

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780
94TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, April 12, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

2034S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.700, 337.715, 337.718, 338.035, 339.507, 339.519, 339.521, 339.525, 339.532, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 429.010, 429.080, 429.603, and 660.315, RSMo, and to enact in lieu thereof thirty-two new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.700, 337.715, 337.718, 338.035, 339.507, 339.519, 339.521, 339.525, 339.532, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 429.010, 429.080, 429.603, and 660.315, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.700, 337.715, 337.718, 338.035, 339.507, 339.519, 339.521, 339.525, 339.532, 345.015, 345.030, 345.033, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 429.010, 429.080, 429.603, and 660.315, to read as follows:

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

28 (4) Any person enrolled by the supreme court of Missouri or licensed,
29 registered or certified under chapter 168, 256, 289, 317, **324**, 325, 326, 327, 328,
30 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345,
31 346, 375, 640 or 644, RSMo, **and interpreters licensed under sections**
32 **209.319 to 209.339, RSMo**, whose license, registration or certification expires
33 while performing such military service, may renew such license, registration or
34 certification within sixty days of completing such military service without
35 penalty;

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

41 (6) No person performing such military service who is subject to a

42 criminal summons for a traffic violation shall be subject to nonappearance
43 sanctions for such violation until after one hundred eighty days after the
44 completion of such military service;

45 (7) No person performing such military service who is required under
46 state law to file financial disclosure reports shall be required to file such reports
47 while performing such military service; however, such reports covering that
48 period of time that such military service is performed shall be filed within one
49 hundred eighty days after the completion of such military service;

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

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

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

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

77 2. Upon completing such military service, the person shall provide the

78 appropriate agency, board, commission or administrative tribunal an official order
79 from the appropriate military authority as evidence of such military service.

80 3. The provisions of this section shall apply to any individual defined in
81 subsection 1 of this section who performs such military service on or after August
82 2, 1990.

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

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

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

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

32 reregistered or reauthorized under the person's original license number.

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

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

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

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

6 (1) Name and address of the trustee of the endowed care fund and the
7 depository, if different from the trustee;

8 (2) Balance per previous year's report;

9 (3) Principal contributions received since previous report;

10 (4) Total earnings since previous report;

11 (5) Total distribution to the cemetery operator since the previous report;

12 (6) Current balance;

13 (7) A statement of all assets listing cash, real or personal property, stocks,
14 bonds, and other assets, showing cost, acquisition date and current market value
15 of each asset;

16 (8) Total expenses, excluding distributions to cemetery operator, since
17 previous report; and

18 (9) A statement of the cemetery's total acreage and of its developed
19 acreage.

20 2. Subdivisions (1) through (7) of the report described in subsection 1
21 above shall be certified to under oath as complete and correct by a corporate
22 officer of the trustee. Subdivision (8) of such report shall be certified under oath

23 as complete and correct by an officer of the cemetery operator. Both the trustee
24 and cemetery operator or officer shall be subject to the penalty of making a false
25 affidavit or declaration.

26 3. The report shall be placed in the cemetery's office within ninety days
27 of the close of the trust's fiscal year. A copy of this report shall be filed by the
28 cemetery operator with the division of professional registration [within ninety
29 days of the close of the trust fund's fiscal year] **as condition of license**
30 **renewal as required by subsection 4 of section 214.275.** The report shall
31 not be sent to the state board of embalmers and funeral directors.

32 4. Each cemetery operator who establishes a segregated account pursuant
33 to subsection 1 of section 214.385 shall file with the report required under
34 subsection 1 of this section a segregated account report that shall provide the
35 following information:

36 (1) The number of monuments, markers and memorials that have been
37 deferred for delivery by purchase designation;

38 (2) The aggregate wholesale cost of all such monuments, markers and
39 memorials; and

40 (3) The amount on deposit in the segregated account established pursuant
41 to section 214.385, and the account number.

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

3 (1) "Board", the state board of embalmers and funeral directors created
4 by this chapter;

5 (2) "Embalmer", any individual licensed to engage in the practice of
6 embalming;

7 (3) "Funeral director", any individual licensed to engage in the practice
8 of funeral directing;

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

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

16 (6) "Practice of embalming", the work of preserving, disinfecting and
17 preparing by arterial embalming, or otherwise, of dead human bodies for funeral

18 services, transportation, burial or cremation, or the holding of oneself out as
19 being engaged in such work;

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

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

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

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

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

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

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

29 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation

30 or dishonesty in the performance of the functions or duties of any profession
31 licensed or regulated by this chapter;

32 (6) Violation of, or assisting or enabling any person to violate, any
33 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
34 this chapter;

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

38 (8) Disciplinary action against the holder of a license or other right to
39 practice any profession regulated by this chapter granted by another state,
40 territory, federal agency or country upon grounds for which revocation or
41 suspension is authorized in this state;

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

44 (10) Assisting or enabling any person to practice or offer to practice any
45 profession licensed or regulated by this chapter who is not registered and
46 currently eligible to practice under this chapter;

47 (11) Issuance of a certificate of registration or authority, permit or license
48 based upon a material mistake of fact;

49 (12) Failure to display a valid certificate or license if so required by this
50 chapter or any rule promulgated hereunder;

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

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

55 (15) Violation of any of the provisions of chapter 193, RSMo, chapter 194,
56 RSMo, or chapter 436, RSMo;

57 (16) Presigning a death certificate or signing a death certificate on a body
58 not embalmed by, or under the personal supervision of, the licensee;

59 (17) Obtaining possession of or embalming a dead human body without
60 express authority to do so from the person entitled to the custody or control of the
61 body;

62 (18) Failure to execute and sign the [reverse side of a] death certificate
63 on a body embalmed by, or under the personal supervision of, a licensee;

64 (19) Failure or refusal to properly guard against contagious, infectious or
65 communicable diseases or the spread thereof;

66 (20) Willfully and through undue influence selling a funeral;

67 (21) Refusing to surrender a dead human body upon request by the next
68 of kin, legal representative or other person entitled to the custody and control of
69 the body.

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

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

25 to a person in an entry level of a professional education program
26 approved by the commission for accreditation of physical therapists
27 and physical therapist assistant education (CAPTE) who is satisfying
28 supervised clinical education requirements related to the person's
29 physical therapist or physical therapist assistant education while under
30 onsite supervision of a physical therapist; or to a physical therapist
31 who is practicing in the United States Armed Services, United States
32 Public Health Service, or Veterans Administration under federal
33 regulations for state licensure for healthcare providers.

334.625. 1. There is hereby established an "Advisory Commission for
2 Physical Therapists" which shall guide, advise and make recommendations to the
3 board. The commission shall approve the examination required by section
4 334.530 and shall assist the board in carrying out the provisions of sections
5 334.500 to 334.620.

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

28 **vacancy created on the commission after August 28, 2007, shall be filled**
29 **by the appointment of a physical therapist assistant. Each physical**
30 **therapist and physical therapist assistant on the list submitted to the**
31 **division of professional registration shall be qualified and willing to fill**
32 **the vacancy in question, with the request and recommendation that the**
33 **governor appoint one of the five persons so listed, and with the list so**
34 **submitted, the president of the Missouri Physical Therapy Association**
35 **shall include in his or her letter of transmittal a description of the**
36 **method by which the names were chosen by that association.**

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

44 4. The commission shall hold an annual meeting at which it shall elect
45 from its membership a chairman and secretary. The commission may hold such
46 additional meetings as may be required in the performance of its duties, provided
47 that notice of every meeting must be given to each member at least ten days prior
48 to the date of the meeting. A quorum of the board shall consist of a majority of
49 its members.

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

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

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

15 for one of the two required years of acceptable supervised counseling experience
16 if such hours are clearly related to counseling;

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

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

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

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

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

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

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

50 4. The committee shall issue a license to each person who files an

51 application and fee and who furnishes evidence satisfactory to the committee that
52 the applicant has complied with the provisions of this act and has taken and
53 passed a written, open-book examination on Missouri laws and regulations
54 governing the practice of professional counseling as defined in section
55 337.500. The division shall issue a provisional professional counselor license to
56 any applicant who meets all requirements of this section, but who has not
57 completed the required acceptable supervised counseling experience and such
58 applicant may reapply for licensure as a professional counselor upon completion
59 of such acceptable supervised counseling experience.

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

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

- 3 (1) "Committee", the state committee for family and marital therapists;
- 4 (2) "Department", the Missouri department of economic development;
- 5 (3) "Director", the director of the division of professional registration in
6 the department of economic development;
- 7 (4) "Division", the division of professional registration;
- 8 (5) "Fund", the marital and family therapists' fund created in section
9 337.712;
- 10 (6) "Licensed marital and family therapist", a person to whom a license
11 has been issued pursuant to the provisions of sections 337.700 to 337.739, whose
12 license is in force and not suspended or revoked;
- 13 (7) "Marital and family therapy", the use of scientific and applied
14 marriage and family theories, methods and procedures for the purpose of
15 describing, **diagnosing**, evaluating and modifying marital, family and individual
16 behavior within the context of marital and family systems, including the context
17 of marital formation and dissolution. Marriage and family therapy is based on
18 systems theories, marriage and family development, normal and dysfunctional
19 behavior, human sexuality and psychotherapeutic, marital and family therapy
20 theories and techniques and includes the use of marriage and family therapy

21 theories and techniques in the **diagnosis**, evaluation, assessment and treatment
22 of intrapersonal or interpersonal dysfunctions within the context of marriage and
23 family systems. Marriage and family therapy may also include clinical research
24 into more effective methods for the treatment and prevention of the above-named
25 conditions;

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

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

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

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

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

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

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

24 2. [A licensed marriage and family therapist who has had no violations
25 and no suspensions and no revocation of a license to practice marriage and family
26 therapy in any jurisdiction may receive a license in Missouri provided said

27 marriage and family therapist passes a written examination on Missouri laws and
28 regulations governing the practice of professional counseling as defined in section
29 337.700, and meets one of the following criteria:

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

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

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

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

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

40 (3) Is currently licensed or certified as a marriage and family therapist
41 in another state, territory of the United States, or the District of Columbia that
42 extends like privileges for reciprocal licensing or certification to persons licensed
43 by this state with similar qualifications] **Any person otherwise qualified for**
44 **licensure holding a current license, certificate of registration, or**
45 **permit from another state or territory of the United States or the**
46 **District of Columbia to practice marriage and family therapy may be**
47 **granted a license without examination to engage in the practice of**
48 **marital and family therapy in this state upon application to the state**
49 **committee, payment of the required fee as established by the state**
50 **committee, and satisfaction of the following:**

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

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

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

57 3. The [division] **state committee** shall issue a license to each person
58 who files an application and fee as required by the provisions of sections 337.700
59 to 337.739[, and who furnishes evidence satisfactory to the division that the
60 applicant has complied with the provisions of subdivisions (1) to (4) of subsection
61 1 of this section or with the provisions of subsection 2 of this section].

337.718. 1. Each license issued pursuant to the provisions of sections

2 337.700 to 337.739 shall expire on a renewal date established by the
3 director. The term of licensure shall be twenty-four months; however, the director
4 may establish a shorter term for the first licenses issued pursuant to sections
5 337.700 to 337.739. The division shall renew any license upon application for a
6 renewal and upon payment of the fee established by the division pursuant to the
7 provisions of section 337.712. **Effective August 28, 2008, as a prerequisite**
8 **for renewal, each licensee shall furnish to the committee satisfactory**
9 **evidence of the completion of the requisite number of hours of**
10 **continuing education as defined by rule, which shall be no more than**
11 **forty contact hours biennially. The continuing education requirements**
12 **may be waived by the committee upon presentation to the committee**
13 **of satisfactory evidence of illness or for other good cause.**

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

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

4 2. If an applicant for an intern pharmacist license has complied with the
5 requirements of this section and with the rules and regulations of the board of
6 pharmacy and is not denied a license on any of the grounds listed in section
7 338.055, the board of pharmacy may issue to him a license to practice as an
8 intern pharmacist [for a period not to exceed one year].

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

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

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

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

339.507. 1. There is hereby created within the division of professional
2 registration of the department of economic development the "Missouri Real Estate
3 Appraisers Commission", which shall consist of seven members appointed by the

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

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

40 organization].

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

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

63 5. Each member of the commission shall be entitled to a per diem
64 allowance of fifty dollars for each meeting of the commission at which the member
65 is present and shall be entitled to reimbursement of the member's expenses
66 necessarily incurred in the discharge of the member's official duties. Each
67 member of the commission shall be entitled to reimbursement of travel expenses
68 necessarily incurred in attending meetings of the commission.

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

6 2. The commission shall require every state-certified or state-licensed real
7 estate appraiser to provide satisfactory evidence of the completion of the required

8 continuing education hours as promulgated by the appraiser qualifications
9 board. [The commission may waive the requirements of continuing education for
10 retired or disabled licensed or certified appraisers or for other good cause.]

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

339.525. 1. To obtain a renewal certificate or license, a state certified real
2 estate appraiser or state licensed real estate appraiser shall make application
3 and pay the prescribed fee to the commission not earlier than one hundred twenty
4 days nor later than thirty days prior to the expiration date of the certificate or
5 license then held. With the application for renewal, the state certified real estate
6 appraiser or state licensed real estate appraiser shall present evidence in the
7 form prescribed by the commission of having completed the continuing education
8 requirements for renewal specified in section 339.530.

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

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

21 4.] If a person is otherwise eligible to renew the person's certification or
22 license, the person may renew an expired certification or license within [one year]
23 **two years** from the date of expiration. To renew such expired certification or
24 license, the person shall submit an application for renewal, pay the renewal fee
25 [and], pay a delinquent renewal fee as established by the commission, **and**

26 **present evidence in the form prescribed by the commission of having**
27 **completed the continuing education requirements for renewal specified**
28 **in section 339.530.** Upon a finding of extenuating circumstances, the
29 commission may waive the payment of the delinquent fee.

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

39 6. If a state certified real estate appraiser or state licensed real estate
40 appraiser renews an expired certification or license pursuant to subsection 5 of
41 this section, the beginning date of the new term of certification or licensure shall
42 be the day following the expiration of the certification or license term previously
43 held by the state certified real estate appraiser or state licensed real estate
44 appraiser] **the license shall be void.**

45 5. **The commission is authorized to issue an inactive certificate**
46 **or license to any licensee who makes written application for such on a**
47 **form provided by the commission and remits the fee for an inactive**
48 **certificate or license established by the commission. An inactive**
49 **certificate or license may be issued only to a person who has previously**
50 **been issued a certificate or license to practice as a real estate appraiser**
51 **in this state, who is no longer regularly engaged in such practice, and**
52 **who does not hold himself or herself out to the public as being**
53 **professionally engaged in such practice in this state. Each inactive**
54 **certificate or license shall be subject to all provisions of this chapter,**
55 **except as otherwise specifically provided. Each inactive certificate or**
56 **license may be renewed by the commission subject to all provisions of**
57 **this section and all other provisions of this chapter. An inactive**
58 **licensee may apply for a certificate or license to regularly engage in**
59 **the practice of real estate appraising upon filing a written application**
60 **on a form provided by the commission, submitting the reactivation fee**
61 **established by the commission, and submitting satisfactory proof of**

62 current competency as established by the commission.

339.532. 1. The commission may refuse to issue or renew any certificate
2 or license issued pursuant to sections 339.500 to 339.549 for one or any
3 combination of causes stated in subsection 2 of this section. The commission
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo.

7 2. The commission may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621, RSMo, against
9 any state-certified real estate appraiser, state-licensed real estate appraiser, or
10 any person who has failed to renew or has surrendered his or her certificate or
11 license for any one or any combination of the following causes:

12 (1) Procuring or attempting to procure a certificate or license pursuant to
13 section 339.513 by knowingly making a false statement, submitting false
14 information, refusing to provide complete information in response to a question
15 in an application for certification or licensure, or through any form of fraud or
16 misrepresentation;

17 (2) Failing to meet the minimum qualifications for certification or
18 licensure or renewal established by sections 339.500 to 339.549;

19 (3) Paying money or other valuable consideration, other than as provided
20 for by section 339.513, to any member or employee of the commission to procure
21 a certificate or license pursuant to sections 339.500 to 339.549;

22 (4) The person has been finally adjudicated and found guilty, or entered
23 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
24 any state or the United States, for any offense reasonably related to the
25 qualifications, functions or duties of any profession licensed or regulated
26 pursuant to sections 339.500 to 339.549, for any offense of which an essential
27 element is fraud, dishonesty or an act of violence, or for any offense involving
28 moral turpitude, whether or not sentence is imposed;

29 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or
30 misrepresentation in the performance of the functions or duties of any profession
31 licensed or regulated by sections 339.500 to 339.549;

32 (6) Violation of any of the standards for the development or
33 communication of real estate appraisals as provided in or pursuant to sections
34 339.500 to 339.549;

35 (7) Failure to comply with the Uniform Standards of Professional

36 Appraisal Practice promulgated by the appraisal standards board of the appraisal
37 foundation;

38 (8) Failure or refusal without good cause to exercise reasonable diligence
39 in developing an appraisal, preparing an appraisal report, or communicating an
40 appraisal;

41 (9) Negligence or incompetence in developing an appraisal, in preparing
42 an appraisal report, or in communicating an appraisal;

43 (10) Violating, assisting or enabling any person to willfully disregard any
44 of the provisions of sections 339.500 to 339.549 or the regulations of the
45 commission for the administration and enforcement of the provisions of sections
46 339.500 to 339.549;

47 (11) Accepting an appraisal assignment when the employment itself is
48 contingent upon the appraiser's reporting a predetermined analysis or opinion or
49 where the fee to be paid for the performance of the appraisal assignment is
50 contingent upon the opinion, conclusion, or valuation reached or upon the
51 consequences resulting from the appraisal assignment;

52 (12) Violating the confidential nature of governmental records to which
53 the person gained access through employment or engagement to perform an
54 appraisal assignment or specialized appraisal services for a governmental agency;

55 (13) Violating any term or condition of a certificate or license issued by
56 the commission pursuant to the authority of sections 339.500 to 339.549;

57 (14) Violation of any professional trust or confidence;

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

60 (16) Assisting or enabling any person to practice or offer to practice any
61 profession licensed or regulated by sections 339.500 to 339.549 who is not licensed
62 or certified and currently eligible to practice pursuant to sections 339.500 to
63 339.549;

64 (17) Use of any advertisement or solicitation which is false, misleading or
65 deceptive to the general public or persons to whom the advertisement or
66 solicitation is primarily directed;

67 (18) Disciplinary action against the holder of a license, certificate or other
68 right to practice any profession regulated pursuant to sections 339.500 to 339.549,
69 imposed by another state, territory, federal agency or country upon grounds for
70 which revocation or suspension is authorized in this state.

71 3. After the filing of such complaint, the proceedings shall be conducted

72 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the
73 administrative hearing commission that the grounds, provided in subsection 2 of
74 this section, for disciplinary action are met, the commission may, singly or in
75 combination, publicly censure or place the person named in the complaint on
76 probation on such terms and conditions as the commission deems appropriate for
77 a period not to exceed five years, or may suspend, for a period not to exceed three
78 years, or revoke, the certificate or license. The holder of a certificate or license
79 revoked pursuant to this section may not obtain certification as a state-certified
80 real estate appraiser or licensure as a state-licensed real estate appraiser for at
81 least five years after the date of revocation.

82 4. A certification of a state-certified real estate appraiser or a license of
83 a state-licensed real estate appraiser that has been suspended as a result of
84 disciplinary action by the commission shall not be reinstated, and a person may
85 not obtain certification as a state-certified real estate appraiser or licensure as
86 a state-licensed real estate appraiser subsequent to revocation, unless the
87 applicant presents evidence of completion of the continuing education required
88 by section 339.530 during the period of suspension or revocation as well as
89 fulfillment of any other conditions imposed by the commission. Applicants for
90 recertification, relicensure or reinstatement also shall be required to successfully
91 complete the examination for original certification or licensure required by section
92 339.515 as a condition to reinstatement of certification or licensure, or
93 recertification or relicensure subsequent to revocation.

345.015. As used in sections 345.010 to 345.080, the following terms
2 mean:

3 (1) "Audiologist", a person who is licensed as an audiologist pursuant to
4 sections 345.010 to 345.080 to practice audiology;

5 (2) "Audiology aide", a person who is registered as an audiology aide by
6 the board, who does not act independently but works under the direction and
7 supervision of a licensed audiologist. Such person assists the audiologist with
8 activities which require an understanding of audiology but do not require formal
9 training in the relevant academics. To be eligible for registration by the board,
10 each applicant shall submit a registration fee, be of good moral and ethical
11 character; and:

12 (a) Be at least eighteen years of age;

13 (b) Furnish evidence of the person's educational qualifications which shall
14 be at a minimum:

- 15 a. Certification of graduation from an accredited high school or its
16 equivalent; and
- 17 b. On-the-job training;
- 18 (c) Be employed in a setting in which direct and indirect supervision are
19 provided on a regular and systematic basis by a licensed audiologist.
- 20 However, the aide shall not administer or interpret hearing screening or
21 diagnostic tests, fit or dispense hearing instruments, make ear impressions, make
22 diagnostic statements, determine case selection, present written reports to anyone
23 other than the supervisor without the signature of the supervisor, make referrals
24 to other professionals or agencies, use a title other than speech-language
25 pathology aide or clinical audiology aide, develop or modify treatment plans,
26 discharge clients from treatment or terminate treatment, disclose clinical
27 information, either orally or in writing, to anyone other than the supervising
28 speech-language pathologist/audiologist, or perform any procedure for which he
29 or she is not qualified, has not been adequately trained or both;
- 30 (3) "Board", the state board of registration for the healing arts;
- 31 (4) "Clinical fellowship", the supervised professional employment period
32 following completion of the academic and practicum requirements of an accredited
33 training program as defined in sections 345.010 to 345.080;
- 34 (5) "Commission", the advisory commission for speech-language
35 pathologists and audiologists;
- 36 (6) "Hearing instrument" or "hearing aid", any wearable device or
37 instrument designed for or offered for the purpose of aiding or compensating for
38 impaired human hearing and any parts, attachments or accessories, including ear
39 molds, but excluding batteries, cords, receivers and repairs;
- 40 (7) "Person", any individual, organization, or corporate body, except that
41 only individuals may be licensed pursuant to sections 345.010 to 345.080;
- 42 (8) "Practice of audiology":
- 43 (a) The application of accepted audiologic principles, methods and
44 procedures for the measurement, testing, interpretation, appraisal and prediction
45 related to disorders of the auditory system, balance system or related structures
46 and systems;
- 47 (b) Provides consultation, counseling to the patient, client, student, their
48 family or interested parties;
- 49 (c) Provides academic, social and medical referrals when appropriate;
- 50 (d) Provides for establishing goals, implementing strategies, methods and

51 techniques, for habilitation, rehabilitation or aural rehabilitation, related to
52 disorders of the auditory system, balance system or related structures and
53 systems;

54 (e) Provides for involvement in related research, teaching or public
55 education;

56 (f) Provides for rendering of services or participates in the planning,
57 directing or conducting of programs which are designed to modify audition,
58 communicative, balance or cognitive disorder, which may involve speech and
59 language or education issues;

60 (g) Provides and interprets behavioral and neurophysiologic
61 measurements of auditory balance, cognitive processing and related functions,
62 including intraoperative monitoring;

63 (h) Provides involvement in any tasks, procedures, acts or practices that
64 are necessary for evaluation of audition, hearing, training in the use of
65 amplification or assistive listening devices;

66 (i) Provides selection [and], assessment, **fitting, programming, and**
67 **dispensing** of hearing instruments, **assistive listening devices, and other**
68 **amplification systems**;

69 (j) Provides for taking impressions of the ear, making custom ear molds,
70 ear plugs, swim molds and industrial noise protectors;

71 (k) Provides assessment of external ear and cerumen management;

72 (l) Provides advising, fitting, mapping assessment of implantable devices
73 such as cochlear or auditory brain stem devices;

74 (m) Provides information in noise control and hearing conservation
75 including education, equipment selection, equipment calibration, site evaluation
76 and employee evaluation;

77 (n) Provides performing basic speech-language screening test;

78 (o) Provides involvement in social aspects of communication, including
79 challenging behavior and ineffective social skills, lack of communication
80 opportunities;

81 (p) Provides support and training of family members and other
82 communication partners for the individual with auditory balance, cognitive and
83 communication disorders;

84 (q) Provides aural rehabilitation and related services to individuals with
85 hearing loss and their families;

86 (r) Evaluates, collaborates and manages audition problems in the

87 assessment of the central auditory processing disorders and providing
88 intervention for individuals with central auditory processing disorders;

89 (s) Develops and manages academic and clinical problems in
90 communication sciences and disorders;

91 (t) Conducts, disseminates and applies research in communication
92 sciences and disorders;

93 (9) "Practice of speech-language pathology":

94 (a) Provides screening, identification, assessment, diagnosis, treatment,
95 intervention, including but not limited to prevention, restoration, amelioration
96 and compensation, and follow-up services for disorders of:

97 a. Speech: articulation, fluency, voice, including respiration, phonation
98 and resonance;

99 b. Language, involving the parameters of phonology, morphology, syntax,
100 semantics and pragmatic; and including disorders of receptive and expressive
101 communication in oral, written, graphic and manual modalities;

102 c. Oral, pharyngeal, cervical esophageal and related functions, such as
103 dysphagia, including disorders of swallowing and oral functions for feeding;
104 orofacial myofunctional disorders;

105 d. Cognitive aspects of communication, including communication disability
106 and other functional disabilities associated with cognitive impairment;

107 e. Social aspects of communication, including challenging behavior,
108 ineffective social skills, lack of communication opportunities;

109 (b) Provides consultation and counseling and makes referrals when
110 appropriate;

111 (c) Trains and supports family members and other communication
112 partners of individuals with speech, voice, language, communication and
113 swallowing disabilities;

114 (d) Develops and establishes effective augmentative and alternative
115 communication techniques and strategies, including selecting, prescribing and
116 dispensing of augmentative aids and devices; and the training of individuals,
117 their families and other communication partners in their use;

118 (e) Selects, fits and establishes effective use of appropriate
119 prosthetic/adaptive devices for speaking and swallowing, such as
120 tracheoesophageal valves, electrolarynges, or speaking valves;

121 (f) Uses instrumental technology to diagnose and treat disorders of
122 communication and swallowing, such as videofluoroscopy, nasendoscopy,

123 ultrasonography and stroboscopy;

124 (g) Provides aural rehabilitative and related counseling services to
125 individuals with hearing loss and to their families;

126 (h) Collaborates in the assessment of central auditory processing disorders
127 in cases in which there is evidence of speech, language or other cognitive
128 communication disorders; provides intervention for individuals with central
129 auditory processing disorders;

130 (i) Conducts pure-tone air conduction hearing screening and screening
131 tympanometry for the purpose of the initial identification or referral;

132 (j) Enhances speech and language proficiency and communication
133 effectiveness, including but not limited to accent reduction, collaboration with
134 teachers of English as a second language and improvement of voice, performance
135 and singing;

136 (k) Trains and supervises support personnel;

137 (l) Develops and manages academic and clinical programs in
138 communication sciences and disorders;

139 (m) Conducts, disseminates and applies research in communication
140 sciences and disorders;

141 (n) Measures outcomes of treatment and conducts continuous evaluation
142 of the effectiveness of practices and programs to improve and maintain quality
143 of services;

144 (10) "Speech-language pathologist", a person who is licensed as a
145 speech-language pathologist pursuant to sections 345.010 to 345.080; who engages
146 in the practice of speech-language pathology as defined in sections 345.010 to
147 345.080;

148 (11) "Speech-language pathology aide", a person who is registered as a
149 speech-language aide by the board, who does not act independently but works
150 under the direction and supervision of a licensed speech-language
151 pathologist. Such person assists the speech-language pathologist with activities
152 which require an understanding of speech-language pathology but do not require
153 formal training in the relevant academics. To be eligible for registration by the
154 board, each applicant shall submit a registration fee, be of good moral and ethical
155 character; and:

156 (a) Be at least eighteen years of age;

157 (b) Furnish evidence of the person's educational qualifications which shall
158 be at a minimum:

159 a. Certification of graduation from an accredited high school or its
160 equivalent; and

161 b. On-the-job training;

162 (c) Be employed in a setting in which direct and indirect supervision is
163 provided on a regular and systematic basis by a licensed speech-language
164 pathologist. However, the aide shall not administer or interpret hearing
165 screening or diagnostic tests, fit or dispense hearing instruments, make ear
166 impressions, make diagnostic statements, determine case selection, present
167 written reports to anyone other than the supervisor without the signature of the
168 supervisor, make referrals to other professionals or agencies, use a title other
169 than speech-language pathology aide or clinical audiology aide, develop or modify
170 treatment plans, discharge clients from treatment or terminate treatment,
171 disclose clinical information, either orally or in writing, to anyone other than the
172 supervising speech-language pathologist/audiologist, or perform any procedure for
173 which he or she is not qualified, has not been adequately trained or both;

174 (12) "Speech-language pathology assistant", a person who is registered as
175 a speech-language pathology assistant by the board, who does not act
176 independently but works under the direction and supervision of a licensed
177 speech-language pathologist and whose activities require both academic and
178 practical training in the field of speech-language pathology although less training
179 than those established by sections 345.010 to 345.080 as necessary for licensing
180 as a speech-language pathologist. To be eligible for registration by the board,
181 each applicant shall submit the registration fee, be of good moral character and
182 furnish evidence of the person's educational qualifications which meet the
183 following:

184 (a) Hold a bachelor's level degree in the field of speech-language pathology
185 from an institution accredited or approved by a regional accrediting body
186 recognized by the United States Department of Education or its equivalent; and

187 (b) Submit official transcripts from one or more accredited colleges or
188 universities presenting evidence of the completion of bachelor's level course work
189 and clinical practicum requirements equivalent to that required or approved by
190 a regional accrediting body recognized by the United States Department of
191 Education or its equivalent.

 345.030. 1. The board shall administer, coordinate, and enforce the
2 provisions of sections 345.010 to 345.080, evaluate the qualifications of
3 applicants, supervise the examination of applicants, issue licenses, and shall

4 investigate persons engaging in practices which appear to violate the provisions
5 of sections 345.010 to 345.080.

6 2. The board shall conduct such hearings and keep such records and
7 minutes as shall be necessary to an orderly dispatch of business.

8 3. The board shall adopt reasonable rules and regulations which establish
9 ethical standards of practice and may amend or repeal the same. **Rules and**
10 **regulations shall be adopted that ensure consumer protection related**
11 **to hearing instrument dispensing that meet or exceed those provided**
12 **under sections 346.007 to 346.250, RSMo, and rules and regulations**
13 **promulgated pursuant thereto.**

14 4. Regular meetings of the commission shall be held at such times and
15 places as it prescribes, and special meetings may be held upon the call of the
16 chairperson or by request of at least two other members of the commission, but
17 at least one regular meeting shall be held each year.

18 5. No rule or portion of a rule promulgated pursuant to the authority of
19 sections 345.010 to 345.080 shall become effective unless it has been promulgated
20 pursuant to the provisions of chapter 536, RSMo.

345.033. 1. Any person licensed under sections 345.010 to 345.080
2 **who dispenses products associated with professional practice to clients**
3 **for remuneration shall deliver to each person supplied with a product**
4 **a completed purchase agreement which shall include the terms of the**
5 **sale clearly stated using ordinary English language and terminology**
6 **which is easily understood by the purchaser. If a product which is not**
7 **new is sold, the purchase agreement and the container thereof shall be**
8 **clearly marked as "used", "recased", or "reconditioned", whichever is**
9 **applicable, with terms of guarantee, if any.**

10 2. Any audiologist licensed under sections 345.010 to 345.080 who
11 dispenses hearing instruments shall include in the purchase agreement
12 for a hearing instrument the following:

13 (1) The licensee's signature, business address, and license
14 number;

15 (2) The specifications of the hearing instrument dispensed
16 including make, model, and serial number;

17 (3) The exact amount of any down payment;

18 (4) The length of any trial period provided;

19 (5) The amount of any charges or service fees connected with any

20 trial period;

21 (6) A description of the right of the purchaser to return the
22 hearing instrument or written notification that no such right exists;

23 (7) The name of the manufacturer of the component parts and
24 the assembler or reassembler of the hearing instrument when the
25 product sold is remanufactured or assembled by someone other than
26 the manufacturer of the component parts.

345.045. 1. Except as otherwise provided in this section, all
2 moneys received pursuant to sections 345.010 to 345.080 shall be collected by the
3 division of professional registration and shall be transmitted to the department
4 of revenue for deposit in the state treasury to the credit of the board of
5 registration for the healing arts fund.

6 2. Effective July 1, 2008, the board shall, in every odd numbered
7 year, transfer from the "Board of Registration for the Healing Arts
8 Fund" to the "Hearing Instrument Specialist Fund" an amount not to
9 exceed sixty-one thousand dollars per transfer as necessary to replace
10 decreased renewal fees received by the board of examiners for hearing
11 instrument specialists as a result of the decrease in licensees under
12 subsection 2 of section 346.060, RSMo. The initial transfer amount shall
13 be equal to the license renewal fees paid during fiscal years 2006 and
14 2007 by individuals licensed under subsection 2 of section 346.060,
15 RSMo. The amount of subsequent transfers may decrease each odd
16 numbered year. Any decrease shall be no more than twenty-five
17 percent of the initial transfer amount. The transfer amount shall be
18 requested through the legislative budget process by the director of the
19 division of professional registration, with the advice and consultation
20 of the board and the board of examiners for hearing instrument
21 specialists.

22 3. Moneys collected and deposited under this section may be
23 used to assist in the enforcement of the statutes relating to the fitting
24 and dispensing of hearing aids by unlicensed individuals.

345.055. 1. The board shall charge a license or registration renewal fee
2 for each license or registration renewed. Persons possessing the required training
3 and qualifications to be licensed or registered as both a speech-language
4 pathologist and audiologist shall receive both licenses, which for the purposes of
5 this section shall be considered as a single license or certificate. Duplicate
6 licenses or certificates shall be issued without additional charge to persons

7 practicing in more than one location. Persons who allow their licenses to lapse
8 shall submit a reinstatement fee, and if the license has lapsed for more than a
9 three-year period, the board may require reexamination.

10 2. The fees prescribed by section 345.051 and this section shall be
11 exclusive, and notwithstanding any other provision of law, no municipality may
12 require any person licensed pursuant to the provisions of sections 345.010 to
13 345.080 to furnish any bond, pass any examination, or pay any license fee or
14 occupational tax.

15 3. The board shall set the amount of the fees which sections 345.010 to
16 345.080 authorize and require by rules and regulations promulgated pursuant to
17 section 536.021, RSMo. The fees shall be set at a level to produce:

18 (1) Revenue which shall not substantially exceed the cost and expense of
19 administering sections 345.010 to 345.080; and

20 (2) **Effective July 1, 2008, any transfer required from the board**
21 **under subsection 2 of section 345.045.**

346.015. 1. No person shall engage in the practice of fitting hearing
2 instruments or display a sign or in any other way advertise or represent such
3 person by any other words, letters, abbreviations or insignia indicating or
4 implying that the person practices the fitting of hearing instruments unless the
5 person holds a valid license issued by the division as provided in this
6 chapter. The license shall be conspicuously posted in the person's office or place
7 of business. Duplicate licenses shall be issued by the department to valid license
8 holders operating more than one office, without additional payment. A license
9 under this chapter shall confer upon the holder the right to select, fit and sell
10 hearing instruments.

11 2. Each person licensed pursuant to sections 346.010 to 346.250 shall
12 display the license in an appropriate and public manner and shall keep the board
13 informed of the licensee's current address. A license issued pursuant to sections
14 346.010 to 346.250 is the property of the division and must be surrendered on
15 demand in the event of expiration or after a final determination is made with
16 respect to revocation, suspension or probation.

17 3. Nothing in this chapter shall prohibit a corporation, partnership, trust,
18 association or other like organization maintaining an established business
19 address from engaging in the business of selling or offering for sale hearing
20 instruments at retail, provided that it employ only properly licensed hearing
21 instrument specialists **or properly licensed audiologists** in the direct sale

22 and fitting of such instruments. Each corporation, partnership, trust, association
23 or other like organization shall file annually with the board on a form provided
24 by the board, a list of all licensed hearing instrument specialists employed by
25 it. Each organization shall also file with the division a statement, on a form
26 provided by the division, that it agrees to comply with the rules and regulations
27 of the division and the provisions of **this chapter**.

28 4. Any person who violates any provision of this section is guilty of a class
29 B misdemeanor.

346.030. Sections 346.010 to 346.250 [are not intended to prevent] **shall**
2 **not apply to** any audiologist licensed pursuant to chapter 345, RSMo, [from
3 engaging in the practice of measuring human hearing for the purpose of selection
4 of hearing aids, provided such audiologist, or organization employing such
5 audiologist, does not sell hearing instruments, or accessories thereto, except in
6 the case of earmolds provided by an audiologist to be used only for the purpose
7 of audiologic evaluation] **while practicing exclusively under that license**.

346.035. [1.] Sections 346.010 to 346.250 shall not apply to a person who
2 is a physician licensed to practice in Missouri pursuant to chapter 334, RSMo.

3 [2. Sections 346.010 to 346.250 shall not apply to an audiologist, provided
4 such person or organization employing such person does not engage in the sale
5 of hearing aids.]

346.055. 1. An applicant may obtain a license by successfully passing a
2 qualifying examination of the type described in sections 346.010 to 346.250,
3 provided the applicant:

- 4 (1) Is at least twenty-one years of age;
5 (2) Is of good moral character; **and**
6 (3) **Until December 31, 2008**, has an education equivalent to at least
7 a high school diploma from an accredited high school.

8 **2. Beginning January 1, 2009, an applicant for a hearing**
9 **instrument specialist license or a hearing instrument specialist-in-**
10 **training permit shall demonstrate successful completion of a minimum**
11 **of sixty semester hours, or its equivalent, at a state or regionally**
12 **accredited institution of higher education.**

13 **3. Beginning January 1, 2011, an applicant for a hearing**
14 **instrument specialist license or a hearing instrument specialist-in-**
15 **training permit shall hold an associate's level degree or higher from a**
16 **state or regionally accredited institution of higher education.**

17 **4. Beginning January 1, 2013, or any date thereafter when an**
18 **associate degree program in hearing instrument sciences is available**
19 **from a state or regionally accredited institution within Missouri, an**
20 **applicant for a hearing instrument specialist license or a hearing**
21 **instrument specialist-in-training permit shall hold:**

22 **(1) An associate's degree or higher in hearing instrument**
23 **sciences; or**

24 **(2) A master's or doctoral degree in audiology from a state or**
25 **regionally accredited institution.**

26 **5. The provisions of subsections 2, 3, and 4 of this section shall**
27 **not apply to any person holding a valid Missouri hearing instrument**
28 **specialist license under this chapter when applying for the renewal of**
29 **that license. These provisions shall apply to any person holding a**
30 **hearing instrument specialist-in-training permit at the time of their**
31 **application for licensure or renewal of said permit.**

 346.060. [1.] An applicant for license by examination shall appear at a
2 time, place, and before such persons as the board may designate to be examined
3 by means of written and practical tests in order to demonstrate that the applicant
4 is qualified to engage in the practice of fitting hearing instruments. Nothing in
5 this examination shall imply that the applicant shall possess the degree of
6 medical competence normally expected of physicians.

7 [2. Notwithstanding the provisions of subsection 1 of this section, any
8 applicant who is an audiologist licensed pursuant to chapter 345, RSMo, and who
9 holds the certification of clinical competence or is completing the clinical
10 fellowship year offered by the American Speech-Language-Hearing Association
11 shall not be required to pass either the written exam or the practical exam for
12 licensure as a hearing instrument specialist in this state.]

 346.110. No person shall:

2 (1) Sell through the mails, hearing instruments without prior fitting and
3 testing by a hearing instrument specialist **licensed under this chapter or an**
4 **audiologist licensed under chapter 345, RSMo;**

5 (2) Sell, barter, or offer to sell or barter a license;

6 (3) Purchase or procure by barter a license with intent to use it as
7 evidence of the holder's qualification to engage in the practice of fitting hearing
8 instruments;

9 (4) Alter a license with fraudulent intent;

10 (5) Use or attempt to use as a valid license a license which has been
11 purchased, fraudulently obtained, counterfeited or materially altered;

12 (6) Willfully make a false statement in an application for license or
13 application for renewal of a license.

429.010. 1. Any person who shall do or perform any work or labor upon
2 **land**, rent any machinery or equipment **to such persons doing or performing**
3 **such work or labor, or use rented machinery or equipment in**
4 **performing such work or labor**, or furnish any material, fixtures, engine,
5 boiler or machinery for any building, erection or improvements upon land, or for
6 repairing, grading, excavating, or filling of the same, or furnish and plant trees,
7 shrubs, bushes or other plants or provides any type of landscaping goods or
8 services or who installs outdoor irrigation systems under or by virtue of any
9 contract with the owner or proprietor thereof, or his or her agent, trustee,
10 contractor or subcontractor, **at whatever tier**, or without a contract if ordered
11 by a city, town, village or county having a charter form of government to abate
12 the conditions that caused a structure on that property to be deemed a dangerous
13 building under local ordinances pursuant to section 67.410, RSMo, upon
14 complying with the provisions of sections 429.010 to 429.340, shall have for his
15 or her work or labor done, machinery or equipment rented or materials, fixtures,
16 engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any
17 type of landscaping goods or services provided, a lien upon such building, erection
18 or improvements, and upon the land belonging to such owner or proprietor on
19 which the same are situated, to the extent of three acres; or if such building,
20 erection or improvements be upon any lot of land in any town, city or village, or
21 if such building, erection or improvements be for manufacturing, industrial or
22 commercial purposes and not within any city, town or village, then such lien shall
23 be upon such building, erection or improvements, and the lot, tract or parcel of
24 land upon which the same are situated, and not limited to the extent of three
25 acres, to secure the payment of such work or labor done, machinery or equipment
26 rented, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or
27 other plants or any type of landscaping goods or services furnished, or outdoor
28 irrigation systems installed; except that if such building, erection or
29 improvements be not within the limits of any city, town or village, then such lien
30 shall be also upon the land to the extent necessary to provide a roadway for
31 ingress to and egress from the lot, tract or parcel of land upon which such
32 building, erection or improvements are situated, not to exceed forty feet in width,

33 to the nearest public road or highway. Such lien shall be enforceable only against
34 the property of the original purchaser of such plants unless the lien is filed
35 against the property prior to the conveyance of such property to a third
36 person. For claims involving the rental of machinery or equipment **to others**
37 **who perform work or labor upon land**, the lien shall be for the reasonable
38 rental value of the machinery or equipment during the period of actual use and
39 any periods of nonuse taken into account in the rental contract, while the
40 **machinery or** equipment is on the property in question.

41 **2.** There shall be no lien involving the rental of machinery or equipment
42 **to others who perform work or labor upon land** unless:

43 (1) The improvements are made on commercial property;

44 (2) The amount of the claim exceeds five thousand dollars; and

45 (3) The party claiming the lien provides written notice within five
46 business days of the commencement of the use of the rental [property]
47 **machinery or equipment** to the property owner that rental machinery or
48 equipment is being used upon their property. Such notice shall identify the name
49 of the entity that rented the machinery or equipment, the machinery or
50 equipment being rented, and the rental rate. **Nothing contained in this**
51 **subsection shall apply to persons who use rented machinery or**
52 **equipment in performing such work or labor.**

 429.080. It shall be the duty of every original contractor, every
2 journeyman and day laborer, **including persons who use rented machinery**
3 **or equipment in performing such work or labor**, and every other person
4 seeking to obtain the benefit of the provisions of sections 429.010 to 429.340,
5 within six months after the indebtedness shall have accrued, or, with respect to
6 rental equipment or machinery **rented to others who perform work or labor**
7 **upon land, then**, within sixty days after the date the last of the rental
8 equipment or machinery was last removed from the property, to file with the
9 clerk of the circuit court of the proper county a just and true account of the
10 demand due him or them after all just credits have been given, which is to be a
11 lien upon such building or other improvements, and a true description of the
12 property, or so near as to identify the same, upon which the lien is intended to
13 apply, with the name of the owner or contractor, or both, if known to the person
14 filing the lien, which shall, in all cases, be verified by the oath of himself or some
15 credible person for him.

 429.603. As used in sections 429.600 to 429.630, the following terms

2 mean:

3 (1) "Commercial real estate", any real estate other than real estate
4 containing one to four residential units[, real estate on which no buildings or
5 structures are located,] or real estate classified as agricultural and horticultural
6 property for assessment purposes as provided by section 137.016,
7 RSMo. **Commercial real estate shall include any unimproved real estate
8 of any zoning classification, other than agricultural or horticultural
9 real estate, being purchased for development or subdivision.** Commercial
10 real estate does not include single-family residential units including
11 condominiums, townhouses or homes in a subdivision when such real estate is
12 sold, leased or otherwise conveyed on a unit by unit basis even though the units
13 may be part of a larger building or parcel of real estate containing more than four
14 residential units;

15 (2) "Owner", the owner of record of commercial real estate;

16 (3) "Real estate broker" and "real estate salesperson", as such terms are
17 defined in section 339.010, RSMo;

18 (4) "State certified real estate appraiser", an appraiser as defined in
19 section 339.503, RSMo.

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

4 (1) An allegation has been made against the person, the substance of the
5 allegation and that an investigation has been conducted which tends to
6 substantiate the allegation;

7 (2) The person's name will be included in the employee disqualification
8 list of the department;

9 (3) The consequences of being so listed including the length of time to be
10 listed; and

11 (4) The person's rights and the procedure to challenge the allegation.

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

17 3. If the person so notified wishes to challenge the allegation, such person
18 may file an application for a hearing with the department. The department shall

19 grant the application within thirty days after receipt by the department and set
20 the matter for hearing, or the department shall notify the applicant that, after
21 review, the allegation has been held to be unfounded and the applicant's name
22 will not be listed.

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

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

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

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

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

53 9. The length of time the person's name shall appear on the employee
54 disqualification list shall be determined by the director of the department of

55 health and senior services or the director's designee, based upon the following:

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

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

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

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

65 (5) Any mitigating circumstances;

66 (6) Any aggravating circumstances; and

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

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

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

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

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

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

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

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

87 **(6) Is a recognized school of nursing, medicine, or other health**
88 **profession for the purpose of determining whether students scheduled**
89 **to participate in clinical rotations with entities described in**
90 **subdivision (1), (2), or (5) of this subsection are included in the**

91 **employee disqualification list.**

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

95 12. No person, corporation, **organization**, or association who received the
96 employee disqualification list under **subdivisions (1) to (5) of** subsection 11 of
97 this section shall knowingly employ any person who is on the employee
98 disqualification list. Any person, corporation, **organization**, or association who
99 received the employee disqualification list under **subdivisions (1) to (5) of**
100 subsection 11 of this section, or any person responsible for providing health care
101 service, who declines to employ or terminates a person whose name is listed in
102 this section shall be immune from suit by that person or anyone else acting for
103 or in behalf of that person for the failure to employ or for the termination of the
104 person whose name is listed on the employee disqualification list.

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

110 14. Any person who has been listed on the employee disqualification list
111 may request that the director remove his or her name from the employee
112 disqualification list. The request shall be written and may not be made more
113 than once every twelve months. The request will be granted by the director upon
114 a clear showing, by written submission only, that the person will not commit
115 additional acts of abuse, neglect, misappropriation of the property or funds, or the
116 falsification of any documents of service delivery to an in-home services
117 client. The director may make conditional the removal of a person's name from
118 the list on any terms that the director deems appropriate, and failure to comply
119 with such terms may result in the person's name being relisted. The director's
120 determination of whether to remove the person's name from the list is not subject
121 to appeal.

Section B. The enactment of section 345.033 and the repeal and
2 reenactment of sections 345.015, 345.030, 345.045, 345.055, 346.015, 346.030,
3 346.035, 346.055, 346.060, and 346.110 of this act shall become effective on July
4 1, 2008.

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