the functions performed by  
7 the general counsel other than those powers, duties and functions  
8 relating to representation of the public before the public  
9 service commission.

10          7. There is hereby created a "Division of Credit Unions" in  
11 the department of economic development, to be headed by a  
12 director, nominated by the department director and appointed by  
13 the governor with the advice and consent of the senate. All the  
14 powers, duties and functions vested in the state supervisor of  
15 credit unions in chapter 370, RSMo, and the powers and duties  
16 relating to credit unions vested in the commissioner of finance  
17 in chapter 370, RSMo, are transferred to the division of credit  
18 unions of the department of economic development, by a type II  
19 transfer, and the office of the state supervisor of credit unions  
20 is abolished. The salary of the director of the division of  
21 credit unions shall be set by the director of the department  
22 within the limits of the appropriations therefor. The director  
23 of the division shall assume all the duties and functions of the  
24 state supervisor of credit unions and the commissioner of finance  
25 only where the director has duties and responsibilities relating  
26 to credit unions as set out in chapter 370, RSMo.

27          8. The powers, duties and functions vested in the division  
28 of finance, chapters 361, 362, 364, 365, 367, and 408, RSMo, and

1 others, are transferred by type II transfer to the department of  
2 economic development. There shall be a director of the division  
3 who shall be nominated by the department director and appointed  
4 by the governor with the advice and consent of the senate.

5 9. All the powers, duties and functions vested in the  
6 director of the division of savings and loan supervision in  
7 chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any  
8 other provision of law are transferred to the division of finance  
9 of the department of economic development by a type I transfer.  
10 The position of the director of the division of savings and loan  
11 supervision is hereby abolished. The director of the division of  
12 finance shall assume all the duties and functions of the director  
13 of the division of savings and loan supervision as provided in  
14 chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any  
15 other provision of law. The division of savings and loan is  
16 hereby abolished. The powers of the savings and loan commission  
17 are hereby limited to hearing appeals from decisions of the  
18 director of the division of finance approving or denying  
19 applications to incorporate savings and loan associations or to  
20 establish branches of savings and loan associations and approving  
21 regulations pertaining to savings and loan associations. Any  
22 appeals shall be held in accordance with section 369.319, RSMo.

23 10. On and after August 28, 1990, the status of the  
24 division is modified under a specific type transfer pursuant to  
25 section 1 of the Omnibus Reorganization Act of 1974. The status  
26 of the division is modified from that of a division transferred  
27 to the department of economic development pursuant to a type II  
28 transfer, as provided for in this section, to that of an agency

1 possessing the characteristics of a division transferred pursuant  
2 to a type III transfer; provided, however, that the division will  
3 remain within the department of economic development. The  
4 division of insurance shall be assigned to the department of  
5 economic development as a type III division, and the director of  
6 the department of economic development shall have no supervision,  
7 authority or control over the actions or decisions of the  
8 director of the division. All authority, records, property,  
9 personnel, powers, duties, functions, matter pending and all  
10 other pertinent vestiges pertaining thereto shall be retained by  
11 the division except as modified by this section. If the division  
12 of insurance becomes a department by operation of a  
13 constitutional amendment, the department of economic development  
14 shall continue until December 31, 1991, to provide at least the  
15 same assistance as was provided in previous fiscal years for  
16 personnel, data processing support and other benefits from  
17 appropriations.

18 11. All the powers, duties and functions of the commerce  
19 and industrial development division and the industrial  
20 development commission, chapters 184 and 255, RSMo, and others,  
21 not otherwise transferred, are transferred by type I transfer to  
22 the department of economic development, and the industrial  
23 development commission is abolished. All powers, duties and  
24 functions of the division of commerce and industrial development  
25 and the division of community development are transferred by a  
26 type I transfer to the department of economic development, and  
27 the division of commerce and industrial development and the  
28 division of community development are abolished.

1           12. All the powers, duties and functions vested in the  
2 tourism commission, chapter 258, RSMo, and others, are  
3 transferred to the "Division of Tourism", which is hereby  
4 created, by type III transfer.

5           13. All the powers, duties and functions of the department  
6 of community affairs, chapter 251, RSMo, and others, not  
7 otherwise assigned, are transferred by type I transfer to the  
8 department of economic development, and the department of  
9 community affairs is abolished. The director of the department  
10 of economic development may assume all the duties of the director  
11 of community affairs or may establish within the department such  
12 subunits and advisory committees as may be required to administer  
13 the programs so transferred. The director of the department  
14 shall appoint all members of such committees and heads of  
15 subunits.

16           14. (1) There is hereby established a "Division of  
17 Professional Registration" assigned to the department of economic  
18 development as a type III division, headed by a director  
19 appointed by the governor with the advice and consent of the  
20 senate.

21           (2) The director of the division of professional  
22 registration shall promulgate rules and regulations which  
23 designate for each board or commission assigned to the division  
24 the renewal date for licenses or certificates. After the initial  
25 establishment of renewal dates, no director of the division shall  
26 promulgate a rule or regulation which would change the renewal  
27 date for licenses or certificates if such change in renewal date  
28 would occur prior to the date on which the renewal date in effect

1 at the time such new renewal date is specified next occurs. Each  
2 board or commission shall by rule or regulation establish  
3 licensing periods of one, two, or three years. Registration fees  
4 set by a board or commission shall be effective for the entire  
5 licensing period involved, and shall not be increased during any  
6 current licensing period. Persons who are required to pay their  
7 first registration fees shall be allowed to pay the pro rata  
8 share of such fees for the remainder of the period remaining at  
9 the time the fees are paid. Each board or commission shall  
10 provide the necessary forms for initial registration, and  
11 thereafter the director may prescribe standard forms for renewal  
12 of licenses and certificates. Each board or commission shall by  
13 rule and regulation require each applicant to provide the  
14 information which is required to keep the board's records  
15 current. Each board or commission shall issue the original  
16 license or certificate.

17 (3) The division shall provide clerical and other staff  
18 services relating to the issuance and renewal of licenses for all  
19 the professional licensing and regulating boards and commissions  
20 assigned to the division. The division shall perform the  
21 financial management and clerical functions as they each relate  
22 to issuance and renewal of licenses and certificates. "Issuance  
23 and renewal of licenses and certificates" means the ministerial  
24 function of preparing and delivering licenses or certificates,  
25 and obtaining material and information for the board or  
26 commission in connection with the renewal thereof. It does not  
27 include any discretionary authority with regard to the original  
28 review of an applicant's qualifications for licensure or

1 certification, or the subsequent review of licensee's or  
2 certificate holder's qualifications, or any disciplinary action  
3 contemplated against the licensee or certificate holder. The  
4 division may develop and implement microfilming systems and  
5 automated or manual management information systems.

6 (4) The director of the division shall establish a system  
7 of accounting and budgeting, in cooperation with the director of  
8 the department, the office of administration, and the state  
9 auditor's office, to ensure proper charges are made to the  
10 various boards for services rendered to them. The general  
11 assembly shall appropriate to the division and other state  
12 agencies from each board's funds, moneys sufficient to reimburse  
13 the division and other state agencies for all services rendered  
14 and all facilities and supplies furnished to that board.

15 (5) For accounting purposes, the appropriation to the  
16 division and to the office of administration for the payment of  
17 rent for quarters provided for the division shall be made from  
18 the "Professional Registration Fees Fund", which is hereby  
19 created, and is to be used solely for the purpose defined in  
20 subdivision (4) of subsection 14 of this section. The fund shall  
21 consist of moneys deposited into it from each board's fund. Each  
22 board shall contribute a prorated amount necessary to fund the  
23 division for services rendered and rent based upon the system of  
24 accounting and budgeting established by the director of the  
25 division as provided in subdivision (4) of this subsection.  
26 Transfers of funds to the professional registration fees fund  
27 shall be made by each board on July first of each year; provided,  
28 however, that the director of the division may establish an

1 alternative date or dates of transfers at the request of any  
2 board. Such transfers shall be made until they equal the  
3 prorated amount for services rendered and rent by the division.  
4 [The provisions of section 33.080, RSMo, to the contrary  
5 notwithstanding, money in this fund shall not be transferred and  
6 placed to the credit of general revenue.] The provisions of  
7 section 33.080, RSMo, to the contrary notwithstanding, money in  
8 this fund shall not be transferred and placed to the credit of  
9 general revenue until the amount in the fund at the end of the  
10 biennium exceeds three times the appropriation from the  
11 professional registration fees fund for the preceding fiscal  
12 year. The amount, if any, in the fund which shall lapse is that  
13 amount in the fund which exceeds the appropriate multiple of the  
14 appropriations from the professional registration fees fund for  
15 the preceding fiscal year.

16 (6) The director of the division shall be responsible for  
17 collecting and accounting for all moneys received by the division  
18 or its component agencies. Any money received by a board or  
19 commission shall be promptly given, identified by type and  
20 source, to the director. The director shall keep a record by  
21 board and state accounting system classification of the amount of  
22 revenue the director receives. The director shall promptly  
23 transmit all receipts to the department of revenue for deposit in  
24 the state treasury to the credit of the appropriate fund. The  
25 director shall provide each board with all relevant financial  
26 information in a timely fashion. Each board shall cooperate with  
27 the director by providing necessary information.

28 (7) All educational transcripts, test scores, complaints,



1 investigatory reports, and information pertaining to any person  
2 who is an applicant or licensee of any agency assigned to the  
3 division of professional registration by statute or by the  
4 department of economic development are confidential and may not  
5 be disclosed to the public or any member of the public, except  
6 with the written consent of the person whose records are  
7 involved. The agency which possesses the records or information  
8 shall disclose the records or information if the person whose  
9 records or information is involved has consented to the  
10 disclosure. Each agency is entitled to the attorney-client  
11 privilege and work-product privilege to the same extent as any  
12 other person. Provided, however, that any board may disclose  
13 confidential information without the consent of the person  
14 involved in the course of voluntary interstate exchange of  
15 information, or in the course of any litigation concerning that  
16 person, or pursuant to a lawful request, or to other  
17 administrative or law enforcement agencies acting within the  
18 scope of their statutory authority. Information regarding  
19 identity, including names and addresses, registration, and  
20 currency of the license of the persons possessing licenses to  
21 engage in a professional occupation and the names and addresses  
22 of applicants for such licenses is not confidential information.

23 (8) Any deliberations conducted and votes taken in  
24 rendering a final decision after a hearing before an agency  
25 assigned to the division shall be closed to the parties and the  
26 public. Once a final decision is rendered, that decision shall  
27 be made available to the parties and the public.

28 15. (1) The division of registration and examination,

1 department of education, within chapter 161, RSMo, and others, is  
2 abolished and the following boards and commissions are  
3 transferred by specific type transfers to the division of  
4 professional registration, department of economic development:  
5 state board of accountancy, chapter 326, RSMo; state board of  
6 barber examiners, chapter 328, RSMo; state board of registration  
7 for architects, professional engineers and land surveyors,  
8 chapter 327, RSMo; state board of chiropractic examiners, chapter  
9 331, RSMo; state board of cosmetology, chapter 329, RSMo; state  
10 board of healing arts, chapter 334, RSMo; Missouri dental board,  
11 chapter 332, RSMo; state board of embalmers and funeral  
12 directors, chapter 333, RSMo; state board of optometry, chapter  
13 336, RSMo; state board of nursing, chapter 335, RSMo; board of  
14 pharmacy, chapter 338, RSMo; state board of podiatry, chapter  
15 330, RSMo; Missouri real estate commission, chapter 339, RSMo;  
16 and Missouri veterinary medical board chapter 340, RSMo. The  
17 governor shall appoint members of these boards by and with the  
18 advice and consent of the senate from nominees submitted by the  
19 director of the department.

20 (2) The boards and commissions assigned to the division  
21 shall exercise all their respective statutory duties and powers,  
22 except those clerical and other staff services involving  
23 collecting and accounting for moneys and financial management  
24 relating to the issuance and renewal of licenses, which services  
25 shall be provided by the division, within the appropriation  
26 therefor. All clerical and other staff services relating to the  
27 issuance and renewal of licenses of the individual boards and  
28 commissions are abolished. All clerical and other staff services

1   pertaining to collecting and accounting for moneys and to  
2   financial management relative to the issuance and renewal of  
3   licenses of the individual boards and commissions are abolished.  
4   Nothing herein shall prohibit employment of professional  
5   examining or testing services from professional associations or  
6   others as required by the boards or commissions on contract.  
7   Nothing herein shall be construed to affect the power of a board  
8   or commission to expend its funds as appropriated.  However, the  
9   division shall review the expense vouchers of each board.  The  
10   results of such review shall be submitted to the board reviewed  
11   and to the house and senate appropriations committees annually.

12       (3)  Notwithstanding any other provisions of law, the  
13   director of the division shall exercise only those management  
14   functions of the boards and commissions specifically provided in  
15   the Reorganization Act of 1974, and those relating to the  
16   allocation and assignment of space, personnel other than board  
17   personnel, and equipment.

18       (4)  "Board personnel", as used in this section or chapters  
19   326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339  
20   and 340, RSMo, shall mean personnel whose functions and  
21   responsibilities are in areas not related to the clerical duties  
22   involving the issuance and renewal of licenses, to the collecting  
23   and accounting for moneys, or to financial management relating to  
24   issuance and renewal of licenses; specifically included are  
25   executive secretaries (or comparable positions), consultants,  
26   inspectors, investigators, counsel, and secretarial support staff  
27   for these positions; and such other positions as are established  
28   and authorized by statute for a particular board or commission.

1 Boards and commissions may employ legal counsel, if authorized by  
2 law, and temporary personnel if the board is unable to meet its  
3 responsibilities with the employees authorized above. Any board  
4 or commission which hires temporary employees shall annually  
5 provide the division director and the appropriation committees of  
6 the general assembly with a complete list of all persons employed  
7 in the previous year, the length of their employment, the amount  
8 of their remuneration and a description of their  
9 responsibilities.

10 (5) Board personnel for each board or commission shall be  
11 employed by and serve at the pleasure of the board or commission,  
12 shall be supervised as the board or commission designates, and  
13 shall have their duties and compensation prescribed by the board  
14 or commission, within appropriations for that purpose, except  
15 that compensation for board personnel shall not exceed that  
16 established for comparable positions as determined by the board  
17 or commission pursuant to the job and pay plan of the department  
18 of economic development. Nothing herein shall be construed to  
19 permit salaries for any board personnel to be lowered except by  
20 board action.

21 (6) Each board or commission shall receive complaints  
22 concerning its licensees' business or professional practices.  
23 Each board or commission shall establish by rule a procedure for  
24 the handling of such complaints prior to the filing of formal  
25 complaints before the administrative hearing commission. The  
26 rule shall provide, at a minimum, for the logging of each  
27 complaint received, the recording of the licensee's name, the  
28 name of the complaining party, the date of the complaint, and a

1 brief statement of the complaint and its ultimate disposition.  
2 The rule shall provide for informing the complaining party of the  
3 progress of the investigation, the dismissal of the charges or  
4 the filing of a complaint before the administrative hearing  
5 commission.

6 16. All the powers, duties and functions of the division of  
7 athletics, chapter 317, RSMo, and others, are transferred by type  
8 I transfer to the division of professional registration. The  
9 athletic commission is abolished.

10 17. The state council on the arts, chapter 185, RSMo, and  
11 others, is transferred by type II transfer to the department of  
12 economic development, and the members of the council shall be  
13 appointed by the director of the department.

14 18. The Missouri housing development commission, chapter  
15 215, RSMo, is assigned to the department of economic development,  
16 but shall remain a governmental instrumentality of the state of  
17 Missouri and shall constitute a body corporate and politic.

18 19. All the authority, powers, duties, functions, records,  
19 personnel, property, matters pending and other pertinent vestiges  
20 of the division of manpower planning of the department of social  
21 services are transferred by a type I transfer to the "Division of  
22 Job Development and Training", which is hereby created, within  
23 the department of economic development. The division of manpower  
24 planning within the department of social services is abolished.  
25 The provisions of section 1 of the Omnibus State Reorganization  
26 Act of 1974, Appendix B, relating to the manner and procedures  
27 for transfers of state agencies shall apply to the transfers  
28 provided in this section.

20. 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.

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 State Board [of Registration] for Architects,  
Professional Engineers [and], Professional Land Surveyors and

1 Landscape Architects

2 Board of Barber Examiners

3 Board of Cosmetology

4 Board of Chiropody and Podiatry

5 Board of Chiropractic Examiners

6 Missouri Dental Board

7 Board of Embalmers and Funeral Directors

8 Board of Registration for the Healing Arts

9 Board of Nursing

10 Board of Optometry

11 Board of Pharmacy

12 Missouri Real Estate Commission

13 Missouri Veterinary Medical Board

14 Supervisor of Liquor Control

15 Department of Health and Senior Services

16 Department of Insurance

17 Department of Mental Health

18 Board of Private Investigator Examiners.

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

23 3. The administrative hearing commission is authorized to  
24 conduct hearings and make findings of fact and conclusions of law  
25 in those cases brought by the Missouri state board for  
26 architects, professional engineers, professional land surveyors  
27 and landscape architects against unlicensed persons under section  
28 327.076, RSMo.

1     4. Notwithstanding any other provision of this section to  
2     the contrary, after August 28, 1995, in order to encourage  
3     settlement of disputes between any agency described in subsection  
4     1 or 2 of this section and its licensees, any such agency shall:

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

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

15          (3) If no contested case has been filed against the  
16     licensee, advise the licensee that the licensee may, either at  
17     the time the settlement agreement is signed by all parties, or  
18     within fifteen days thereafter, submit the agreement to the  
19     administrative hearing commission for determination that the  
20     facts agreed to by the parties to the settlement constitute  
21     grounds for denying or disciplining the license of the licensee;  
22     and

23          (4) In any contact [pursuant to] under this subsection by  
24     the agency or its counsel with a licensee who is not represented  
25     by counsel, advise the licensee that the licensee has the right  
26     to consult an attorney at the licensee's own expense.

27           [4.] 5. If the licensee desires review by the  
28     administrative hearing commission [pursuant to] under subdivision



1 (3) of subsection ~~[3]~~ 4 of this section at any time prior to the  
2 settlement becoming final, the licensee may rescind and withdraw  
3 from the settlement and any admissions of fact or law in the  
4 agreement shall be deemed withdrawn and not admissible for any  
5 purposes under the law against the licensee. Any settlement  
6 submitted to the administrative hearing commission shall not be  
7 effective and final unless and until findings of fact and  
8 conclusions of law are entered by the administrative hearing  
9 commission that the facts agreed to by the parties to the  
10 settlement constitute grounds for denying or disciplining the  
11 license of the licensee.

12 [327.111. Any person who practices architecture  
13 in Missouri as defined in section 327.091, who is not  
14 exempt pursuant to the provisions of section 327.101,  
15 or who is not the holder of a currently valid license  
16 or certificate of authority to practice architecture in  
17 Missouri, or who pretends or attempts to use as such  
18 person's own the license or certificate of authority or  
19 the seal of another architect or who affixes his or her  
20 or another's architect's seal on any plans,  
21 specifications, drawings, or reports which have not  
22 been prepared by such person or under such person's  
23 immediate personal supervision, is guilty of a class A  
24 misdemeanor.]

25 [327.201. Any person who practices professional  
26 engineering in Missouri as defined in section 327.181,  
27 who is not exempt pursuant to the provisions of section  
28 327.191 and who is not the holder of a currently valid  
29 license or certificate of authority to practice  
30 professional engineering in Missouri, or who pretends  
31 or attempts to use as such person's own the license or  
32 certificate of authority or the seal of another  
33 professional engineer, or who affixes such person's or  
34 another professional engineer's seal on any plans,  
35 specifications, drawings or reports which have not been  
36 prepared by such person or under such person's  
37 immediate personal supervision is guilty of a class A  
38 misdemeanor.]

39 [327.291. Any person who practices as a  
40 professional land surveyor in Missouri as defined in

1 section 327.272, who is not a holder of a currently  
2 valid license or certificate of authority to practice  
3 professional land surveying in Missouri, or who  
4 pretends or attempts to use as such person's own the  
5 license or certificate of authority or the seal of  
6 another professional land surveyor or who affixes such  
7 person's or another professional land surveyor's seal  
8 on any map, plat, survey or other document which has  
9 not been prepared by such person or under such person's  
10 immediate personal supervision is guilty of a class A  
11 misdemeanor.】

12 [327.633. Any person violating any of the  
13 provisions of sections 327.600 to 327.635 is deemed  
14 guilty of a class A misdemeanor.】

15 [336.090. 1. Upon payment of a fee equivalent to  
16 the examination and certificate fees, an applicant who  
17 is an optometrist, registered or licensed under the  
18 laws of another state or territory of the United  
19 States, or of a foreign country or province shall,  
20 without examination, be granted a certificate of  
21 registration as a registered optometrist by the state  
22 board of optometry upon the following conditions:

23 (1) That the applicant is at least twenty-one  
24 years of age, of good moral character; and

25 (2) That the requirements for the registration or  
26 licensing of optometrists in the particular state,  
27 territory, country or province, were, at the date of  
28 the license, substantially equal to the requirements  
29 then in force in this state.

30 2. The board may by rule and regulation require  
31 applicants under this section to satisfactorily  
32 complete any practical examination or any examination  
33 on Missouri laws required pursuant to section 336.050.】

34 [336.200. Any person, firm or corporation  
35 employing a registered optometrist may advertise the  
36 availability of optometric service, provided that the  
37 names of the registered optometrists providing such  
38 service are included in all printed advertisements.  
39 The violation of any provision of this section shall  
40 constitute an infraction, punishable upon conviction,  
41 by a fine of not less than twenty-five dollars nor more  
42 than two hundred dollars.】

43 [337.606. For a period of twenty-four months from  
44 July 1, 1990, applicants for licensure shall be  
45 exempted from the academic requirements of sections  
46 337.600 to 337.639 if the committee is satisfied that

1 the applicant has acceptable educational  
2 qualifications, or social work experience, or is  
3 currently engaged in the practice of clinical social  
4 work. After that time no person shall engage in  
5 clinical social work practice for compensation or hold  
6 himself or herself out as a licensed clinical social  
7 worker unless the person is licensed in accordance with  
8 the provisions of sections 337.600 to 337.639.]

9 [337.609. No provision of sections 337.600 to  
10 337.639 shall be construed to require any agency,  
11 corporation, or organization, not otherwise required by  
12 law, to employ licensed clinical social workers.]

13 [337.624. 1. No part of this section or of  
14 chapter 354 or 375, RSMo, shall be construed to mandate  
15 benefits or third-party reimbursement for services of  
16 social workers in the policies or contracts of any  
17 insurance company, health services corporation, or  
18 other third-party payer.

19 2. This section shall not be construed to effect  
20 procedures for billing for social work services  
21 provided by agencies, corporations, or organizations  
22 which employ licensed social workers.]

23 [337.639. Nothing in sections 337.600 to 337.639  
24 shall be construed to prohibit any person licensed  
25 under the provisions of sections 337.600 to 337.639  
26 from testifying in court hearings concerning matters of  
27 adoption, adult abuse, child abuse, child neglect, or  
28 other matters pertaining to the welfare of children or  
29 any dependent person, or from seeking collaboration or  
30 consultation with professional colleagues or  
31 administrative supervisors on behalf of the client.]

32 [337.650. As used in sections 337.650 to 337.689,  
33 the following terms mean:

34 (1) "Committee", the state committee for social  
35 work established in section 337.622;

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

38 (3) "Director", the director of the division of  
39 professional registration in the department of economic  
40 development;

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

43 (5) "Licensed baccalaureate social worker", any  
44 person who offers to render services to individuals,  
45 groups, organizations, institutions, corporations,  
46 government agencies or the general public for a fee,

1 monetary or otherwise, implying that the person is  
2 trained, experienced and licensed as a baccalaureate  
3 social worker, and who holds a current valid license to  
4 practice as a baccalaureate social worker;

5 (6) "Practice of baccalaureate social work",  
6 rendering, offering to render or supervising those who  
7 render to individuals, families, groups, organizations,  
8 institutions, corporations or the general public any  
9 service involving the application of methods,  
10 principles, and techniques of baccalaureate social  
11 work;

12 (7) "Provisional licensed baccalaureate social  
13 worker", any person who is a graduate of an accredited  
14 school of social work and meets all requirements of a  
15 licensed baccalaureate social worker, other than the  
16 supervised baccalaureate social work experience  
17 prescribed by subdivision (3) of subsection 1 of  
18 section 337.665, and who is supervised by a licensed  
19 clinical social worker or a licensed baccalaureate  
20 social worker, as defined by rule.]

21 [337.659. No provision of sections 337.650 to  
22 337.689 shall be construed to require any agency,  
23 corporation or organization, not otherwise required by  
24 law, to employ licensed baccalaureate social workers.]

25 [337.668. The term of each license issued  
26 pursuant to the provisions of sections 337.650 to  
27 337.689 shall be no less than twenty-four and no more  
28 than forty-eight consecutive calendar months. All  
29 licensees shall annually complete fifteen hours of  
30 continuing education units. The committee shall renew  
31 any license, other than a provisional license, upon  
32 application for a renewal, submission of documentation  
33 of the completion of the required annual hours of  
34 continuing education and payment of the fee established  
35 by the committee pursuant to the provisions of section  
36 337.662.]

37 [337.674. No part of this section or of chapter  
38 354 or 375, RSMo, shall be construed to mandate  
39 benefits or third-party reimbursement for services of  
40 social workers in the policies or contracts of any  
41 insurance company, health services corporation, or  
42 other third-party payer.]

43 [337.677. 1. The committee shall promulgate  
44 rules and regulations pertaining to:

45 (1) The form and content of license applications  
46 required by the provisions of sections 337.650 to

1 337.689 and the procedures for filing an application  
2 for an initial or renewal license in this state;

3 (2) Fees required by the provisions of sections  
4 337.650 to 337.689;

5 (3) The characteristics of "supervised  
6 baccalaureate experience" as that term is used in  
7 section 337.665;

8 (4) The standards and methods to be used in  
9 assessing competency as a licensed baccalaureate social  
10 worker, including the requirement for annual continuing  
11 education units;

12 (5) Establishment and promulgation of procedures  
13 for investigating, hearing and determining grievances  
14 and violations occurring pursuant to the provisions of  
15 sections 337.650 to 337.689;

16 (6) Development of an appeal procedure for the  
17 review of decisions and rules of administrative  
18 agencies existing pursuant to the constitution or laws  
19 of this state;

20 (7) Establishment of a policy and procedure for  
21 reciprocity with other states, including states which  
22 do not have baccalaureate or clinical social worker  
23 licensing laws or states whose licensing laws are not  
24 substantially the same as those of this state; and

25 (8) Any other policies or procedures necessary to  
26 the fulfillment of the requirements of sections 337.650  
27 to 337.689.

28 2. Any rule or portion of a rule, as that term is  
29 defined in section 536.010, RSMo, that is created under  
30 the authority delegated in sections 337.650 to 337.689  
31 shall become effective only if it complies with and is  
32 subject to all of the provisions of chapter 536, RSMo,  
33 and, if applicable, section 536.028, RSMo. This  
34 section and chapter 536, RSMo, are nonseverable and if  
35 any of the powers vested with the general assembly  
36 pursuant to chapter 536, RSMo, to review, to delay the  
37 effective date or to disapprove and annul a rule are  
38 subsequently held unconstitutional, then the grant of  
39 rulemaking authority and any rule proposed or adopted  
40 after August 28, 2001, shall be invalid and void.】

41 [337.680. 1. The committee may refuse to issue  
42 or renew any license required by the provisions of  
43 sections 337.650 to 337.689 for one or any combination  
44 of causes stated in subsection 2 of this section. The  
45 committee shall notify the applicant in writing of the  
46 reasons for the refusal and shall advise the applicant  
47 of the applicant's right to file a complaint with the  
48 administrative hearing commission as provided by  
49 chapter 621, RSMo.

50 2. The committee may cause a complaint to be

1 filed with the administrative hearing commission as  
2 provided by chapter 621, RSMo, against any holder of  
3 any license required by sections 337.650 to 337.689 or  
4 any person who has failed to renew or has surrendered  
5 the person's license for any one or any combination of  
6 the following causes:

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

16 (2) The person has been finally adjudicated and  
17 found guilty, or entered a plea of guilty or nolo  
18 contendere, in a criminal prosecution pursuant to the  
19 laws of any state or of the United States, for any  
20 offense reasonably related to the qualifications,  
21 functions or duties of a baccalaureate social worker;  
22 for any offense an essential element of which is fraud,  
23 dishonesty or an act of violence; or for any offense  
24 involving moral turpitude, whether or not sentence is  
25 imposed;

26 (3) Use of fraud, deception, misrepresentation or  
27 bribery in securing any license issued pursuant to the  
28 provisions of sections 337.650 to 337.689 or in  
29 obtaining permission to take any examination given or  
30 required pursuant to the provisions of sections 337.650  
31 to 337.689;

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

35 (5) Incompetency, misconduct, fraud,  
36 misrepresentation or dishonesty in the performance of  
37 the functions or duties of a baccalaureate social  
38 worker;

39 (6) Violation of, or assisting or enabling any  
40 person to violate, any provision of sections 337.650 to  
41 337.689, or of any lawful rule or regulation adopted  
42 pursuant to sections 337.650 to 337.689;

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

46 (8) Revocation or suspension of a license or  
47 other right to practice baccalaureate social work  
48 granted by another state, territory, federal agency or  
49 country upon grounds for which revocation or suspension  
50 is authorized in this state;

51 (9) Final adjudication as incapacitated by a

1 court of competent jurisdiction;

2 (10) Assisting or enabling any person to practice  
3 or offer to practice baccalaureate social work who is  
4 not licensed and currently eligible to practice  
5 pursuant to the provisions of sections 337.650 to  
6 337.689;

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

9 (12) Failure to display a valid license if so  
10 required by sections 337.650 to 337.689 or any rule  
11 promulgated hereunder;

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

14 (14) Use of any advertisement or solicitation  
15 which is false, misleading or deceptive to the general  
16 public or persons to whom the advertisement or  
17 solicitation is primarily directed;

18 (15) Being guilty of unethical conduct based on  
19 the code of ethics of the National Association of  
20 Social Workers.

21 3. Any person, organization, association or  
22 corporation who reports or provides information to the  
23 committee pursuant to the provisions of sections  
24 337.650 to 337.689 and who does so in good faith shall  
25 not be subject to an action for civil damages as a  
26 result thereof.

27 4. After the filing of such complaint, the  
28 proceedings shall be conducted in accordance with the  
29 provisions of chapter 621, RSMo. Upon a finding by the  
30 administrative hearing commission that the grounds,  
31 provided in subsection 2 of this section, for  
32 disciplinary action are met, the committee may censure  
33 or place the person named in the complaint on probation  
34 on such terms and conditions as the committee deems  
35 appropriate for a period not to exceed five years, or  
36 may suspend, for a period not to exceed three years, or  
37 revoke the license.]

38 [337.686. Persons licensed pursuant to the  
39 provisions of sections 337.650 to 337.689 may not  
40 disclose any information acquired from persons  
41 consulting them in their professional capacity, or be  
42 compelled to disclose such information except:

43 (1) With the written consent of the client, or in  
44 the case of the client's death or disability, the  
45 client's personal representative or other person  
46 authorized to sue, or the beneficiary of an insurance  
47 policy on the client's life, health or physical  
48 condition;

49 (2) When such information pertains to a criminal  
50 act;

(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;

(4) When the person waives the privilege by bringing charges against the licensee;

(5) When the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or

(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of the client.]

Section B. The repeal and reenactment of sections 317.001, 317.006, 317.011, 317.013, 317.015, and 317.018, and the enactment of section 317.019 of section A of this act shall become effective on July 1, 2008.

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