

SENATE SUBSTITUTE
 FOR
 SENATE COMMITTEE SUBSTITUTE
 FOR
 HOUSE COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 780
 AN ACT

To repeal sections 41.950, 256.465, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, and to enact in lieu thereof eighty-nine 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:

1 Section A. Sections 41.950, 256.465, 317.001, 317.006,
 2 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011,
 3 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010,
 4 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096,
 5 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050,

1 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200,
2 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609,
3 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630,
4 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668,
5 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715,
6 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040,
7 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030,
8 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060,
9 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, are
10 repealed and eighty-nine new sections enacted in lieu thereof, to
11 be known as sections 41.950, 256.465, 317.001, 317.006, 317.011,
12 317.013, 317.015, 317.018, 317.019, 324.520, 324.522, 324.523,
13 327.011, 327.076, 327.077, 327.181, 327.441, 331.010, 334.120,
14 335.016, 335.036, 335.066, 335.067, 335.068, 335.076, 335.096,
15 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050,
16 336.060, 336.070, 336.080, 336.140, 336.160, 336.220, 336.225,
17 337.600, 337.603, 337.604, 337.612, 337.615, 337.618, 337.622,
18 337.627, 337.630, 337.636, 337.643, 337.644, 337.645, 337.646,
19 337.653, 337.665, 337.689, 337.700, 337.715, 337.718, 338.220,
20 339.100, 339.200, 339.205, 339.513, 344.020, 344.030, 344.040,
21 344.050, 344.060, 344.070, 344.080, 344.105, 344.108, 345.015,
22 345.030, 345.033, 345.045, 345.055, 346.015, 346.030, 346.035,
23 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and
24 621.045, to read as follows:

25 41.950. 1. Any resident of this state who is a member of
26 the national guard or of any reserve component of the armed
27 forces of the United States or who is a member of the United
28 States Army, the United States Navy, the United States Air Force,

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

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

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

24 (3) Any motor vehicle registration required under chapter
25 301, RSMo, that expires for any person performing such military
26 service may be renewed by such person within sixty days of
27 completing such military service without being required to pay a
28 delinquent registration fee; however, such motor vehicle shall

1 not be operated while the person is performing such military
2 service unless the motor vehicle registration is renewed;

3 (4) Any person enrolled by the supreme court of Missouri or
4 licensed, registered or certified under chapter 168, 256, 289,
5 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335,
6 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640
7 or 644, RSMo, and interpreters licensed under sections 209.319 to
8 209.339, RSMo, whose license, registration or certification
9 expires while performing such military service, may renew such
10 license, registration or certification within sixty days of
11 completing such military service without penalty;

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

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

23 (7) No person performing such military service who is
24 required under state law to file financial disclosure reports
25 shall be required to file such reports while performing such
26 military service; however, such reports covering that period of
27 time that such military service is performed shall be filed
28 within one hundred eighty days after the completion of such

1 military service;

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

13 (9) Notwithstanding other provisions of the law to the
14 contrary, for the purposes of this section, interest shall be
15 allowed and paid on any overpayment of tax imposed by sections
16 143.011 to 143.998, RSMo, at the rate of six percent per annum
17 from the original due date of the return or the date the tax was
18 paid, whichever is later;

19 (10) No state agency, board, commission or administrative
20 tribunal shall take any administrative action against any person
21 performing such military service for that person's failure to
22 take any required action or meet any required obligation not
23 already provided for in subdivisions (1) to (8) of this
24 subsection until one hundred eighty days after the completion of
25 such military service, except that any agency, board, commission
26 or administrative tribunal affected by this subdivision may, in
27 its discretion, extend the time required to take such action or
28 meet such obligation beyond the one-hundred-eighty-day period;

1 (11) Any disciplinary or administrative action or
2 proceeding before any state agency, board, commission or
3 administrative tribunal where the person performing such military
4 service is a necessary party, which occurs during such period of
5 military service, shall be stayed by the administrative entity
6 before which it is pending until sixty days after the end of such
7 military service.

8 2. Upon completing such military service, the person shall
9 provide the appropriate agency, board, commission or
10 administrative tribunal an official order from the appropriate
11 military authority as evidence of such military service.

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

15 256.465. 1. There is hereby created in the state treasury
16 "The Board of Geologist Registration Fund".

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

1 requires by rule permit renewal less frequently than yearly, then
2 three times the appropriation from the board's funds for the
3 preceding fiscal year. The amount, if any, in the fund which
4 shall lapse is that amount in the fund which exceeds the
5 appropriate multiple of the appropriations from the board's funds
6 for the preceding fiscal year.

7 317.001. As used in sections 317.001 to 317.021, the
8 following words and terms mean:

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

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

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

21 [(2)] (4) "Combative fighting", [also known as "toughman
22 fighting", "toughwoman fighting", "badman fighting", "ultimate
23 fighting", "U.F.C." and "extreme fighting", any boxing or
24 wrestling match, contest or exhibition, between two or more
25 contestants, with or without protective headgear, who use their
26 hands, with or without gloves, or their feet, or both, and who
27 compete for a financial prize or any item of pecuniary value, and
28 which match, contest, tournament championship or exhibition is

1 not recognized by and not sanctioned by any officially recognized
2 state, regional or national boxing or athletic sanctioning
3 authority, or any promoter duly licensed by the division of
4 professional registration] a bout or contest, with or without
5 gloves or protective headgear, whereby any part of the
6 contestant's body may be used as a weapon or any other means of
7 fighting may be used with the specific purpose of intentionally
8 injuring the other contestants in such a manner that they may not
9 defend themselves and in which there is no referee;

10 [(3)] (5) "Contest", a bout or a group of bouts involving
11 licensed contestants competing in professional boxing, sparring,
12 professional wrestling, professional kickboxing, or professional
13 full-contact karate;

14 [(4)] (6) "Contestant", a person who competes in any
15 [activity covered by sections 317.001 to 317.021] boxing,
16 wrestling, kickboxing, or full-contact karate event;

17 [(5)] (7) "Division", the division of professional
18 registration;

19 [(6)] (8) "Director", the director of the division of
20 professional registration;

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

25 [(7)] (10) "Fund", the athletic fund established pursuant
26 to sections 317.001 to 317.021;

27 [(8) "Mandatory count of eight", a required count of eight
28 that is given by a referee to a contestant who has been knocked

down;

(9) "Noncompetitive boxing", boxing or sparring where a decision is not rendered;

(10)] (11) "Full-contact karate", any form of full-contact martial arts including, but not limited to, full-contact kungfu, full-contact tae kwon do, or any form of martial arts, mixed martial arts, combat or self-defense conducted on a full-contact basis in a match where contestants are allowed to deliver blows or strikes;

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

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

(14) "Office", the division of professional registration, office of athletics;

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

(12) "Professional full-contact karate", any form of

1 full-contact martial arts including but not limited to
2 full-contact kungfu, full-contact taw kwon-do, or any form of
3 martial arts or self-defense conducted on a full-contact basis in
4 a bout or contest where weapons are not used and where
5 contestants compete for valuable consideration. Such contests
6 take place in a rope-enclosed ring and are fought in timed
7 rounds;

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

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

22 (15) "Professional", a wrestling, boxing, kickboxing, or
23 full-contact karate bout or contest where the participants
24 compete for any valuable consideration or a person who competes
25 in any wrestling, boxing, kickboxing, or full-contact karate bout
26 or contest for any such consideration;

27 (16) "Sparring", [boxing for practice or as an exhibition]
28 any boxing, wrestling, kickboxing, or full-contact karate

1 conducted for practice and for which admission or other similar
2 consideration, in any form, is charged to any member of the
3 public;

4 [(16) "Standing mandatory eight count", the count of eight
5 that is given at the discretion of a referee to a contestant who
6 has been dazed by a blow and is unable to defend himself or
7 herself. The standing mandatory eight count may be waived in a
8 bout only with special permission of the office.]

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

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

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

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

26 _____ (3) To accept applications for and issue licenses to
27 contestants in professional boxing, sparring, professional
28 wrestling, professional kickboxing and professional full-contact

1 karate contests held in the state of Missouri, and referees,
2 judges, matchmakers, managers, promoters, seconds, announcers,
3 timekeepers and physicians involved in professional boxing,
4 sparring, professional wrestling, professional kickboxing and
5 professional full-contact karate contests held in the state of
6 Missouri, as authorized herein. Such licenses shall be issued in
7 accordance with rules duly adopted by the division;

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

22 [(4)] (5) To assess a tax of five percent of the gross
23 receipts of any person, organization, corporation, partnership,
24 limited liability company or association holding a promoter's
25 license [and permit] under sections 317.001 to 317.021, derived
26 from the sale, lease or other exploitation in this state of
27 broadcasting, television, pay-per-view, closed-circuit telecast,
28 and motion picture rights for any professional boxing, sparring,

1 professional wrestling, professional kickboxing or professional
2 full-contact karate contest. Such funds shall be paid to the
3 division [of professional registration] which shall pay said
4 funds into the Missouri state treasury to be set apart into a
5 fund to be known as the "Athletic Fund";

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

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

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

26 317.011. 1. The division [of professional registration]
27 shall have the power, and it shall be its duty, to accept
28 application for and issue permits to hold professional boxing,

1 sparring, professional wrestling, professional kickboxing or
2 professional full-contact karate contests in the state of
3 Missouri, and to charge a fee for the issuance of same in an
4 amount established by rule; such funds to be paid to the division
5 [of professional registration] which shall pay such funds into
6 the Missouri state treasury to be set apart into the athletic
7 fund.

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

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

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

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

1 [(3)] (2) Where a fee has been paid for such permit, in an
2 amount established by rule.

3 4. In such contests a decision shall be rendered by three
4 judges licensed by the division.

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

12 317.013. 1. In order to protect the health and welfare of
13 the contestants, there shall be a mandatory medical suspension of
14 any contestant, not to exceed one hundred [twenty] eighty days,
15 who loses consciousness or who has been injured as a result of
16 blows received to the head or body during a [boxing bout or
17 semiprofessional elimination contest] professional boxing,
18 professional wrestling, professional kickboxing, or professional
19 full-contact karate contest. The determination of consciousness
20 is to be made only by a physician licensed by the board of
21 healing arts and the division. Medical suspensions issued in
22 accordance with this section shall not be reviewable by any
23 tribunal.

24 2. No license shall be issued to any person who has been
25 injured in such a manner that they may not continue to
26 participate in boxing, wrestling, kickboxing, or full-contact
27 karate contests in the future. Such a person shall be deemed
28 medically retired. No person with a status of medically retired

1 shall compete in any events governed by this chapter. Medical
2 retirements issued in accordance with this section shall not be
3 reviewable by any tribunal.

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

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

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

28 (a) Use of an alcoholic beverage or any controlled

1 substance, as defined in chapter 195, RSMo, before or during a
2 bout;

3 (b) The person has been found guilty or has entered a plea
4 of guilty or nolo contendere in a criminal prosecution under any
5 state or federal law for any offense reasonably related to the
6 qualifications, functions or duties of any profession licensed or
7 regulated under this chapter, for any offense an essential
8 element of which is fraud, dishonesty or an act of violence, or
9 for any offense involving moral turpitude, whether or not a
10 sentence is imposed;

11 (c) Use of fraud, deception, misrepresentation or bribery
12 in securing any permit or license issued pursuant to this
13 chapter;

14 (d) Providing false information on applications or medical
15 forms;

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

20 (f) Violating or enabling any person to violate any
21 provision of this chapter or any rule adopted pursuant to this
22 chapter;

23 (g) Impersonating any permit or license holder or allowing
24 any person to use their permit or license;

25 (h) Contestants failing to put forth their best effort
26 during a bout;

27 (i) Disciplinary action against the holder of a license or
28 other right to practice any profession regulated by this chapter

1 and issued by another state, territory, federal agency or country
2 upon grounds for which revocation or suspension is authorized in
3 this state;

4 (j) A person adjudged mentally incompetent by a court of
5 competent jurisdiction;

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

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

12 (m) Issuance of a permit or license based upon a mistake of
13 fact.

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

23 3. Upon a finding that the grounds provided in subsection 2
24 of this section for disciplinary action are met, the office may,
25 singly or in combination, censure or place on probation on such
26 terms and conditions as the office deems appropriate for a period
27 not to exceed five years, or may suspend for a period not to
28 exceed three years or revoke the certificate, license, or permit.

1 In any order of revocation, the office may provide that the
2 person shall not apply for a new license for a maximum of three
3 years and one day following the date of the order of revocation.
4 All stay orders shall toll the disciplinary time periods allotted
5 herein. In lieu of or in addition to any remedy specifically
6 provided in subsection 1 of this section, the office may require
7 of a licensee:

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

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

13 317.018. 1. Combative fighting is prohibited in the state
14 of Missouri.

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

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

22 [4. Nothing in section 317.001 or this section shall be
23 construed to give authority to the Missouri state athletic
24 commission to regulate boxing, sparring, wrestling or contact
25 karate conducted by entities which are not regulated on July 10,
26 1996, including but not limited to events conducted by the:

27 (1) Military;

28 (2) Private schools;

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

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

20 317.019. 1. The promoter of a professional boxing,
21 professional kickboxing, and professional full-contact karate
22 contest shall sign written bout contracts with each professional
23 contestant. Original bout contracts shall be filed with the
24 division prior to the event as required by the rules of the
25 office. The bout contract shall be on a form supplied by the
26 division and contain at least the following:

- 27 (1) The weight required of the contestant at weigh-in;
28 (2) The amount of the purse to be paid for the contest;

1 (3) The date and location of the contest;

2 (4) The glove size allotted for each contestant;

3 (5) Any other payment or consideration provided to the
4 contestant;

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

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

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

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

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

15 (11) Any information required by the office.

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

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

25 4. The promoter of an event shall provide payments for the
26 event official's fees to the office prior to the start of the
27 event. The form of payment shall be at the discretion of the
28 office provided that payments remitted by check or money order

1 shall be made payable directly to the applicable official.

2 324.520. 1. As used in sections 324.520 to 324.524, the
3 following terms mean:

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

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

8 (3) "Controlled substance", any substance defined in
9 section 195.010, RSMo;

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

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

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

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

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

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

1 4. A person who violates ~~[this section]~~ any provisions of
2 sections 324.520 to 324.526 is guilty of a misdemeanor and shall
3 be fined not more than five hundred dollars. If there is a
4 subsequent violation ~~[of this section]~~ within one year of the
5 initial violation, such person shall be fined not less than five
6 hundred dollars or more than one thousand dollars.

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

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

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

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

28 (2) Procedures to be used to grant, revoke or reinstate a

1 license;

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

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

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

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

26 (1) Use or illegal possession of any controlled substance,
27 as defined in chapter 195, RSMo, or use of any alcoholic beverage
28 to an extent that such use impairs a person's ability to perform

1 the work of any profession that is licensed or regulated under
2 sections 324.520 to 324.526;

3 (2) Final adjudication and finding of guilt, or the
4 entrance of a plea of guilty or nolo contendere, in a criminal
5 prosecution under the laws of any state or of the United States,
6 for any offense reasonably related to the qualifications,
7 functions, or duties of any profession that is licensed or
8 regulated under sections 324.520 to 324.526, and the regulations
9 promulgated thereunder, for any offense an essential element of
10 which is fraud, dishonesty, or an act of violence, or for any
11 offense involving moral turpitude, whether or not sentence is
12 imposed;

13 (3) Use of fraud, deception, misrepresentation, or bribery
14 in securing any certificate of registration or authority, permit
15 or license required under sections 324.520 to 324.526;

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

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

23 (6) Violation of, or assisting or enabling any person to
24 violate, any provision of sections 324.520 to 324.526, or any
25 lawful rule or regulation adopted under sections 324.520 to
26 324.526;

27 (7) Impersonation of any person holding a certificate of
28 registration or authority, permit, or license, or allowing any

1 person to use his or her certificate of registration or
2 authority, license, permit, or diploma from any school;

3 (8) Disciplinary action against the holder of a license or
4 other right to practice any profession regulated under sections
5 324.520 to 324.526, granted by another state, territory, federal
6 agency, or country upon grounds for which revocation or
7 suspension is authorized in this state;

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

10 (10) Assisting or enabling any person to practice or offer
11 to practice any profession licensed or regulated under sections
12 324.520 to 324.526, who is licensed and is currently ineligible
13 to practice under sections 324.520 to 324.526;

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

17 (12) Failure to display a valid license;

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

21 (14) Failure or refusal to properly guard against
22 contagious, infectious, or communicable diseases and the spread
23 thereof.

24 2. After the filing of such complaint, the proceedings
25 shall be conducted in accordance with the provisions of chapter
26 621, RSMo. Upon a finding by the administrative hearing
27 commission that grounds, provided in subsection 1 of this
28 section, for disciplinary action are met, the division may,

1 singly, or in combination, censure or place the person named in
2 the complaint on probation on such terms and conditions as the
3 division deems appropriate for a period not to exceed five years,
4 or may suspend, for a period not to exceed three years, or revoke
5 the license, certificate, or permit.

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

23 327.011. As used in this chapter, the following words and
24 terms shall have the meanings indicated:

25 (1) "Accredited degree program from a school of
26 architecture", a degree from any school or other institution
27 which teaches architecture and whose curricula for the degree in
28 question have been, at the time in question, certified as

1 accredited by the National Architectural Accrediting Board;

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

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

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

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

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

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

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

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

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

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

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

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

13 [(12)] (11) "Professional engineer", any person authorized
14 pursuant to the provisions of this chapter to practice as a
15 professional engineer in Missouri, as the practice of engineering
16 is defined in section 327.181;

17 [(13)] (12) "Professional land surveyor", any person
18 authorized pursuant to the provisions of this chapter to practice
19 as a professional land surveyor in Missouri as the practice of
20 land surveying is defined in section 327.272.

21 327.076. 1. Any person who practices architecture,
22 engineering, land surveying, or landscape architecture, as
23 defined in sections 327.011 to 327.635, or who holds himself or
24 herself out as able to practice such profession and who is not
25 the holder of a currently valid license or certificate of
26 authority in Missouri, and who is not exempt from holding such a
27 license or certificate, is guilty of a class A misdemeanor. As
28 used in this section "practice" shall not include the rendering

1 of opinions or giving of testimony in a civil or criminal
2 proceeding by a licensed professional.

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

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

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

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

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

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

26 (6) Gives false or forged evidence of any kind to the board
27 or any member of the board in obtaining or attempting to obtain a
28 certificate of licensure in this state or any other state or

1 jurisdiction;

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

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

7 (9) Violates any provision of subsection 2 of section
8 327.441.

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

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

24 327.077. 1. In disciplinary actions against licensed or
25 unlicensed persons, the board may issue an order imposing a civil
26 penalty. Such penalty shall not be imposed until the findings of
27 fact and conclusions of law by the administrative hearing
28 commission have been delivered to the board in accordance with

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

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

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

12 (2) The circumstances leading to the violation;

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

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

17 (5) The interest of the public.

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

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

1 amounts owed. In such action, the validity and appropriateness
2 of the final order imposing the civil penalty shall not be
3 subject to review.

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

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

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

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

20 327.181. 1. Any person practices in Missouri as a
21 professional engineer who renders or offers to render or holds
22 himself or herself out as willing or able to render any service
23 or creative work, the adequate performance of which requires
24 engineering education, training, and experience in the
25 application of special knowledge of the mathematical, physical,
26 and engineering sciences to such services or creative work as
27 consultation, investigation, evaluation, planning and design of
28 engineering works and systems, engineering teaching of advanced

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

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

27 327.441. 1. The board may refuse to issue any license or
28 certificate of authority required pursuant to this chapter for

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (12) Failure to display a valid license or certificate of

1 authority if so required by this chapter or any rule promulgated
2 pursuant to this chapter;

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

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

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

18 331.010. 1. The "practice of chiropractic" is defined as
19 the science and art of examination, diagnosis, adjustment,
20 manipulation and treatment [of malpositioned articulations and
21 structures of the body,] both in inpatient and outpatient
22 settings, by those methods commonly taught in any chiropractic
23 college or chiropractic program in a university which has been
24 accredited by the Council on Chiropractic Education, its
25 successor entity or approved by the board. [The adjustment,
26 manipulation, or treatment shall be directed toward restoring and
27 maintaining the normal neuromuscular and musculoskeletal function
28 and health.] It shall not include the use of operative surgery,

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

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

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

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

18 334.120. 1. There is hereby created and established a
19 board to be known as "The State Board of Registration for the
20 Healing Arts" for the purpose of registering, licensing and
21 supervising all physicians and surgeons, and midwives in this
22 state. The board shall consist of nine members, including one
23 voting public member, to be appointed by the governor by and with
24 the advice and consent of the senate, at least five of whom shall
25 be graduates of professional schools [approved and accredited as
26 reputable by the American Medical Association or the Liaison
27 Committee on Medical Education and] accredited by the Liaison
28 Committee on Medical Education or recognized by the Educational

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

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

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

24 335.016. As used in this chapter, unless the context
25 clearly requires otherwise, the following words and terms mean:

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

28 (2) "Advanced practice nurse", a nurse who has had

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

11 "Advanced Practice Registered Nurse" and the abbreviation "APRN";

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

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

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

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

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

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

28 [(8)] (9) "Licensure", the issuing of a license to practice

1 professional or practical nursing to candidates who have met the
2 specified requirements and the recording of the names of those
3 persons as holders of a license to practice professional or
4 practical nursing;

5 [(9)] (10) "Practical nursing", the performance for
6 compensation of selected acts for the promotion of health and in
7 the care of persons who are ill, injured, or experiencing
8 alterations in normal health processes. Such performance
9 requires substantial specialized skill, judgment and knowledge.
10 All such nursing care shall be given under the direction of a
11 person licensed by a state regulatory board to prescribe
12 medications and treatments or under the direction of a registered
13 professional nurse. For the purposes of this chapter, the term
14 "direction" shall mean guidance or supervision provided by a
15 person licensed by a state regulatory board to prescribe
16 medications and treatments or a registered professional nurse,
17 including, but not limited to, oral, written, or otherwise
18 communicated orders or directives for patient care. When
19 practical nursing care is delivered pursuant to the direction of
20 a person licensed by a state regulatory board to prescribe
21 medications and treatments or under the direction of a registered
22 professional nurse, such care may be delivered by a licensed
23 practical nurse without direct physical oversight;

24 [(10)] (11) "Professional nursing", the performance for
25 compensation of any act which requires substantial specialized
26 education, judgment and skill based on knowledge and application
27 of principles derived from the biological, physical, social and
28 nursing sciences, including, but not limited to:

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

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

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

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

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

13 ~~[(11)]~~ (12) A "registered professional nurse" or
14 "registered nurse", a person licensed pursuant to the provisions
15 of this chapter to engage in the practice of professional
16 nursing;

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

27 335.036. 1. The board shall:

28 (1) Elect for a one-year term a president and a secretary,

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

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

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

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

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

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

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

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

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

28 (10) Establish an impaired nurse program.

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

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

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

22 5. Any rule or portion of a rule, as that term is defined
23 in section 536.010, RSMo, that is created under the authority
24 delegated in this chapter shall become effective only if it
25 complies with and is subject to all of the provisions of chapter
26 536, RSMo, and, if applicable, section 536.028, RSMo. All
27 rulemaking authority delegated prior to August 28, 1999, is of no
28 force and effect and repealed. Nothing in this section shall be

1 interpreted to repeal or affect the validity of any rule filed or
2 adopted prior to August 28, 1999, if it fully complied with all
3 applicable provisions of law. This section and chapter 536,
4 RSMo, are nonseverable and if any of the powers vested with the
5 general assembly pursuant to chapter 536, RSMo, to review, to
6 delay the effective date or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 1999,
9 shall be invalid and void.

10 335.066. 1. The board may refuse to issue or reinstate any
11 certificate of registration or authority, permit or license
12 required pursuant to [sections 335.011 to 335.096] chapter 335
13 for one or any combination of causes stated in subsection 2 of
14 this section or the board may, as a condition to issuing or
15 reinstating any such permit or license, require a person to
16 submit himself or herself for identification, intervention,
17 treatment, or rehabilitation by the impaired nurse program as
18 provided in section 335.067. The board shall notify the
19 applicant in writing of the reasons for the refusal and shall
20 advise the applicant of his or her right to file a complaint with
21 the administrative hearing commission as provided by chapter 621,
22 RSMo.

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

1 license for any one or any combination of the following causes:

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

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

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

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

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

28 (6) Violation of, or assisting or enabling any person to

1 violate, any provision of sections 335.011 to 335.096, or of any
2 lawful rule or regulation adopted pursuant to sections 335.011 to
3 335.096;

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

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

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

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

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

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

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

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

28 (15) Placement on an employee disqualification list or

1 other related restriction or finding pertaining to employment
2 within a health-related profession issued by any state or federal
3 government or agency following final disposition by such state or
4 federal government or agency;

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

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

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

26 5. An individual whose license has been revoked shall wait
27 one year from the date of revocation to apply for relicensure.
28 Relicensure shall be at the discretion of the board after

1 compliance with all the requirements of sections 335.011 to
2 335.096 relative to the licensing of an applicant for the first
3 time.

4 [5.] 6. The board may notify the proper licensing authority
5 of any other state concerning the final disciplinary action
6 determined by the board on a license in which the person whose
7 license was suspended or revoked was also licensed of the
8 suspension or revocation.

9 [6.] 7. Any person, organization, association or
10 corporation who reports or provides information to the board of
11 nursing pursuant to the provisions of sections 335.011 to 335.259
12 and who does so in good faith shall not be subject to an action
13 for civil damages as a result thereof.

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

1 state board of nursing. The administrative hearing commission
2 shall issue its decision immediately after the hearing and shall
3 either grant to the board the authority to suspend or restrict
4 the license or dismiss the action.

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

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

19 335.067. 1. The state board of nursing may establish an
20 impaired nurse program to promote the early identification,
21 intervention, treatment, and rehabilitation of nurses who may be
22 impaired by reasons of illness, substance abuse, or as a result
23 of any mental condition. This program shall be available to
24 anyone holding a current license and may be entered voluntarily,
25 as part of an agreement with the board of nursing, or as a
26 condition of a disciplinary order entered by the board of
27 nursing.

28 2. The board may enter into a contractual agreement with a

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

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

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

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

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

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

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

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

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

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

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

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

1 pursue discipline against the licensee pursuant to chapter 621,
2 RSMo, for the original conduct that resulted in the impaired
3 nurse program agreement, or for any subsequent violation of
4 subsection 2 of section 335.066. While the licensee participates
5 in the impaired nurse program, the time limitations of section
6 620.154, RSMo, shall toll under subsection 7 of section 620.154,
7 RSMo. All records pertaining to the impaired nurse program
8 agreements are confidential and may only be released under
9 subdivision (7) of subsection 14 of section 620.010, RSMo.

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

20 335.068. 1. [If the board finds merit to a complaint by an
21 individual incarcerated or under the care and control of the
22 department of corrections and takes further investigative action,
23 no documentation may appear on file or disciplinary action may be
24 taken in regards to the licensee's license unless the provisions
25 of subsection 2 of section 335.066 have been violated. Any case
26 file documentation that does not result in the board filing an
27 action pursuant to subsection 2 of section 335.066 shall be
28 destroyed within three months after the final case disposition by

1 the board. No notification to any other licensing board in
2 another state or any national registry regarding any
3 investigative action shall be made unless the provisions of
4 subsection 2 of section 335.066 have been violated.

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

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

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

28 3. Upon determination by the board that a complaint is not

1 a violation of the nursing practice act or that the complaint is
2 unsubstantiated, or upon the conclusion of litigation resulting
3 in a finding of insufficient grounds to impose discipline upon a
4 licensee's license, the board and the division of professional
5 registration shall, in a timely fashion:

6 **[(2)] (1)** Notify any other licensing board in another state
7 or any national registry regarding the board's action if they
8 have been previously notified of the complaint; and

9 **[(3)] (2)** Send a letter to the licensee that clearly states
10 that the board found the complaint to be unsubstantiated[, that
11 the board has taken the requested action,] or that litigation
12 resulted in a finding that there are insufficient grounds to
13 discipline the licensee's license, that the board has sealed all
14 records concerning the complaint, and notify the licensee of the
15 provisions of subsection **[3] 4** of this section.

16 **[3.] 4.** Any person who has been the subject of an
17 unsubstantiated complaint as provided in subsection 1 [or 2] of
18 this section shall not be required to disclose the existence of
19 such complaint in subsequent applications or representations
20 relating to their nursing professions.

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

26 335.076. 1. Any person who holds a license to practice
27 professional nursing in this state may use the title "Registered
28 Professional Nurse" and the abbreviation "R.N.". No other person

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

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

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

23 4. No person shall practice or offer to practice
24 professional nursing [or], practical nursing, or advanced
25 practice nursing in this state [for compensation] or use any
26 title, sign, abbreviation, card, or device to indicate that such
27 person is a practicing professional nurse [or]
28 , practical nurse, or advanced practice nurse unless he or she

1 has been duly licensed under the provisions of [sections 335.011
2 to 335.096] this chapter.

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

11 335.096. Any person who violates any of the provisions of
12 [sections 335.011 to 335.096] chapter 335 is guilty of a class [A
13 misdemeanor] D felony and, upon conviction, shall be punished as
14 provided by law.

15 335.097. 1. The president or secretary of the board of
16 nursing may administer oaths, issue subpoenas duces tecum and
17 require production of documents and records. Subpoenas duces
18 tecum shall be served by a person authorized to serve subpoenas
19 of courts of record. In lieu of requiring attendance of a person
20 to produce original documents in response to a subpoena duces
21 tecum, the board may require sworn copies of such documents to be
22 filed with it or delivered to its designated representative.

23 2. The board may enforce its subpoenas duces tecum by
24 applying to a circuit court of Cole County, the county of the
25 investigation, hearing or proceeding, or any county where the
26 person resides or may be found, for an order upon any person who
27 shall fail to comply with a subpoena duces tecum to show cause
28 why such subpoena should not be enforced, which such order and a

1 copy of the application therefor shall be served upon the person
2 in the same manner as a summons in a civil action, and if the
3 circuit court shall, after a hearing, determine that the subpoena
4 duces tecum should be sustained and enforced, such court shall
5 proceed to enforce the subpoena duces tecum in the same manner as
6 though the subpoena duces tecum had been issued in a civil case
7 in the circuit court.

8 3. Reports made to the board under the mandated reporting
9 requirements as defined in chapter 383, RSMo, shall not be deemed
10 a violation of the federal health insurance portability and
11 accountability act (HIPAA) and the privacy rules located in the
12 act because the Missouri state board of nursing qualifies as a
13 health oversight agency as defined in the HIPAA privacy rules.

14 335.212. As used in sections 335.212 to 335.242, the
15 following terms mean:

- 16 (1) "Board", the Missouri state board of nursing;
17 (2) "Department", the Missouri department of health and
18 senior services;
19 (3) "Director", director of the Missouri department of
20 health and senior services;
21 (4) "Eligible student", a resident who has been accepted as
22 a full-time student in a formal course of instruction leading to
23 an associate degree, a diploma, a bachelor of science, or a
24 master of science in nursing or leading to the completion of
25 educational requirements for a licensed practical nurse;
26 (5) "Participating school", an institution within this
27 state which is approved by the board for participation in the
28 professional and practical nursing student loan program

1 established by sections 335.212 to 335.242, having a nursing
2 department and offering a course of instruction based on nursing
3 theory and clinical nursing experience;

4 (6) "Qualified applicant", an eligible student approved by
5 the board for participation in the professional and practical
6 nursing student loan program established by sections 335.212 to
7 335.242;

8 (7) "Qualified employment", employment on a full-time basis
9 in Missouri in a position requiring licensure as a licensed
10 practical nurse or registered professional nurse in any hospital
11 as defined in section 197.020, RSMo, or [public or nonprofit] in
12 any agency, institution, or organization located in an area of
13 need as determined by the department of health and senior
14 services. Any forgiveness of such principal and interest for any
15 qualified applicant engaged in qualified employment on a less
16 than full-time basis may be prorated to reflect the amounts
17 provided in this section;

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

21 336.010. [Any one or any combination of the following
22 practices constitutes the "practice of optometry":

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

27 (2) The employment of objective or subjective mechanical
28 means to determine the accommodative or refractive states of the

human eye or the range of power of vision of the human eye;

(3) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation.] 1. The "practice of optometry" is the examination,

diagnosis, treatment, and preventative care of the eye, adnexa, and vision. The practice includes, but is not limited to:

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

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

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

(4) The prescription and administration of pharmaceutical agents, excluding injectable agents, for the purpose of examination, diagnosis, and treatment of vision and conditions or diseases of the eye and adnexa;

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

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

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

to special conditions;

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

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

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

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

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

(1) "Eye", the human eye;

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

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

(4) "Diagnostic pharmaceutical agents", topically applied pharmaceuticals used for the purpose of conducting an examination of the eye, adnexa, and vision;

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

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

(7) "Therapeutic pharmaceutical agents", those

1 pharmaceuticals, excluding injectable agents, used for the
2 treatment of conditions or diseases of the eye, adnexa, and
3 vision;

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

8 336.020. It shall be unlawful for any person to practice
9 [optometry or], to attempt to practice [optometry], or to offer
10 to practice optometry, or to be employed by [a] any person,
11 corporation, partnership, [or] association [for the purpose of
12 practicing optometry], or other entity that practice or attempts
13 to practice without a [certificate of registration] license as [a
14 registered] an optometrist issued by the [state] board [of
15 optometry]. Nothing in this section shall be construed to
16 prohibit a person licensed or registered under chapter 334, RSMo,
17 whose license is in good standing from acting within the scope of
18 his or her practice or a person licensed as an optometrist in any
19 state to serve as an expert witness in a civil, criminal, or
20 administrative proceeding.

21 336.030. 1. A person is qualified to receive a
22 [certificate of registration as a registered] license as an
23 optometrist:

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

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

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

28 (4) Who has [passed a satisfactory examination conducted by

1 or approved by the state board of optometry to determine his
2 fitness to receive a certificate of registration as a registered
3 optometrist] met either of the following conditions:

4 (a) Has passed an examination satisfactory to, conducted
5 by, or approved by the board to determine his or her fitness to
6 receive a license as an optometrist with pharmaceutical
7 certification and met the requirements of licensure as may be
8 required by rule and regulation; or

9 (b) Has been licensed and has practiced for at least three
10 years in the five years immediately preceding the date of
11 application with pharmaceutical certification in another state,
12 territory, country, or province in which the requirements are
13 substantially equivalent to the requirements in this state and
14 has satisfactorily completed any practical examination or any
15 examination on Missouri laws as may be required by rule and
16 regulation.

17 2. The board may adopt reasonable rules and regulations
18 providing for the examination and certification of optometrists
19 who apply to the board for the authority to practice optometry in
20 this state.

21 336.040. Every person who desires to obtain a [certificate
22 of registration] license to practice optometry shall apply
23 [therefor] to the [state] board [of optometry], in writing, on
24 [blanks] forms prepared and furnished by the [state] board [of
25 optometry]. [Each] The application shall [contain proof of the
26 particular] state the required qualifications [required] of the
27 applicant, [shall contain a statement that it is] that the
28 representations are made under oath or affirmation and [that its

1 representations] are true and correct to the applicant's best
2 knowledge [and belief of the person signing same], subject to the
3 penalties of making a false affidavit or declaration and shall be
4 accompanied by the examination fee.

5 336.050. The [state] board [of optometry] shall hold
6 examinations of applicants for [certificates of registration as
7 registered optometrists] a license as an optometrist at such
8 times and places as it may determine. The examination of
9 applicants for [certificates of registration as registered
10 optometrists] a license as an optometrist may include both
11 practical demonstrations and written and oral tests, and shall
12 embrace the subjects normally taught in schools of optometry
13 approved by the [state] board [of optometry].

14 336.060. Whenever the provisions of this chapter have been
15 complied with, and upon payment of the [certificate] license fee,
16 the [state] board [of optometry] shall issue a [certificate of
17 registration as a registered optometrist] license as an
18 optometrist.

19 336.070. Every holder of [a certificate of registration] an
20 optometry license shall display [it] the license in a conspicuous
21 place in his or her principal office, place of business or
22 employment. Whenever a [registered] licensed optometrist
23 practices optometry [outside of, or] away from[,] his or her
24 principal office, [places of business or employment, he] the
25 licensee shall [deliver to each patient in his care a certificate
26 of identification or provide other identification as authorized
27 by rule and regulation] obtain a duplicate renewal license from

1 the board and display it in clear view of the public.

2 336.080. 1. Every [registered] licensed optometrist who
3 continues in active practice or service shall, on or before the
4 renewal date, renew his [certificate of registration] or her
5 license and pay the required renewal fee and present satisfactory
6 evidence to the [state] board [of optometry] of his or her
7 attendance for a minimum of [eight hours each year] thirty-two
8 hours of board-approved continuing education, or their equivalent
9 during the preceding [licensing period at educational optometric
10 programs, or their equivalent, that have been approved by the
11 board] two-year continuing education reporting period as
12 established by rule and regulation. The [attendance or
13 equivalent] continuing education requirement may be waived by the
14 board upon presentation to it of satisfactory evidence of the
15 illness of the optometrist or for other good cause as defined by
16 rule and regulation. The board shall not reject any such
17 application if approved programs are not available within the
18 state of Missouri. Every [certificate of registration] license
19 which has not been renewed on or before the renewal date shall
20 expire.

21 2. Any [registered] licensed optometrist who permits his
22 [certificate] or her license to expire may renew it within five
23 years of expiration upon payment of the required [restoration]
24 reactivation fee and presentation of satisfactory evidence to the
25 [state] board [of optometry] of his or her attendance for a
26 minimum of [twenty-four] forty-eight hours of board-approved
27 continuing education, or their equivalent, during the five years
28 [at educational programs, or their equivalent, that have been

1 approved by the board. The attendance or equivalent may be
2 waived by the board upon presentation to it of satisfactory
3 evidence of the illness of the optometrist or for other good
4 cause as defined by rule and regulation].

5 336.140. 1. The board shall hold meetings for the
6 examination of applicants for registration and the transaction of
7 other business pertaining to its duties at least once in six
8 months. [The board shall give thirty days' public notice of the
9 time and place of this meeting.] Each member of the board shall
10 receive as compensation an amount set by the board not to exceed
11 fifty dollars for each day devoted to the affairs of the board,
12 and shall be entitled to reimbursement of his expenses
13 necessarily incurred in the discharge of his official duties.
14 All fees payable under this chapter shall be collected by the
15 division of professional registration, which shall transmit the
16 same to the department of revenue for deposit in the state
17 treasury to the credit of a fund to be known as the "Optometry
18 Fund". All costs and expenses incurred in administering the
19 provisions of this chapter shall be appropriated and paid from
20 this fund.

21 2. The provisions of section 33.080, RSMo, to the contrary
22 notwithstanding, money in this fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the
24 fund at the end of the biennium exceeds two times the amount of
25 the appropriation from the board's funds for the preceding fiscal
26 year or, if the board requires by rule permit renewal less
27 frequently than yearly, then three times the appropriation from
28 the board's funds for the preceding fiscal year. The amount, if

1 any, in the fund which shall lapse is that amount in the fund
2 which exceeds the appropriate multiple of the appropriations from
3 the board's funds for the preceding fiscal year.

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

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

15 336.220. 1. [The state board of optometry may adopt
16 reasonable rules and regulations providing for the examination
17 and certification of registered optometrists who apply to the
18 board for authority to administer pharmaceutical agents in the
19 practice of optometry. Such pharmaceutical agents may be
20 "diagnostic pharmaceutical agents" or "therapeutic pharmaceutical
21 agents". As used in this section, the term "diagnostic
22 pharmaceutical agents" means those topically applied
23 pharmaceuticals used for the purpose of conducting an examination
24 upon the eye or adnexa, and the term "therapeutic pharmaceutical
25 agents" means those pharmaceuticals, excluding injectable agents,
26 used for the treatment of conditions or diseases of the eye or
27 the adnexa.

28 2. No registered optometrist shall administer diagnostic

1 pharmaceutical agents or therapeutic pharmaceutical agents in the
2 practice of optometry unless such person submits to the state
3 board of optometry evidence of satisfactory completion of: a
4 course of instruction in general and ocular pharmacology; which
5 includes at least one hundred hours of approved, supervised,
6 clinical training in the examination, diagnosis and treatment of
7 conditions of the human eye and adnexa in a program supervised by
8 a board-certified ophthalmologist; and such other educational
9 requirements or examination as may be required by the board, and
10 is certified by the board as qualified to administer diagnostic
11 pharmaceutical agents and therapeutic pharmaceutical agents in
12 the practice of optometry. An optometrist may not be certified
13 by the board to administer therapeutic pharmaceutical agents
14 unless the optometrist is certified to administer diagnostic
15 pharmaceutical agents. The board shall not approve a course of
16 instruction in general or ocular pharmacology unless it is taught
17 by an institution utilizing both the didactic and clinical
18 instruction in pharmacology and which is accredited by a regional
19 or professional accrediting organization which is recognized by
20 the United States Department of Education or its successors and
21 the transcript for the course of instruction is certified to the
22 board by the institution as being comparable in content to those
23 courses in general and ocular pharmacology required by other
24 licensing boards whose licenses or registrants are permitted the
25 administration of pharmaceutical agents in the course of their
26 professional practice for either diagnostic or therapeutic
27 purposes or both.

28 3. In issuing a certificate of registration or a renewal of

1 a certificate of registration, the state board of optometry
2 shall:

3 (1) State upon the certificate of an optometrist certified
4 by the board to administer diagnostic pharmaceutical agents in
5 the practice of optometry that the optometrist is so certified;
6 and

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

10 4. Any provision of section 336.010 to the contrary
11 notwithstanding, a registered optometrist who is examined and so
12 certified by the state board of optometry in the administration
13 of diagnostic pharmaceutical agents or therapeutic pharmaceutical
14 agents may administer those agents for which he is certified in
15 the practice of optometry. An optometrist's prescriptions for
16 therapeutic pharmaceutical agents should be dispensed by a
17 pharmacist licensed under chapter 338, RSMo. When therapeutic
18 pharmaceutical agents are dispensed by an optometrist the
19 provisions of section 338.059, RSMo, shall apply.

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

22 (1) Administer and prescribe pharmaceutical agents,
23 excluding injectable agents, for the diagnosis and treatment of
24 conditions or diseases of the eye or adnexa; and

25 (2) Perform diagnostic procedures and order laboratory and
26 imaging tests for the diagnosis of conditions or diseases of the
27 eye or adnexa.

28 6. Each optometrist certified in the administration of

1 therapeutic pharmaceutical agents shall, within one year of
2 August 28, 1995, complete a course of instruction approved by the
3 board that includes at least twenty-four hours of training in the
4 treatment of glaucoma. The board shall not approve a course of
5 instruction in the treatment of glaucoma unless it is taught by
6 an institution that is accredited by a regional or professional
7 accrediting organization that is recognized by the United States
8 Department of Education or its successor and the content for the
9 course of instruction is certified to the board by the
10 institution as being comparable in the content to those courses
11 in the treatment of glaucoma required by other licensing boards
12 whose licensees or registrants are permitted to treat glaucoma in
13 the course of their professional practice; except that, any
14 optometrist initially licensed in Missouri after December 31,
15 1990, who had previously passed the examination of the National
16 Board of Examiners in Optometry in the year 1990, or anytime
17 after such year, shall be exempt from the requirement of
18 completing the course of instruction in the treatment of glaucoma
19 required by this subsection. Until December 31, 1999, as a
20 condition for the annual renewal of the certificate of
21 registration, each optometrist certified in the administration of
22 therapeutic pharmaceutical agents shall, as a condition for the
23 annual renewal of certification through December 31, 1999,
24 complete a continuing course of instruction of at least six hours
25 in the treatment of glaucoma as approved by the board; provided
26 that, such six hours may be credited against the initial course
27 of at least twenty-four hours required by this section and
28 against the educational optometric program of at least eight

1 hours required by section 336.080.

2 7. An optometrist certified by the board in the
3 administration of therapeutic pharmaceutical agents may remove
4 superficial foreign bodies from the eye and adnexa. An
5 optometrist may not perform surgery, including the use of lasers
6 for treatment of any disease or condition or for the correction
7 of refractive error. An optometrist certified to use
8 pharmaceutical agents as provided in this section shall be held
9 to the same standard of care in the use of such agents in the
10 optometrist's diagnosis and treatment as are physicians, licensed
11 by the Missouri state board of registration for the healing arts,
12 who exercise that degree of skill and proficiency commonly
13 exercised by ordinary, skillful, careful and prudent physicians
14 and surgeons engaged in the practice of medicine.

15 8. Any optometrist authorized by the board to administer
16 diagnostic pharmaceutical agents shall refer a patient to a
17 physician licensed under chapter 334, RSMo, if an examination of
18 the eyes indicates a condition, including reduced visual acuity,
19 which requires medical treatment, further medical diagnosis, or
20 further refraction. This referral is not required on known or
21 previously diagnosed conditions. The record of the referral in
22 the optometrist's notes shall have the standing of any business
23 record. Any optometrist violating this section shall be subject
24 to the provisions of section 336.110.] Notwithstanding the
25 provisions of subsection 1 of section 336.010, any optometrist
26 who is not certified to use either diagnostic or therapeutic
27 pharmaceutical agents shall continue to be prohibited from
28 administering, dispensing, or prescribing the respective

1 pharmaceutical agents unless the optometrist has completed an
2 approved course of study and has been certified by the board.
3 Such status shall be noted on the license at each renewal.

4 2. Any optometrist authorized by the board to administer
5 only diagnostic pharmaceutical agents shall refer a patient to a
6 physician licensed under chapter 334, RSMo, if an examination of
7 the eyes indicates a condition, including reduced visual acuity,
8 which requires medical treatment, further medical diagnosis, or
9 further refraction. This referral is not required on known or
10 previously diagnosed conditions. The record of the referral in
11 the optometrist's notes shall have the standing of any business
12 record. Any optometrist violating this section shall be subject
13 to the provisions of section 336.110.

14 3. An optometrist's prescriptions for therapeutic
15 pharmaceutical agents shall be dispensed by a pharmacist licensed
16 under chapter 338, RSMo. When therapeutic pharmaceutical agents
17 are dispensed by an optometrist, the provisions of section
18 338.059, RSMo, shall apply.

19 4. An optometrist certified to use pharmaceutical agents
20 shall be held to the standard of care in the use of
21 pharmaceutical agents in the optometrist's diagnosis and
22 treatment as are physicians licensed by the Missouri State Board
23 of Registration for the Healing Arts, who exercise that degree of
24 skill and learning ordinarily used under the same or similar
25 circumstances by physicians and surgeons engaged in the practice
26 of medicine.

27 5. The board may adopt reasonable rules and regulations
28 providing for the examination and certification of optometrists

1 who apply to the board for authority to administer and prescribe
2 pharmaceutical agents in the practice of optometry.

3 336.225. [Notwithstanding any other provision of law, any
4 written or broadcast advertising for eye exam services whether
5 regional or national by any optical firm shall not be required to
6 list the name of the optometrist in the advertisement provided
7 those optometrists practicing under a trade name at a specific
8 location shall be identified to any person by having the
9 optometrist's name prominently displayed at such specific
10 location. All eye exam services provided by any optical firm
11 must be provided by a person in accordance with the provisions
12 contained in section 336.030.] Any optometrist or any person,
13 firm, or corporation employing or associated with an optometrist
14 may advertise the availability of optometric service. The
15 optometrist shall be responsible for ensuring that his or her
16 name is prominently displayed at all of his or her practice
17 locations. All eye examination services shall be provided by a
18 person in accordance with the provisions of section 336.030.

19 337.600. As used in sections 337.600 to 337.689, the
20 following terms mean:

21 (1) "Advanced macro social worker", the applications of
22 social work theory, knowledge, methods, principles, values, and
23 ethics; and the professional use of self to community and
24 organizational systems, systemic and macrocosm issues, and other
25 indirect nonclinical services; specialized knowledge and advanced
26 practice skills in case management, information and referral,
27 nonclinical assessments, counseling, outcome evaluation,
28 mediation, nonclinical supervision, nonclinical consultation,

expert testimony, education, outcome evaluation, research,
advocacy, social planning and policy development, community
organization, and the development, implementation and
administration of policies, programs, and activities. A licensed
advanced macro social worker may not treat mental or emotional
disorders or provide psychotherapy without the direct supervision
of a licensed clinical social worker; or diagnose a mental
disorder;

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

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

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

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

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

[(5)] (7) "Independent practice", any practice of social
workers outside of an organized setting such as a social,
medical, or governmental agency in which a social worker assumes

responsibility and accountability for services required;

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

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

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

(11) "Licensed master social worker", any person who offers to render services to individuals, groups, families, couples, organizations, institutions, communities, government agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and

1 licensed as a master social worker, and who holds a current valid
2 license to practice as a master social worker. A licensed master
3 social worker may not treat mental or emotional disorders,
4 provide psychotherapy without the direct supervision of a
5 licensed clinical social worker, or diagnose a mental disorder;

6 (12) "Master social work", the application of social work
7 theory, knowledge, methods, and ethics and the professional use
8 of self to restore or enhance social, psychosocial, or bio-
9 psychosocial functioning of individuals, couples, families,
10 groups, organizations, communities, institutions, government
11 agencies, or corporations. The practice includes the
12 applications of specialized knowledge and advanced practice
13 skills in the areas of assessment, treatment planning,
14 implementation and evaluation, case management, mediation,
15 information and referral, counseling, client education,
16 supervision, consultation, education, research, advocacy,
17 community organization and development, planning, evaluation,
18 implementation and administration of policies, programs, and
19 activities. Under supervision as provided in this section, the
20 practice of master social work may include the practices reserved
21 to clinical social workers or advanced macro social workers;

22 (13) "Practice of advanced macro social work", rendering,
23 offering to render, or supervising those who render to
24 individuals, couples, families, groups, organizations,
25 institutions, corporations, government agencies, communities, or
26 the general public any service involving the application of
27 methods, principles, and techniques of advanced practice macro
28 social work;

1 (14) "Practice of baccalaureate social work", rendering,
2 offering to render, or supervising those who render to
3 individuals, families, groups, organizations, institutions,
4 corporations, or the general public any service involving the
5 application of methods, principles, and techniques of
6 baccalaureate social work;

7 [(7)] (15) "Practice of clinical social work", rendering,
8 offering to render, or supervising those who render to
9 individuals, couples, groups, organizations, institutions,
10 corporations, or the general public any service involving the
11 application of methods, principles, and techniques of clinical
12 social work;

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

19 [(8)] (17) "Provisional licensed clinical social worker",
20 any person who is a graduate of an accredited school of social
21 work and meets all requirements of a licensed clinical social
22 worker, other than the supervised clinical social work experience
23 prescribed by subdivision (2) of subsection 1 of section 337.615,
24 and who is supervised by a person who is qualified to practice
25 clinical social work, as defined by rule;

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

1 who has:

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

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

12 (c) Met all the requirements of sections 337.600 to
13 337.689, and as defined by rule by the state committee for social
14 workers;

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

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

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

1 outlined by the state committee on social workers; and

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

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

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

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

17 (c) Met all the requirements of sections 337.600 to
18 337.689, and as defined by rule by the state committee for social
19 workers;

20 ~~[(9)]~~ (21) "Social worker", any individual that has:

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

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

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

27 337.603. No person shall use the title of "licensed
28 clinical social worker", "clinical social worker" or "provisional

1 licensed clinical social worker" [and], or engage in the practice
2 of clinical social work in this state, unless the person is
3 licensed as required by the provisions of sections 337.600 to
4 [337.639] 337.689. Only individuals who are licensed clinical
5 social workers shall practice clinical social work. Sections
6 337.600 to [337.639] 337.689 shall not apply to:

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

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

17 337.604. 1. No person shall hold himself or herself out to
18 be a "social worker" unless such person has:

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

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

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

25 2. No government entities, public or private agencies or
26 organizations in the state shall use the title "social worker" or
27 any form of the title for volunteer or employment positions or
28 within contracts for services, documents, manuals, or reference

1 material effective January 1, 2004, unless the volunteers or
2 employees in those positions meet the criteria set forth in
3 subdivision [(8)] (17) of section 337.600 or subsection 1 of this
4 section.

5 337.612. 1. Applications for licensure as a clinical
6 social worker, baccalaureate social worker, advanced macro social
7 worker or master social worker shall be in writing, submitted to
8 the committee on forms prescribed by the committee and furnished
9 to the applicant. The application shall contain the applicant's
10 statements showing the applicant's education, experience, and
11 such other information as the committee may require. Each
12 application shall contain a statement that it is made under oath
13 or affirmation and that the information contained therein is true
14 and correct to the best knowledge and belief of the applicant,
15 subject to the penalties provided for the making of a false
16 affidavit or declaration. Each application shall be accompanied
17 by the fees required by the committee.

18 2. The committee shall mail a renewal notice to the last
19 known address of each licensee prior to the licensure renewal
20 date. Failure to provide the committee with the information
21 required for licensure, or to pay the licensure fee after such
22 notice shall effect a revocation of the license after a period of
23 sixty days from the licensure renewal date. The license shall be
24 restored if, within two years of the licensure date, the
25 applicant provides written application and the payment of the
26 licensure fee and a delinquency fee.

27 3. A new certificate to replace any certificate lost,
28 destroyed or mutilated may be issued subject to the rules of the

1 committee, upon payment of a fee.

2 4. The committee shall set the amount of the fees which
3 sections 337.600 to ~~[337.639]~~ 337.689 authorize and require by
4 rules and regulations promulgated pursuant to section 536.021,
5 RSMo. The fees shall be set at a level to produce revenue which
6 shall not substantially exceed the cost and expense of
7 administering the provisions of sections 337.600 to ~~[337.639]~~
8 337.689. All fees provided for in sections 337.600 to ~~[337.639]~~
9 337.689 shall be collected by the director who shall deposit the
10 same with the state treasurer in a fund to be known as the
11 "Clinical Social Workers Fund". After August 28, 2007, the
12 "Clinical Social Workers Fund" shall be called the "Licensed
13 Social Workers Fund" and after such date all references in state
14 law to the "Clinical Social Workers Fund" shall be considered
15 references to the "Licensed Social Workers Fund".

16 5. The provisions of section 33.080, RSMo, to the contrary
17 notwithstanding, money in this fund shall not be transferred and
18 placed to the credit of general revenue until the amount in the
19 fund at the end of the biennium exceeds two times the amount of
20 the appropriations from the clinical social workers fund for the
21 preceding fiscal year or, if the committee requires by rule
22 renewal less frequently than yearly, then three times the
23 appropriation from the committee's fund for the preceding fiscal
24 year. The amount, if any, in the fund which shall lapse is that
25 amount in the fund which exceeds the appropriate multiple of the
26 appropriations from the clinical social workers fund for the
27 preceding fiscal year.

28 337.615. 1. Each applicant for licensure as a clinical

1 social worker shall furnish evidence to the committee that:

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

6 (2) The applicant has completed three thousand hours of
7 supervised clinical experience with a [licensed clinical social
8 worker acceptable to the committee, as defined by rule,]

9 "qualified clinical supervisor", as defined in section 337.600,
10 in no less than twenty-four months and no more than forty-eight
11 consecutive calendar months;

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

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

21 2. Any person holding a current license, certificate of
22 registration, or permit from another state or territory of the
23 United States or the District of Columbia to practice clinical
24 social work who has had no disciplinary action taken against the
25 license, certificate of registration, or permit for the preceding
26 five years may be granted a license to practice clinical social
27 work in this state if the person meets one of the following
28 criteria:

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

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

9 3. The committee shall issue a license to each person who
10 files an application and fee as required by the provisions of
11 sections 337.600 to [337.639] 337.689 and who furnishes evidence
12 satisfactory to the committee that the applicant has complied
13 with the provisions of subdivisions (1) to (4) of subsection 1 of
14 this section or with the provisions of subsection 2 of this
15 section. The committee shall issue a provisional clinical social
16 worker license to any applicant who meets all requirements of
17 subdivisions (1), (3) and (4) of subsection 1 of this section,
18 but who has not completed the twenty-four months of supervised
19 clinical experience required by subdivision (2) of subsection 1
20 of this section, and such applicant may reapply for licensure as
21 a clinical social worker upon completion of the twenty-four
22 months of supervised clinical experience.

23 337.618. Each license issued pursuant to the provisions of
24 sections 337.600 to [337.639] 337.689 shall expire on a renewal
25 date established by the director. The term of licensure shall be
26 twenty-four months. The committee shall require a minimum number
27 of thirty clock hours of continuing education for renewal of a
28 license issued pursuant to sections 337.600 to [337.639] 337.689.

1 The committee shall renew any license, other than a provisional
2 license, upon application for a renewal, completion of the
3 required continuing education hours and upon payment of the fee
4 established by the committee pursuant to the provisions of
5 section 337.612. As provided by rule, the board may waive or
6 extend the time requirements for completion of continuing
7 education for reasons related to health, military service,
8 foreign residency, or for other good cause. All requests for
9 waivers or extensions of time shall be made in writing and
10 submitted to the board before the renewal date.

11 337.622. 1. There is hereby established the "State
12 Committee for Social Workers", which shall guide, advise, and
13 make recommendations to the division and fulfill other
14 responsibilities designated by sections 337.600 to [337.649 and
15 sections 337.650 to] 337.689. The committee shall approve any
16 examination required by sections 337.600 to [337.649 and sections
17 337.650 to] 337.689 and shall assist the division in carrying out
18 the provisions of sections 337.600 to [337.649 and sections
19 337.650 to] 337.689.

20 2. The committee shall consist of [nine] ten members,
21 including a public member appointed by the governor with the
22 advice and consent of the senate. Each member of the committee
23 shall be a citizen of the United States and a resident of this
24 state. The committee shall consist of six licensed clinical
25 social workers, [two] one licensed master social worker, one
26 licensed baccalaureate social workers, one licensed advanced
27 macro social worker, and one voting public member. At least two
28 committee members shall be involved in the private practice of

1 clinical social work. [Any person who is a member of any
2 clinical social worker advisory committee appointed by the
3 director of the division of professional registration shall be
4 eligible for appointment to the state committee for social work
5 on August 28, 1997.] The governor shall endeavor to appoint
6 members from different geographic regions of the state and with
7 regard to the pattern of distribution of social workers in the
8 state. The term of office for committee members shall be four
9 years and no committee member shall serve more than ten years.
10 [Of the members first appointed, the governor shall appoint three
11 members, one of whom shall be the public member, whose terms
12 shall be four years; three members whose terms shall be three
13 years; two members whose terms shall be two years; and one member
14 whose term shall be one year.] The president of the National
15 Association of Social Workers Missouri Chapter in office at the
16 time shall, at least ninety days prior to the expiration of a
17 term of a member of a clinical social worker, master social
18 worker, advanced macro social worker, or baccalaureate social
19 worker committee member or as soon as feasible after a vacancy on
20 the committee otherwise occurs, submit to the director of the
21 division of professional registration a list of five [clinical]
22 social workers qualified [or five baccalaureate social workers]
23 and willing to fill the vacancy in question, with the request and
24 recommendation that the governor appoint one of the five persons
25 in each category so listed, and with the list so submitted, the
26 president of the National Association of Social Workers Missouri
27 Chapter shall include in his or her letter of transmittal a
28 description of the method by which the names were chosen by that

1 association.

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

5 4. Notwithstanding any other provision of law to the
6 contrary, any appointed member of the committee shall receive as
7 compensation an amount established by the director of the
8 division of professional registration not to exceed seventy
9 dollars per day for committee business plus each member of the
10 committee shall be reimbursed for necessary and actual expenses
11 incurred in the performance of the member's official duties. The
12 director of the division of professional registration shall
13 establish by rule guidelines for payment. All staff for the
14 committee shall be provided by the division.

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

22 6. The governor may remove a committee member for
23 misconduct, incompetency or neglect of the member's official
24 duties after giving the committee member written notice of the
25 charges against such member and an opportunity to be heard
26 thereon.

27 7. The public member shall be at the time of such member's
28 appointment a citizen of the United States; a resident of this

1 state for a period of one year and a registered voter; a person
2 who is not and never was a member of any profession licensed or
3 regulated pursuant to sections 337.600 to [337.649 or sections
4 337.650 to] 337.689, or the spouse of such person; and a person
5 who does not have and never has had a material, financial
6 interest in either the providing of the professional services
7 regulated by sections 337.600 to [337.649 or sections 337.650 to]
8 337.689, or an activity or organization directly related to any
9 profession licensed or regulated pursuant to sections 337.600 to
10 [337.649] 337.689. The duties of the public member shall not
11 include the determination of the technical requirements to be met
12 for licensure or whether any person meets such technical
13 requirements or of the technical competence or technical judgment
14 of a licensee or a candidate for licensure.

15 337.627. 1. The committee shall promulgate rules and
16 regulations pertaining to:

17 (1) The form and content of license applications required
18 by the provisions of sections 337.600 to [337.639] 337.689 and
19 the procedures for filing an application for an initial or
20 renewal license in this state;

21 (2) Fees required by the provisions of sections 337.600 to
22 [337.639] 337.689;

23 (3) The characteristics of "supervised clinical experience"
24 [as that term is used in section 337.615], "supervised master
25 experience", "supervised advanced macro experience", and
26 "supervised baccalaureate experience";

27 (4) The standards and methods to be used in assessing
28 competency as a licensed clinical social worker, licensed master

1 social worker, licensed advanced macro social worker, and
2 licensed baccalaureate social worker, including the requirement
3 for continuing education hours;

4 (5) Establishment and promulgation of procedures for
5 investigating, hearing and determining grievances and violations
6 occurring pursuant to the provisions of sections 337.600 to
7 ~~[337.639]~~ 337.689;

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

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

16 (8) Any other policies or procedures necessary to the
17 fulfillment of the requirements of sections 337.600 to ~~[337.639]~~
18 337.689.

19 2. ~~[No rule or portion of a rule promulgated pursuant to~~
20 ~~the authority of sections 337.600 to 337.639 shall become~~
21 ~~effective unless it has been promulgated pursuant to the~~
22 ~~provisions of section 536.024, RSMo.]~~ Any rule or portion of a
23 rule, as that term is defined in section 536.010, RSMo, that is
24 created under the authority delegated in this section shall
25 become effective only if it complies with and is subject to all
26 of the provisions of chapter 536, RSMo, and, if applicable,
27 section 536.028, RSMo. This section and chapter 536, RSMo, are
28 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536, RSMo, to review, to delay the
2 effective date, or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2007,
5 shall be invalid and void.

6 337.630. 1. The committee may refuse to issue or renew any
7 license required by the provisions of sections 337.600 to
8 ~~[337.639]~~ 337.689 for one or any combination of causes stated in
9 subsection 2 of this section. The committee shall notify the
10 applicant in writing of the reasons for the refusal and shall
11 advise the applicant of the applicant's right to file a complaint
12 with the administrative hearing commission as provided by chapter
13 621, RSMo.

14 2. The committee may cause a complaint to be filed with the
15 administrative hearing commission as provided by chapter 621,
16 RSMo, against any holder of any license required by sections
17 337.600 to ~~[337.639]~~ 337.689 or any person who has failed to
18 renew or has surrendered the person's license for any one or any
19 combination of the following causes:

20 (1) Use of any controlled substance, as defined in chapter
21 195, RSMo, or alcoholic beverage to an extent that such use
22 impairs a person's ability to engage in the occupation of
23 ~~[clinical]~~ social work licensed under this chapter; except that
24 the fact that a person has undergone treatment for past substance
25 or alcohol abuse and/or has participated in a recovery program,
26 shall not by itself be cause for refusal to issue or renew a
27 license;

28 (2) The person has been finally adjudicated and found

1 guilty, or entered a plea of guilty or nolo contendere, in a
2 criminal prosecution pursuant to the laws of any state or of the
3 United States, for any offense reasonably related to the
4 qualifications, functions or duties of a [clinical] social worker
5 licensed under this chapter; for any offense an essential element
6 of which is fraud, dishonesty or an act of violence; or for any
7 offense involving moral turpitude, whether or not sentence is
8 imposed;

9 (3) Use of fraud, deception, misrepresentation or bribery
10 in securing any license issued pursuant to the provisions of
11 sections 337.600 to [337.639] 337.689 or in obtaining permission
12 to take any examination given or required pursuant to the
13 provisions of sections 337.600 to [337.639] 337.689;

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

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

20 (6) Violation of, or assisting or enabling any person to
21 violate, any provision of sections 337.600 to [337.639] 337.689,
22 or of any lawful rule or regulation adopted pursuant to sections
23 337.600 to [337.639] 337.689;

24 (7) Impersonation of any person holding a license or
25 allowing any person to use the person's license or diploma from
26 any school;

27 (8) Revocation or suspension of a license or other right to
28 practice [clinical] social work licensed pursuant to this chapter

1 granted by another state, territory, federal agency or country
2 upon grounds for which revocation or suspension is authorized in
3 this state;

4 (9) Final adjudication as incapacitated by a court of
5 competent jurisdiction;

6 (10) Assisting or enabling any person to practice or offer
7 to practice [clinical] social work licensed pursuant to this
8 chapter who is not licensed and currently eligible to practice
9 pursuant to the provisions of sections 337.600 to [337.639]
10 337.689;

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

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

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

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

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

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

28 4. After the filing of such complaint, the proceedings

1 shall be conducted in accordance with the provisions of chapter
2 621, RSMo. Upon a finding by the administrative hearing
3 commission that the grounds, provided in subsection 2 of this
4 section, for disciplinary action are met, the committee may
5 censure or place the person named in the complaint on probation
6 on such terms and conditions as the committee deems appropriate
7 for a period not to exceed five years, or may suspend, for a
8 period not to exceed three years, or revoke the license.

9 337.636. Persons licensed under the provisions of sections
10 337.600 to ~~[337.639]~~ 337.689 may not disclose any information
11 acquired from persons consulting them in their professional
12 capacity, or be compelled to disclose such information except:

13 (1) With the written consent of the client, or in the case
14 of the client's death or disability, the client's personal
15 representative or other person authorized to sue, or the
16 beneficiary of an insurance policy on the client's life, health
17 or physical condition;

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

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

22 (4) When the person waives the privilege by bringing
23 charges against the licensee;

24 (5) When the licensee is called upon to testify in any
25 court or administrative hearings concerning matters of adoption,
26 adult abuse, child abuse, child neglect, or other matters
27 pertaining to the welfare of clients of the licensee; or

28 (6) When the licensee is collaborating or consulting with

1 professional colleagues or an administrative superior on behalf
2 of the client.

3 337.643. 1. No person shall use the title of licensed
4 master social worker and engage in the practice of master social
5 work in this state unless the person is licensed as required by
6 the provisions of this section and section 337.644.

7 2. A licensed master social worker shall be deemed
8 qualified to practice the applications of social work theory,
9 knowledge, methods and ethics and the professional use of self to
10 restore or enhance social, psychosocial, or bio-psychosocial
11 functioning of individuals, couples, families, groups,
12 organizations, and communities. Master social work practice
13 includes the applications of specialized knowledge and advanced
14 practice skills in the management, information and referral,
15 counseling, supervision, consultation, education, research,
16 advocacy, community organization, and the development,
17 implementation, and administration of policies, programs, and
18 activities. Under supervision as provided in sections 337.600 to
19 337.689, the practice of master social work may include the
20 practices reserved to clinical social workers or advanced macro
21 social workers.

22 337.644. 1. Each applicant for licensure as a master
23 social worker shall furnish evidence to the committee that:

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

27 (2) The applicant has achieved a passing score, as defined
28 by the committee, on an examination approved by the committee.

1 The eligibility requirements for such examination shall be
2 determined by the state committee for social workers;

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

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

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

12 2. Any applicant who answers in the affirmative to any
13 question on the application that relates to possible grounds for
14 denial of licensure under section 337.630 shall submit a sworn
15 affidavit setting forth in detail the facts which explain such
16 answer and copies of appropriate documents related to such
17 answer.

18 3. Any person holding a valid unrevoked and unexpired
19 license, certificate, or registration from another state or
20 territory of the United States having substantially the same
21 requirements as this state for master social workers may be
22 granted a license to engage in the person's occupation in this
23 state upon application to the committee accompanied by the
24 appropriate fee as established by the committee under section
25 337.612.

26 4. The committee shall issue a license to each person who
27 files an application and fee as required by the provisions of
28 sections 337.600 to 337.689 and who furnishes evidence

1 satisfactory to the committee that the applicant has complied
2 with the provisions of subsection 1 of this section or with the
3 provisions of subsection 3 of this section. The license shall
4 refer to the individual as a licensed master social worker and
5 shall recognize that individual's right to practice licensed
6 master social work as defined in section 337.600.

7 337.645. 1. Each applicant for licensure as an advanced
8 macro social worker shall furnish evidence to the committee that:

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

13 (2) The applicant has completed three thousand hours of
14 supervised advanced macro experience with a "qualified advanced
15 macro supervisor" as defined in section 337.600 in no less than
16 twenty-four months and no more than forty-eight consecutive
17 calendar months;

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

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

27 2. Any person holding a current license, certificate of
28 registration, or permit from another state or territory of the

United States or the District of Columbia to practice advanced macro social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice advanced macro social work in this state if the person meets one of the following criteria:

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

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

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

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

337.653. 1. No person shall use the title of "licensed baccalaureate social worker" [or "provisional licensed

baccalaureate social worker"] and engage in the practice of baccalaureate social work in this state unless the person is licensed as required by the provisions of sections [337.650] 337.600 to 337.689.

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

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

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

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

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

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

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

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

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

1 (9) Perform case management and outreach, including but not
2 limited to planning, managing, directing or coordinating social
3 services; and

4 (10) Engage in the training and education of social work
5 students from an accredited institution and supervise other
6 licensed baccalaureate social workers.

7 3. [A] If the licensed baccalaureate social worker has
8 completed three thousand hours of supervised baccalaureate
9 experience with a qualified baccalaureate supervisor in no less
10 than twenty-four months and no more than forty-eight consecutive
11 calendar months, the licensed baccalaureate social worker may
12 engage in the independent practice of baccalaureate social work
13 as defined in [subdivision (6) of] section [337.650] 337.600 and
14 subdivisions (1) to (10) of subsection 2 of this section. Upon
15 demonstrating the successful completion of supervised experience,
16 the state committee for social workers shall provide the licensee
17 with a certificate clearly stating the individual's qualification
18 to practice independently with the words "independent practice"
19 or "IP" next to his or her licensure.

20 337.665. 1. Each applicant for licensure as a
21 baccalaureate social worker shall furnish evidence to the
22 committee that:

23 (1) The applicant has a baccalaureate degree in social work
24 from an accredited social work degree program approved by the
25 council of social work education;

26 (2) The applicant has achieved a passing score, as defined
27 by the committee, on an examination approved by the committee.
28 The eligibility requirements for such examination shall be

determined by the state committee for social work;

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

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

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

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

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

3. Any person holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same requirements as this state for baccalaureate social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to

1 section ~~[337.662]~~ 337.612.

2 4. The committee shall issue a license to each person who
3 files an application and fee as required by the provisions of
4 sections ~~[337.650]~~ 337.600 to 337.689 and who furnishes evidence
5 satisfactory to the committee that the applicant has complied
6 with the provisions of subsection 1 of this section or with the
7 provisions of subsection 2 of this section. ~~[The committee shall~~
8 ~~issue a one-time provisional baccalaureate social worker license~~
9 ~~to any applicant who meets all requirements of subdivisions (1),~~
10 ~~(2), (4), (5) and (6) of subsection 1 of this section, but who~~
11 ~~has not completed the supervised baccalaureate experience~~
12 ~~required by subdivision (3) of subsection 1 of this section, and~~
13 ~~such applicant may apply for licensure as a baccalaureate social~~
14 ~~worker upon completion of the supervised baccalaureate~~
15 ~~experience.]~~

16 5. The committee shall issue a certificate to practice
17 independently under subsection 3 of section 337.653 to any
18 licensed baccalaureate social worker who has satisfactorily
19 completed three thousand hours of supervised experience with a
20 qualified baccalaureate supervisor in no less than twenty-four
21 months and no more than forty-eight consecutive calendar months.

22 337.689. Nothing in sections ~~[337.650]~~ 337.600 to 337.689
23 shall be construed to prohibit any person licensed pursuant to
24 the provisions of sections ~~[337.650]~~ 337.600 to 337.689 from
25 testifying in court hearings concerning matters of adoption,
26 adult abuse, child abuse, child neglect, or other matters
27 pertaining to the welfare of children or any dependent person, or
28 from seeking collaboration or consultation with professional

1 colleagues or administrative supervisors on behalf of the client.

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

4 (1) "Committee", the state committee for family and marital
5 therapists;

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

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

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

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

14 (6) "Licensed marital and family therapist", a person to
15 whom a license has been issued pursuant to the provisions of
16 sections 337.700 to 337.739, whose license is in force and not
17 suspended or revoked;

18 (7) "Marital and family therapy", the use of scientific and
19 applied marriage and family theories, methods and procedures for
20 the purpose of describing, diagnosing, evaluating and modifying
21 marital, family and individual behavior within the context of
22 marital and family systems, including the context of marital
23 formation and dissolution. Marriage and family therapy is based
24 on systems theories, marriage and family development, normal and
25 dysfunctional behavior, human sexuality and psychotherapeutic,
26 marital and family therapy theories and techniques and includes
27 the use of marriage and family therapy theories and techniques in
28 the diagnosis, evaluation, assessment and treatment of

1 intrapersonal or interpersonal dysfunctions within the context of
2 marriage and family systems. Marriage and family therapy may
3 also include clinical research into more effective methods for
4 the treatment and prevention of the above-named conditions;

5 (8) "Practice of marital and family therapy", the rendering
6 of professional marital and family therapy services to
7 individuals, family groups and marital pairs, singly or in
8 groups, whether such services are offered directly to the general
9 public or through organizations, either public or private, for a
10 fee, monetary or otherwise.

11 337.715. 1. Each applicant for licensure as a marital and
12 family therapist shall furnish evidence to the division that:

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

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

21 (3) After August 28, 2008, the applicant shall have
22 completed a minimum of three semester hours of graduate level
23 course work in diagnostic systems either within the curriculum
24 leading to a degree as defined in subdivision (1) of this
25 subsection or as post master's graduate level course work. Each
26 applicant shall demonstrate supervision of diagnosis as a core
27 component of the postgraduate supervised clinical experience as
28 defined in subdivision (2) of this subsection;

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

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

10 2. [A licensed marriage and family therapist who has had no
11 violations and no suspensions and no revocation of a license to
12 practice marriage and family therapy in any jurisdiction may
13 receive a license in Missouri provided said marriage and family
14 therapist passes a written examination on Missouri laws and
15 regulations governing the practice of professional counseling as
16 defined in section 337.700, and meets one of the following
17 criteria:

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

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

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

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

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

28 (3) Is currently licensed or certified as a marriage and

1 family therapist in another state, territory of the United
2 States, or the District of Columbia that extends like privileges
3 for reciprocal licensing or certification to persons licensed by
4 this state with similar qualifications.] Any person otherwise
5 qualified for licensure holding a current license, certificate of
6 registration, or permit from another state or territory of the
7 United States or the District of Columbia to practice marriage
8 and family therapy may be granted a license without examination
9 to engage in the practice of marital and family therapy in this
10 state upon application to the state committee, payment of the
11 required fee as established by the state committee, and
12 satisfaction of the following:

13 (1) Determination by the state committee that the
14 requirements of the other state or territory are substantially
15 the same as Missouri;

16 (2) Verification by the applicant's licensing entity that
17 the applicant has a current license; and

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

20 3. The **[division]** state committee shall issue a license to
21 each person who files an application and fee as required by the
22 provisions of sections 337.700 to 337.739[, and who furnishes
23 evidence satisfactory to the division that the applicant has
24 complied with the provisions of subdivisions (1) to (4) of
25 subsection 1 of this section or with the provisions of subsection
26 2 of this section.]

27 337.718. 1. Each license issued pursuant to the provisions
28 of sections 337.700 to 337.739 shall expire on a renewal date

1 established by the director. The term of licensure shall be
2 twenty-four months; however, the director may establish a shorter
3 term for the first licenses issued pursuant to sections 337.700
4 to 337.739. The division shall renew any license upon
5 application for a renewal and upon payment of the fee established
6 by the division pursuant to the provisions of section 337.712.
7 Effective August 28, 2008, as a prerequisite for renewal, each
8 licensee shall furnish to the committee satisfactory evidence of
9 the completion of the requisite number of hours of continuing
10 education as defined by rule, which shall be no more than forty
11 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
15 under extenuating circumstances as determined by the division and
16 defined by rule.

17 338.220. 1. It shall be unlawful for any person,
18 copartnership, association, corporation or any other business
19 entity to open, establish, operate, or maintain any pharmacy as
20 defined by statute without first obtaining a permit or license to
21 do so from the Missouri board of pharmacy. The following classes
22 of pharmacy permits or licenses are hereby established:

- 23 (1) Class A: Community/ambulatory;
- 24 (2) Class B: Hospital outpatient pharmacy;
- 25 (3) Class C: Long-term care;
- 26 (4) Class D: Nonsterile compounding;
- 27 (5) Class E: Radio pharmaceutical;
- 28 (6) Class F: Renal dialysis;

- 1 (7) Class G: Medical gas;
2 (8) Class H: Sterile product compounding;
3 (9) Class I: Consultant services;
4 (10) Class J: Shared service;
5 (11) Class K: Internet;
6 (12) Class L: Veterinary.

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

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

25 4. Class L: Veterinary permit shall not be construed to
26 prohibit or interfere with any legally registered practitioner of
27 veterinary medicine in the compounding or dispensing of their own
28 prescriptions.

1 5. Notwithstanding any other laws to the contrary, the
2 provisions of this section shall not apply to any Missouri based
3 business or company incorporated in Missouri prior to January 1,
4 2005, that has sold, dispensed, or filled veterinarian prescribed
5 animal pharmaceutical products or drugs in Missouri.

6 339.100. 1. The commission may, upon its own motion, and
7 shall upon receipt of a written complaint filed by any person,
8 investigate any real estate-related activity of a licensee
9 licensed under sections 339.010 to 339.180 and sections 339.710
10 to 339.860 or an individual or entity acting as or representing
11 themselves as a real estate licensee. In conducting such
12 investigation, if the questioned activity or written complaint
13 involves an affiliated licensee, the commission may forward a
14 copy of the information received to the affiliated licensee's
15 designated broker. The commission shall have the power to hold
16 an investigatory hearing to determine whether there is a
17 probability of a violation of sections 339.010 to 339.180 and
18 sections 339.710 to 339.860. The commission shall have the power
19 to issue a subpoena to compel the production of records and
20 papers bearing on the complaint. The commission shall have the
21 power to issue a subpoena and to compel any person in this state
22 to come before the commission to offer testimony or any material
23 specified in the subpoena. Subpoenas and subpoenas duces tecum
24 issued pursuant to this section shall be served in the same
25 manner as subpoenas in a criminal case. The fees and mileage of
26 witnesses shall be the same as that allowed in the circuit court
27 in civil cases.

28 2. The commission may cause a complaint to be filed with

1 the administrative hearing commission as provided by the
2 provisions of chapter 621, RSMo, against any person or entity
3 licensed under this chapter or any licensee who has failed to
4 renew or has surrendered his or her individual or entity license
5 for any one or any combination of the following acts:

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

13 (2) Making substantial misrepresentations or false promises
14 or suppression, concealment or omission of material facts in the
15 conduct of his or her business or pursuing a flagrant and
16 continued course of misrepresentation through agents,
17 salespersons, advertising or otherwise in any transaction;

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

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

26 (5) Failure to timely deliver a duplicate original of any
27 and all instruments to any party or parties executing the same
28 where the instruments have been prepared by the licensee or under

1 his or her supervision or are within his or her control,
2 including, but not limited to, the instruments relating to the
3 employment of the licensee or to any matter pertaining to the
4 consummation of a lease, listing agreement or the purchase, sale,
5 exchange or lease of property, or any type of real estate
6 transaction in which he or she may participate as a licensee;

7 (6) Acting for more than one party in a transaction without
8 the knowledge of all parties for whom he or she acts, or
9 accepting a commission or valuable consideration for services
10 from more than one party in a real estate transaction without the
11 knowledge of all parties to the transaction;

12 (7) Paying a commission or valuable consideration to any
13 person for acts or services performed in violation of sections
14 339.010 to 339.180 and sections 339.710 to 339.860;

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

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

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

25 (11) Representing a real estate broker other than the
26 broker with whom associated without the express written consent
27 of the broker with whom associated;

28 (12) Accepting a commission or valuable consideration for

1 the performance of any of the acts referred to in section 339.010
2 from any person except the broker with whom associated at the
3 time the commission or valuable consideration was earned;

4 (13) Using prizes, money, gifts or other valuable
5 consideration as inducement to secure customers or clients to
6 purchase, lease, sell or list property when the awarding of such
7 prizes, money, gifts or other valuable consideration is
8 conditioned upon the purchase, lease, sale or listing; or
9 soliciting, selling or offering for sale real property by
10 offering free lots, or conducting lotteries or contests, or
11 offering prizes for the purpose of influencing a purchaser or
12 prospective purchaser of real property;

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

16 (15) Violation of, or attempting to violate, directly or
17 indirectly, or assisting or enabling any person to violate, any
18 provision of sections 339.010 to 339.180 and sections 339.710 to
19 339.860, or of any lawful rule adopted pursuant to sections
20 339.010 to 339.180 and sections 339.710 to 339.860;

21 (16) Committing any act which would otherwise be grounds
22 for the commission to refuse to issue a license under section
23 339.040;

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

26 (18) Been finally adjudicated and found guilty, or entered
27 a plea of guilty or nolo contendere, in a criminal prosecution
28 under the laws of this state or any other state or of the United

1 States, for any offense reasonably related to the qualifications,
2 functions or duties of any profession licensed or regulated under
3 this chapter, for any offense an essential element of which is
4 fraud, dishonesty or an act of violence, or for any offense
5 involving moral turpitude, whether or not sentence is imposed;

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

9 (20) Disciplinary action against the holder of a license or
10 other right to practice any profession regulated under sections
11 339.010 to 339.180 and sections 339.710 to 339.860 granted by
12 another state, territory, federal agency, or country upon grounds
13 for which revocation, suspension, or probation is authorized in
14 this state;

15 (21) Been found by a court of competent jurisdiction of
16 having used any controlled substance, as defined in chapter 195,
17 RSMo, to the extent that such use impairs a person's ability to
18 perform the work of any profession licensed or regulated by
19 sections 339.010 to 339.180 and sections 339.710 to 339.860;

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

22 (23) Assisting or enabling any person to practice or offer
23 to practice any profession licensed or regulated under sections
24 339.010 to 339.180 and sections 339.710 to 339.860 who is not
25 registered and currently eligible to practice under sections
26 339.010 to 339.180 and sections 339.710 to 339.860;

27 (24) Use of any advertisement or solicitation which is
28 knowingly false, misleading or deceptive to the general public or

1 persons to whom the advertisement or solicitation is primarily
2 directed.

3 3. After the filing of such complaint, the proceedings will
4 be conducted in accordance with the provisions of law relating to
5 the administrative hearing commission. A finding of the
6 administrative hearing commissioner that the licensee has
7 performed or attempted to perform one or more of the foregoing
8 acts shall be grounds for the suspension or revocation of his
9 license by the commission, or the placing of the licensee on
10 probation on such terms and conditions as the real estate
11 commission shall deem appropriate, or the imposition of a civil
12 penalty by the commission not to exceed two thousand five hundred
13 dollars for each offense. Each day of a continued violation
14 shall constitute a separate offense.

15 4. The commission may prepare a digest of the decisions of
16 the administrative hearing commission which concern complaints
17 against licensed brokers or salespersons and cause such digests
18 to be mailed to all licensees periodically. Such digests may
19 also contain reports as to new or changed rules adopted by the
20 commission and other information of significance to licensees.

21 5. Notwithstanding other provisions of this section, a
22 broker or salesperson's license shall be revoked, or in the case
23 of an applicant, shall not be issued, if the licensee or
24 applicant has pleaded guilty to, entered a plea of nolo
25 contendere to, or been found guilty of any of the following
26 offenses or offenses of a similar nature established under the
27 laws of this, any other state, the United States, or any other
28 country, notwithstanding whether sentence is imposed:

1 (1) Any dangerous felony as defined under section 556.061,
2 RSMo, or murder in the first degree;

3 (2) Any of the following sexual offenses: rape, statutory
4 rape in the first degree, statutory rape in the second degree,
5 sexual assault, forcible sodomy, statutory sodomy in the first
6 degree, statutory sodomy in the second degree, child molestation
7 in the first degree, child molestation in the second degree,
8 deviate sexual assault, sexual misconduct involving a child,
9 sexual misconduct in the first degree, sexual abuse, enticement
10 of a child, or attempting to entice a child;

11 (3) Any of the following offenses against the family and
12 related offenses: incest, abandonment of a child in the first
13 degree, abandonment of a child in the second degree, endangering
14 the welfare of a child in the first degree, abuse of a child,
15 using a child in a sexual performance, promoting sexual
16 performance by a child, or trafficking in children; and

17 (4) Any of the following offenses involving child
18 pornography and related offenses: promoting obscenity in the
19 first degree, promoting obscenity in the second degree when the
20 penalty is enhanced to a class D felony, promoting child
21 pornography in the first degree, promoting child pornography in
22 the second degree, possession of child pornography in the first
23 degree, possession of child pornography in the second degree,
24 furnishing child pornography to a minor, furnishing pornographic
25 materials to minors, or coercing acceptance of obscene material.

26 6. A person whose license was revoked under subsection 5 of
27 this section may appeal such revocation to the administrative
28 hearing commission. Notice of such appeal must be received by

1 the administrative hearing commission within ninety days of
2 mailing, by certified mail, the notice of revocation. Failure of
3 a person whose license was revoked to notify the administrative
4 hearing commission of his or her intent to appeal waives all
5 rights to appeal the revocation. Upon notice of such person's
6 intent to appeal, a hearing shall be held before the
7 administrative hearing [commissioner] commission.

8 339.200. 1. It shall be unlawful for any person not
9 holding the required license from the commission to perform any
10 act for which a license is required by sections 339.010 to
11 339.180 and sections 339.710 to 339.860. The commission may
12 cause a complaint to be filed with the administrative hearing
13 commission, as provided in chapter 621, RSMo, against any
14 unlicensed person who:

15 (1) Engages in or offers to perform any act for which a
16 license is required by sections 339.010 to 339.180 and sections
17 339.710 to 339.860; or

18 (2) Uses or employs titles defined and protected by this
19 chapter, or implies authorization to provide or offer
20 professional services, or otherwise uses or advertises any title,
21 word, figure, sign, card, advertisement, or other symbol or
22 description tending to convey the impression that the person
23 holds any license required by sections 339.010 to 339.180 and
24 sections 339.710 to 339.860.

25 2. When reviewing complaints against unlicensed persons,
26 the commission may initiate an investigation and take all
27 measures necessary to find the facts of any potential violation,
28 including issuing subpoenas to compel the attendance and

1 testimony of witnesses and the disclosure of evidence.

2 3. If the commission files a complaint with the
3 administrative hearing commission, the proceedings shall be
4 conducted in accordance with the provisions of chapter 621, RSMo.
5 Upon a finding by the administrative hearing commission that the
6 grounds provided in subsection 1 of this section for action are
7 met, the commission may, either singularly or in combination with
8 other provisions of this chapter, impose a civil penalty against
9 the person named in the complaint in an amount not to exceed the
10 limit authorized by section 339.205.

11 339.205. 1. In actions against unlicensed persons or
12 disciplinary actions against licensed persons, the commission may
13 issue an order imposing a civil penalty. Such penalty shall not
14 be imposed until the findings of facts and conclusions of law by
15 the administrative hearing commission have been delivered to the
16 commission in accordance with section 621.110, RSMo. Further, no
17 civil penalty shall be assessed until a formal meeting and vote
18 by the board has been taken to impose such a penalty.

19 2. Any civil penalty imposed by the commission shall not
20 exceed two thousand five hundred dollars for each offense. Each
21 day of a continued violation constitutes a separate offense, with
22 a maximum penalty of twenty-five thousand dollars. In
23 determining the amount of penalty to be imposed, the commission
24 may consider any of the following:

25 (1) Whether the amount imposed will be a substantial
26 deterrent to the violation;

27 (2) The circumstances leading to the violation;

28 (3) The severity of the violation and the risk of harm to

1 the public;

2 (4) The economic benefits gained by the violator as a
3 result of noncompliance; and

4 (5) The interest of the public.

5 3. Any final order imposing a civil penalty is subject to
6 judicial review upon the filing of a petition under section
7 536.100, RSMo, by any person subject to the penalty.

8 4. Payment of a civil penalty shall be made within sixty
9 days of filing the order, or if the order is stayed pending an
10 appeal, within ten days after the court enters a final judgment
11 in favor of the commission. If the penalty is not timely paid,
12 the commission shall notify the attorney general. The attorney
13 general may commence an action to recover the amount of the
14 penalty, including reasonable attorney fees and costs and a
15 surcharge of fifteen percent of the penalty plus ten percent per
16 annum on any amounts owed. In such action, the validity and
17 appropriateness of the final order imposing the civil penalty
18 shall not be subject to review.

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

21 6. Any offer of settlement to resolve a civil penalty under
22 this section shall be in writing, state that an action for
23 imposition of a civil penalty may be initiated by the attorney
24 general representing the commission under this section, and
25 identify any dollar amount as an offer of settlement, which shall
26 be negotiated in good faith through conference, conciliation, and
27 persuasion.

28 7. Failure to pay a civil penalty by any person licensed

1 under this chapter shall be grounds for denying, disciplining or
2 refusing to renew or reinstate a license or certificate of
3 authority.

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

8 339.513. 1. Applications for examination, original
9 certification and licensure, and renewal certification and
10 licensure shall be made in writing to the commission on forms
11 provided by the commission. The application shall specify the
12 classification of certification, or licensure, for which
13 application is being made.

14 2. Appropriate fees shall accompany all applications for
15 examination, original certification or licensure, and renewal
16 certification or licensure; provided that such fees shall be in
17 amounts set by the commission in order to offset the cost and
18 expense of administering sections 339.500 to 339.549, and in
19 amounts to be determined by the commission with reference to the
20 requirements of Section 1109 of the United States Public Law
21 101-73, as later codified and as may be amended. All fees
22 collected pursuant to this subsection shall be collected by the
23 commission and deposited with the state treasurer into a fund to
24 be known as the "Missouri Real Estate Appraisers Fund". [The
25 provisions of section 33.080, RSMo, relating to the transfer of
26 unexpended balances to the general revenue fund shall not apply
27 to the Missouri real estate appraisers fund.] The provisions of
28 section 33.080, RSMo, to the contrary notwithstanding, money in

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

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

18 344.020. No person shall act or serve in the capacity of a
19 nursing home administrator without first procuring a license from
20 the Missouri board of nursing home administrators as provided in
21 sections 344.010 to ~~[344.100]~~ 344.108. The board may issue a
22 separate license to administrators of assisted living facilities,
23 as defined in section 198.006, RSMo. Any individual who receives
24 a license to operate an assisted living facility is not thereby
25 authorized to operate any intermediate care facility or skilled
26 nursing facility as those terms are defined in section 198.006,
27 RSMo.

28 344.030. 1. An applicant for an initial license shall file

1 a completed application with the board on a form provided by the
2 board, accompanied by an application fee [of one hundred dollars]
3 as provided by rule payable to the [director of revenue]
4 department of health and senior services. Information provided
5 in the application [shall be given under oath subject to the
6 penalties for making a false affidavit] attested by signature to
7 be true and correct to the best of the applicant's knowledge and
8 belief.

9 2. No initial license shall be issued to a person as a
10 nursing home administrator unless:

11 (1) The applicant provides the board satisfactory proof
12 that the applicant is twenty-one years of age or over, of good
13 moral character and a high school graduate or equivalent;

14 (2) The applicant provides the board satisfactory proof
15 that the applicant has had a minimum of three years' experience
16 in health care administration or two years of postsecondary
17 education in health care administration or has satisfactorily
18 completed a course of instruction and training prescribed by the
19 board, which includes instruction in the needs properly to be
20 served by nursing homes, the protection of the interests of
21 residents therein, and the elements of good nursing home
22 administration, or has presented evidence satisfactory to the
23 board of sufficient education, training, or experience in the
24 foregoing fields to administer, supervise and manage a nursing
25 home; and

26 (3) The applicant passes the [written examination]
27 examinations administered by the board. If an applicant fails to
28 make a passing grade on [the examination] either of the

1 examinations such applicant may make application for
2 reexamination on a form furnished by the board and may be
3 retested [at the next regularly scheduled examination]. If an
4 applicant fails [the examination] either of the examinations a
5 third time, the applicant shall be required to complete a course
6 of instruction prescribed and approved by the board [before the
7 applicant may reapply for examination]. After completion of the
8 board-prescribed course of instruction, the applicant may reapply
9 for examination. With regard to the national examination
10 required for licensure, no examination scores from other states
11 shall be recognized by the board after the applicant has failed
12 his or her third attempt at the national examination. There
13 shall be a separate, nonrefundable fee for each examination. The
14 board shall set the amount of the fee for examination by rules
15 and regulations promulgated pursuant to section 536.021, RSMo.
16 The fee shall be set at a level to produce revenue which shall
17 not substantially exceed the cost and expense of administering
18 the examination.

19 3. The board may issue a license through reciprocity to any
20 person who is regularly licensed as a nursing home administrator
21 in any other state, territory, or the District of Columbia, if
22 the regulations for securing such license are equivalent to those
23 required in the state of Missouri. However, no license by
24 reciprocity shall be issued until the applicant passes a special
25 examination approved by the board, which will examine the
26 applicant's knowledge of specific provisions of Missouri statutes
27 and regulations pertaining to nursing homes. The applicant shall
28 furnish satisfactory evidence that such applicant is of good

1 moral character and has acted in the capacity of a nursing home
2 administrator in such state, territory, or the District of
3 Columbia, at least one year after the securing of the license.
4 The board, in its discretion, may enter into written reciprocal
5 agreements pursuant to this section with other states which have
6 equivalent laws and regulations.

7 4. Nothing in sections 344.010 to ~~[344.100]~~ 344.108, or the
8 rules or regulations thereunder shall be construed to require an
9 applicant for a license as a nursing home administrator, who is
10 employed by an institution listed and certified by the Commission
11 for Accreditation of Christian Science Nursing
12 Organizations/Facilities, Inc., to administer institutions
13 certified by such commission for the care and treatment of the
14 sick in accordance with the creed or tenets of a recognized
15 church or religious denomination, to demonstrate proficiency in
16 any techniques or to meet any educational qualifications or
17 standards not in accord with the remedial care and treatment
18 provided in such institutions. The applicant's license shall be
19 endorsed to confine the applicant's practice to such
20 institutions.

21 5. The board may issue a temporary emergency license for a
22 period not to exceed ninety days to a person twenty-one years of
23 age or over, of good moral character and a high school graduate
24 or equivalent to serve as an acting nursing home administrator,
25 provided such person is replacing a licensed nursing home
26 administrator who has died, has been removed or has vacated the
27 nursing home administrator's position. No temporary emergency
28 license may be issued to a person who has had a nursing home

1 administrator's license denied, suspended or revoked. A
2 temporary emergency license may be renewed for one additional
3 ninety-day period upon a showing that the person seeking the
4 renewal of a temporary emergency license meets the qualifications
5 for licensure and has filed an application for a regular license,
6 accompanied by the application fee, and the [examination has not
7 yet been given] applicant has taken the examination or
8 examinations but the results have not been received by the board.
9 No temporary emergency license may be renewed more than one time.

10 344.040. 1. Every license issued under this chapter shall
11 expire on June thirtieth of the year following the year of
12 issuance and every other year thereafter, provided that licenses
13 issued or renewed during the year 2006 may be issued or renewed
14 by the board for a period of either one or two years, as provided
15 by rule. Licensees seeking renewal shall, during the month of
16 May of the year of renewal, file an application for renewal on
17 forms furnished by the board, which shall include evidence
18 satisfactory to the board of completion of the approved
19 continuing education hours required by the board, and shall be
20 accompanied by a renewal fee as provided by rule payable to the
21 department of health and senior services.

22 2. Upon receipt of an incomplete application for renewal,
23 the board shall grant the applicant a temporary permit which
24 shall be in effect for thirty days. The applicant is required to
25 submit the required documentation or fee within the thirty-day
26 period, or the board may refuse to renew his or her application.
27 The thirty-day period can be extended for good cause shown for an
28 additional thirty days. Upon receipt of the approved continuing

1 education credits or other required documentation or fee within
2 the appropriate time period, the board shall issue a license.

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

5 4. As a requirement for renewal of license, the board may
6 require not more than forty-eight clock hours of continuing
7 education a year. The continuing education provided for under
8 this section shall be approved by the board. There shall be a
9 separate, nonrefundable fee for each single offering provider.
10 The board shall set the amount of fee for any single offering
11 provided by rules and regulations promulgated pursuant to section
12 536.021, RSMo. The fee shall be set at a level to produce
13 revenue which shall not substantially exceed the cost and expense
14 in administering and reviewing any single offering.

15 5. By April first of each year, the board shall mail an
16 application for renewal of license to every person whose license
17 shall be renewed during the current year. The applicant must
18 submit such information as will enable the board to determine if
19 the applicant's license should be renewed. Information provided
20 in the application shall be [given under oath] attested by
21 signature to be true and correct to the best of the applicant's
22 knowledge and belief.

23 6. Any licensee who fails to apply to renew his or her
24 license by June thirtieth of the licensee's year of renewal may
25 be relicensed by the board if he meets the requirements set forth
26 by the board pursuant to sections 344.010 to [344.100] 344.108
27 and pays the renewal fee required by rule, plus a penalty of
28 twenty-five dollars. No action shall be taken by the board in

1 addition to a penalty of twenty-five dollars imposed by this
2 section against any such licensee whose license has not expired
3 for a period of more than two months, and who has had no action
4 in the preceding five years taken against them by the board, and
5 who has met all other licensure requirements by June thirtieth of
6 the year of renewal; provided, however, that nothing in this
7 section shall prevent the board from taking any other
8 disciplinary action against a licensee if there shall exist a
9 cause for discipline pursuant to section 344.050. A person whose
10 license has expired for a period of more than twelve months must
11 meet the requirements set out in section 344.030 for initial
12 licensure.

13 344.050. 1. The board may refuse to issue or renew any
14 certificate of registration or authority, permit or license
15 required pursuant to this chapter for one or any combination of
16 causes stated in subsection 2 of this section. The board shall
17 notify the applicant in writing of the reasons for the refusal
18 and shall advise the applicant of his or her right to file a
19 complaint with the administrative hearing commission as provided
20 by chapter 621, RSMo. As an alternative to refusal to issue or
21 renew any certificate, registration or authority, permit or
22 license, the board may, at its discretion, issue a license which
23 is subject to probation for any one or any combination of causes
24 stated in subsection 2 of this section. The board's order of
25 probation shall contain a statement of the discipline imposed,
26 the basis therefore, the date such action shall become effective,
27 and a statement that the applicant has thirty days to request in
28 writing a hearing before the administrative hearing commission.

1 If the board issues a probationary license to an applicant for
2 licensure, the applicant may file a written petition with the
3 administrative hearing commission within thirty days of the
4 effective date of the probationary license seeking review of
5 whether cause exists to discipline the licensee under subsection
6 2 of this section. If no written request for a hearing is
7 received by the administrative hearing commission within the
8 thirty-day period, the right to seek review of the board's
9 decision shall be waived.

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

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

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

1 sentence is imposed;

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

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

10 (5) Incompetency, misconduct, gross negligence, fraud,
11 misrepresentation or dishonesty in the performance of the
12 functions or duties of any profession licensed or regulated by
13 this chapter;

14 (6) Violation of, or assisting or enabling any person to
15 violate, any provision of this chapter, or of any lawful rule or
16 regulation adopted pursuant to this chapter;

17 (7) Violation of, or assisting or enabling any person to
18 violate, any provision of chapter 198, RSMo, or any lawful rule
19 or regulation promulgated thereunder;

20 (8) Impersonation of any person holding a certificate of
21 registration or authority, permit or license, or allowing any
22 person to use [his] such person's certificate of registration or
23 authority, permit, license or diploma from any school;

24 [(8)] (9) Disciplinary action against the holder of a
25 license or other right to practice any profession regulated by
26 this chapter granted by another state, territory, federal agency
27 or country upon grounds for which revocation or suspension is
28 authorized in this state;

1 [(9)] (10) A person is finally adjudged incapacitated or
2 disabled by a court of competent jurisdiction;

3 [(10)] (11) Assisting or enabling any person to practice
4 or offer to practice any profession licensed or regulated by this
5 chapter who is not registered and currently eligible to practice
6 under this chapter;

7 [(11)] (12) Issuance of a certificate of registration or
8 authority, permit or license based upon a material mistake of
9 fact;

10 [(12)] (13) Violation of the drug laws or rules and
11 regulations of this state, any other state or the federal
12 government;

13 [(13)] (14) Knowingly failing to report abuse or neglect
14 of a resident in a long-term care facility, as required by
15 section 198.070, RSMo, of which he or she has actual knowledge
16 that it is abuse or neglect;

17 (15) Violation of any professional trust or confidence;

18 (16) Having served as the administrator, operator, or any
19 principal involved in the operation of a facility licensed under
20 chapter 198, RSMo, and during such time the facility has had its
21 license revoked under section 198.036, RSMo, has entered into a
22 consent agreement to obtain a probationary license under
23 subsection 5 of section 198.026, RSMo, has had a license denied
24 under subsection 2 of section 198.022, RSMo, or has surrendered
25 its license while under investigation.

26 3. The administrative hearing commission shall have no
27 authority to require issuance of a license, pending a final
28 determination by the commission, in any case in which an

1 applicant is seeking initial licensure.

2 4. No license may be suspended or revoked and no
3 application for renewal of a license may be denied under this
4 section until the licensee has been afforded an opportunity for
5 hearing after due notice as provided in sections 621.015 to
6 621.205, RSMo.

7 5. Upon a finding by the administrative hearing commission
8 that the grounds, provided in subsection 2 of this section, for
9 disciplinary action are met, the board may, singly or in
10 combination, [place upon probation,] censure or place the person
11 named in the complaint on probation on such terms as the board
12 deems appropriate, or may suspend or revoke [a] the certificate
13 [of registration or authority], permit or license. The board may
14 exclude any application for up to five years for any person who
15 has had his or her license revoked by the board or has
16 surrendered his or her license to the board.

17 344.060. 1. The director of the department of health and
18 senior services shall appoint ten suitable persons who together
19 with the director [of the division of aging] of the department of
20 health and senior services or the director's designee shall
21 constitute the "Missouri Board of Nursing Home Administrators"
22 which is hereby created within the department of health and
23 senior services and which shall have the functions, powers and
24 duties prescribed by sections 344.010 to [344.100] 344.108.

25 2. In addition to the director of the [division of aging]
26 department of health and senior services or [his] the director's
27 designee the membership of the board shall consist of one
28 licensed physician, two licensed health professionals, one person

1 from the field of health care education, four persons who have
2 been in general administrative charge of a licensed nursing home
3 for a period of at least five years immediately preceding their
4 appointment, and two public members. In addition to these
5 qualifications, the physician, the two licensed health care
6 professionals, and the health care educator shall be citizens of
7 the United States and taxpaying residents of the state of
8 Missouri for one year preceding their appointments. The four
9 appointees who have been in general administrative charge of a
10 licensed nursing home shall be citizens of the United States and
11 either residents of the state of Missouri for one year preceding
12 their appointments or persons who have been licensed by the board
13 and whose five years of employment in a licensed nursing home
14 immediately preceding their appointment have occurred in the
15 state of Missouri. The public members shall be citizens of the
16 United States, residents of the state of Missouri for one year
17 preceding their appointment, and registered voters. The public
18 members shall be persons who are not, or never were, licensed
19 nursing home administrators or the spouse of such persons, or
20 persons who do not have or never have had a material, financial
21 interest in either the providing of licensed nursing home
22 services or in an activity or organization directly related to
23 licensed nursing home administration. Neither the one licensed
24 physician, the two licensed health professionals, nor the person
25 from the health care education field shall have any financial
26 interest in a licensed nursing home.

27 3. The members of the board shall be appointed for
28 three-year terms or until their successors are appointed and

1 qualified provided that no more than four members' terms shall
2 expire in the same year. All members appointed prior to
3 September 28, 1979, shall serve the term for which they were
4 appointed. The governor shall fill any vacancies on the board as
5 necessary. Appointment to fill an unexpired term shall not be
6 considered an appointment for a full term. Board membership,
7 continued until successors are appointed and qualified, shall not
8 constitute an extension of the three-year term and the successors
9 shall serve only the remainder of the term.

10 4. Every member shall receive a certificate of appointment;
11 and every appointee, before entering upon his or her duties,
12 shall take the oath of office required by article VII, section
13 11, of the Constitution of Missouri.

14 5. Any member of the board may be removed by the director
15 of the department of health and senior services for misconduct,
16 incompetency or neglect to duty after first being given an
17 opportunity to be heard in his or her own behalf.

18 344.070. 1. The board shall annually elect one of its
19 members as president, another as vice president, and another as
20 secretary. It shall adopt an official seal. It shall file and
21 preserve all written applications, petitions, complaints, charges
22 or requests made or presented to it. It shall cause to be kept
23 accurate records and minutes of its proceedings, and shall
24 maintain a register of the names and addresses of all persons
25 holding licenses as nursing home administrators. A copy of any
26 entry in the register, or of any records or minutes of the board,
27 certified by the president or secretary of the board under its
28 seal, shall be received in evidence, to all intents and purposes

1 as the original. The board may employ such part- or full-time
2 clerical assistance, purchase such equipment and supplies, employ
3 legal counsel, employ a part- or full-time investigator, and
4 incur travel and other expense, within the limits of its
5 appropriations.

6 2. The board shall adopt, amend and repeal rules and
7 regulations necessary to carry out the provisions of sections
8 [344.030 to 344.100] 334.020 to 344.108. Any rule or regulation
9 under the authority of sections [344.030 to 344.100] 334.020 to
10 344.108 shall be promulgated in accordance with chapter 536,
11 RSMo. The committee on administrative rules may file a complaint
12 in accordance with the provisions of chapter 536, RSMo, before
13 the commission contesting the validity of any rule purportedly
14 promulgated under the authority of sections [344.030 to 344.100]
15 334.020 to 344.108. On filing any complaint in accordance with
16 this section, the administrative hearing commission shall
17 immediately suspend that portion of the rule which is challenged
18 until the commission has determined the matter. The commission
19 shall hold a hearing within ten days of the filing to determine
20 the matter. No rule or portion of a rule promulgated under the
21 authority of this chapter shall become effective unless it has
22 been promulgated pursuant to the provisions of section 536.024,
23 RSMo.

24 3. The board shall examine, license, and renew the license
25 of duly qualified applicants, and shall conduct hearings
26 affording due process of law, upon charges calling for discipline
27 of a licensee. The board shall refer to the appropriate
28 prosecuting attorney information regarding any persons violating

1 the provisions of sections 344.010 to [344.100] 344.108 and may
2 incur necessary expenses therefor.

3 344.080. The members of the board, other than the director
4 of the [division of aging] department of health and senior
5 services or his designee, shall receive as compensation for their
6 services fifty dollars for each day devoted to the affairs of the
7 board, and shall be entitled to reimbursement for their expenses
8 necessarily incurred in the discharge of their official duties.

9 344.105. 1. Any nursing home administrator possessing a
10 current license to practice as a nursing home administrator in
11 this state who has maintained an active license for at least ten
12 years may retire his or her license by filing an affidavit with
13 the board which states the date on which the licensee retired
14 from such practice and such other facts as tend to verify the
15 retirement as the board may deem necessary. The affidavit shall
16 be accompanied by a fee [of twenty-five dollars] as provided by
17 rule, made payable to the [division of aging] department of
18 health and senior services. Such request for retired status may
19 also be accomplished by signing the request for retired status
20 that appears on the nursing home administrator's application for
21 license renewal and returning such application to the board prior
22 to June thirtieth of the year of renewal of the administrator's
23 active license, accompanied by a fee [of twenty-five dollars] as
24 provided by rule, made payable to the [division of aging]
25 department of health and senior service. Information provided in
26 the request for retired status shall be given under oath subject
27 to the penalties for the making of a false affidavit.

28 2. An individual who requests retired license status shall

1 return his or her original wall license and all other indicia of
2 licensure to the board. Once the board has received the original
3 wall license from the licensee or evidence satisfactory to the
4 board that the license has been lost, stolen, or destroyed, and
5 the other requirements for requesting retired status have been
6 met, the board shall issue a new license to the licensee
7 indicating that the licensee is retired.

8 3. A retired license may be reactivated within five years
9 of the granting of the retired license by filing with the board
10 evidence satisfactory to the board of the completion of twenty
11 clock hours of continuing education for each calendar year the
12 license was retired accompanied by a fee as provided by rule made
13 payable to the department of health and senior services. All
14 clock hours of continuing education shall be completed prior to
15 the filing of the affidavit or renewal form requesting
16 reactivation of the retired license. If more than five years
17 have passed since the issuance of a retired license to a
18 licensee, the licensee shall follow the procedures for initial
19 licensure stated in section 344.030.

20 4. No person shall practice as a nursing home administrator
21 in this state or hold himself or herself out as a nursing home
22 administrator if his or her license is retired.

23 5. Retired licensees shall remain subject to disciplinary
24 action for violations of this chapter and the rules promulgated
25 thereunder.

26 344.108. 1. Any nursing home administrator possessing a
27 current license to practice as a nursing home administrator in
28 this state may place such license on inactive status by filing a

1 written signed request for inactive status with the board,
2 accompanied by evidence satisfactory to the board of completion
3 of ten clock hours of continuing education in the area of patient
4 care and a fee as provided by rule made payable to the department
5 of health and senior services. This request may also be
6 accomplished by signing the request for inactive status that
7 appears on the nursing home administrator's application for
8 license renewal and returning such application to the board prior
9 to June thirtieth of the year of renewal of the administrator's
10 active license, accompanied by evidence satisfactory to the board
11 of the completion of ten clock hours of continuing education in
12 the area of patient care and a fee as provided by rule made
13 payable to the department of health and senior services.
14 Information provided in the request for inactive status shall be
15 given under oath subject to the penalties of making a false
16 affidavit.

17 2. An individual who requests that his or her license be
18 placed on inactive status shall return all indicia of licensure
19 to the board or submit evidence satisfactory to the board that
20 the license has been lost, stolen, or destroyed.

21 3. An inactive license shall expire on June thirtieth of
22 the second year following the year of issuance and every other
23 year thereafter. Licensees seeking to renew shall, during the
24 month of May of the year of renewal, file an application for
25 renewal on forms furnished by the board that include evidence
26 satisfactory to the board of the completion of ten clock hours of
27 continuing education in the area of patient care and shall be
28 accompanied by a renewal fee as provided by rule, payable to the

1 department of health and senior services.

2 4. A license may be carried in inactive status for up to
3 six years from the date of issuance. If the licensee does not
4 reactivate the license during the six-year period, the license
5 shall expire on the last day of the six-year period.

6 5. A holder of an inactive license may reactivate the
7 license by submitting a written request to the board, accompanied
8 by evidence satisfactory to the board of the completion or plan
9 for completion of forty clock hours of continuing education and a
10 fee as provided by rule made payable to the department of health
11 and senior services. The forty clock hours of continuing
12 education shall be earned no earlier than six months prior to the
13 request for reactivation and no later than twelve months after
14 the inactive license has been reactivated. If the holder of an
15 inactive license requests reactivation prior to completing the
16 forty clock hours of continuing education, the board shall issue
17 a six-month interim license to the licensee. The interim license
18 shall expire six months from the date of issuance or at such
19 earlier time as the licensee earns the forty clock hours of
20 continuing education and submits evidence satisfactory to the
21 board of completion of the required hours.

22 6. A request for reactivation of an inactive license shall
23 show, under oath or affirmation of the nursing home
24 administrator, a statement that the nursing home administrator
25 has not practiced during the inactive period and is not presently
26 practicing in this state.

27 7. No person shall practice as a nursing home administrator
28 or hold himself or herself out as a nursing home administrator in

1 this state while his or her license is inactive.

2 8. Inactive licensees shall remain subject to discipline
3 for violations of this chapter and the rules promulgated
4 thereunder.

5 345.015. As used in sections 345.010 to 345.080, the
6 following terms mean:

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

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

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

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

21 a. Certification of graduation from an accredited high
22 school or its equivalent; and

23 b. On-the-job training;

24 (c) Be employed in a setting in which direct and indirect
25 supervision are provided on a regular and systematic basis by a
26 licensed audiologist.

27 However, the aide shall not administer or interpret hearing
28 screening or diagnostic tests, fit or dispense hearing

1 instruments, make ear impressions, make diagnostic statements,
2 determine case selection, present written reports to anyone other
3 than the supervisor without the signature of the supervisor, make
4 referrals to other professionals or agencies, use a title other
5 than speech-language pathology aide or clinical audiology aide,
6 develop or modify treatment plans, discharge clients from
7 treatment or terminate treatment, disclose clinical information,
8 either orally or in writing, to anyone other than the supervising
9 speech-language pathologist/audiologist, or perform any procedure
10 for which he or she is not qualified, has not been adequately
11 trained or both;

12 (3) "Board", the state board of registration for the
13 healing arts;

14 (4) "Clinical fellowship", the supervised professional
15 employment period following completion of the academic and
16 practicum requirements of an accredited training program as
17 defined in sections 345.010 to 345.080;

18 (5) "Commission", the advisory commission for
19 speech-language pathologists and audiologists;

20 (6) "Hearing instrument" or "hearing aid", any wearable
21 device or instrument designed for or offered for the purpose of
22 aiding or compensating for impaired human hearing and any parts,
23 attachments or accessories, including ear molds, but excluding
24 batteries, cords, receivers and repairs;

25 (7) "Person", any individual, organization, or corporate
26 body, except that only individuals may be licensed pursuant to
27 sections 345.010 to 345.080;

28 (8) "Practice of audiology":

1 (a) The application of accepted audiologic principles,
2 methods and procedures for the measurement, testing,
3 interpretation, appraisal and prediction related to disorders of
4 the auditory system, balance system or related structures and
5 systems;

6 (b) Provides consultation, counseling to the patient,
7 client, student, their family or interested parties;

8 (c) Provides academic, social and medical referrals when
9 appropriate;

10 (d) Provides for establishing goals, implementing
11 strategies, methods and techniques, for habilitation,
12 rehabilitation or aural rehabilitation, related to disorders of
13 the auditory system, balance system or related structures and
14 systems;

15 (e) Provides for involvement in related research, teaching
16 or public education;

17 (f) Provides for rendering of services or participates in
18 the planning, directing or conducting of programs which are
19 designed to modify audition, communicative, balance or cognitive
20 disorder, which may involve speech and language or education
21 issues;

22 (g) Provides and interprets behavioral and neurophysiologic
23 measurements of auditory balance, cognitive processing and
24 related functions, including intraoperative monitoring;

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

1 (i) Provides selection [and], assessment, fitting,
2 programming, and dispensing of hearing instruments, assistive
3 listening devices, and other amplification systems;

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

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

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

12 (m) Provides information in noise control and hearing
13 conservation including education, equipment selection, equipment
14 calibration, site evaluation and employee evaluation;

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

17 (o) Provides involvement in social aspects of
18 communication, including challenging behavior and ineffective
19 social skills, lack of communication opportunities;

20 (p) Provides support and training of family members and
21 other communication partners for the individual with auditory
22 balance, cognitive and communication disorders;

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

25 (r) Evaluates, collaborates and manages audition problems
26 in the assessment of the central auditory processing disorders
27 and providing intervention for individuals with central auditory
28 processing disorders;

1 (s) Develops and manages academic and clinical problems in
2 communication sciences and disorders;

3 (t) Conducts, disseminates and applies research in
4 communication sciences and disorders;

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

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

10 a. Speech: articulation, fluency, voice, including
11 respiration, phonation and resonance;

12 b. Language, involving the parameters of phonology,
13 morphology, syntax, semantics and pragmatic; and including
14 disorders of receptive and expressive communication in oral,
15 written, graphic and manual modalities;

16 c. Oral, pharyngeal, cervical esophageal and related
17 functions, such as dysphagia, including disorders of swallowing
18 and oral functions for feeding; orofacial myofunctional
19 disorders;

20 d. Cognitive aspects of communication, including
21 communication disability and other functional disabilities
22 associated with cognitive impairment;

23 e. Social aspects of communication, including challenging
24 behavior, ineffective social skills, lack of communication
25 opportunities;

26 (b) Provides consultation and counseling and makes
27 referrals when appropriate;

28 (c) Trains and supports family members and other

1 communication partners of individuals with speech, voice,
2 language, communication and swallowing disabilities;

3 (d) Develops and establishes effective augmentative and
4 alternative communication techniques and strategies, including
5 selecting, prescribing and dispensing of augmentative aids and
6 devices; and the training of individuals, their families and
7 other communication partners in their use;

8 (e) Selects, fits and establishes effective use of
9 appropriate prosthetic/adaptive devices for speaking and
10 swallowing, such as tracheoesophageal valves, electrolarynges, or
11 speaking valves;

12 (f) Uses instrumental technology to diagnose and treat
13 disorders of communication and swallowing, such as
14 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

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

17 (h) Collaborates in the assessment of central auditory
18 processing disorders in cases in which there is evidence of
19 speech, language or other cognitive communication disorders;
20 provides intervention for individuals with central auditory
21 processing disorders;

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

25 (j) Enhances speech and language proficiency and
26 communication effectiveness, including but not limited to accent
27 reduction, collaboration with teachers of English as a second
28 language and improvement of voice, performance and singing;

1 (k) Trains and supervises support personnel;

2 (l) Develops and manages academic and clinical programs in
3 communication sciences and disorders;

4 (m) Conducts, disseminates and applies research in
5 communication sciences and disorders;

6 (n) Measures outcomes of treatment and conducts continuous
7 evaluation of the effectiveness of practices and programs to
8 improve and maintain quality of services;

9 (10) "Speech-language pathologist", a person who is
10 licensed as a speech-language pathologist pursuant to sections
11 345.010 to 345.080; who engages in the practice of
12 speech-language pathology as defined in sections 345.010 to
13 345.080;

14 (11) "Speech-language pathology aide", a person who is
15 registered as a speech-language aide by the board, who does not
16 act independently but works under the direction and supervision
17 of a licensed speech-language pathologist. Such person assists
18 the speech-language pathologist with activities which require an
19 understanding of speech-language pathology but do not require
20 formal training in the relevant academics. To be eligible for
21 registration by the board, each applicant shall submit a
22 registration fee, be of good moral and ethical character; and:

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

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

26 a. Certification of graduation from an accredited high
27 school or its equivalent; and

28 b. On-the-job training;

1 (c) Be employed in a setting in which direct and indirect
2 supervision is provided on a regular and systematic basis by a
3 licensed speech-language pathologist. However, the aide shall
4 not administer or interpret hearing screening or diagnostic
5 tests, fit or dispense hearing instruments, make ear impressions,
6 make diagnostic statements, determine case selection, present
7 written reports to anyone other than the supervisor without the
8 signature of the supervisor, make referrals to other
9 professionals or agencies, use a title other than speech-language
10 pathology aide or clinical audiology aide, develop or modify
11 treatment plans, discharge clients from treatment or terminate
12 treatment, disclose clinical information, either orally or in
13 writing, to anyone other than the supervising speech-language
14 pathologist/audiologist, or perform any procedure for which he or
15 she is not qualified, has not been adequately trained or both;

16 (12) "Speech-language pathology assistant", a person who is
17 registered as a speech-language pathology assistant by the board,
18 who does not act independently but works under the direction and
19 supervision of a licensed speech-language pathologist and whose
20 activities require both academic and practical training in the
21 field of speech-language pathology although less training than
22 those established by sections 345.010 to 345.080 as necessary for
23 licensing as a speech-language pathologist. To be eligible for
24 registration by the board, each applicant shall submit the
25 registration fee, be of good moral character and furnish evidence
26 of the person's educational qualifications which meet the
27 following:

28 (a) Hold a bachelor's level degree in the field of

1 speech-language pathology from an institution accredited or
2 approved by a regional accrediting body recognized by the United
3 States Department of Education or its equivalent; and

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

10 345.030. 1. The board shall administer, coordinate, and
11 enforce the provisions of sections 345.010 to 345.080, evaluate
12 the qualifications of applicants, supervise the examination of
13 applicants, issue licenses, and shall investigate persons
14 engaging in practices which appear to violate the provisions of
15 sections 345.010 to 345.080.

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

19 3. The board shall adopt reasonable rules and regulations
20 which establish ethical standards of practice and may amend or
21 repeal the same. Rules and regulations shall be adopted that
22 ensure consumer protection related to hearing instrument
23 dispensing that meet or exceed those provided under sections
24 346.007 to 346.250, RSMo, and rules and regulations promulgated
25 pursuant thereto.

26 4. Regular meetings of the commission shall be held at such
27 times and places as it prescribes, and special meetings may be
28 held upon the call of the chairperson or by request of at least

1 two other members of the commission, but at least one regular
2 meeting shall be held each year.

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

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

17 2. Any audiologist licensed under sections 345.010 to
18 345.080 who dispenses hearing instruments shall include in the
19 purchase agreement for a hearing instrument the following:

20 (1) The licensee's signature, business address, and license
21 number;

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

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

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

26 (5) The amount of any charges or service fees connected
27 with any trial period;

28 (6) A description of the right of the purchaser to return

1 the hearing instrument or written notification that no such right
2 exists;

3 (7) The name of the manufacturer of the component parts and
4 the assembler or reassembler of the hearing instrument when the
5 product sold is remanufactured or assembled by someone other than
6 the manufacturer of the component parts.

7 345.045. 1. Except as otherwise provided in this section,
8 all moneys received pursuant to sections 345.010 to 345.080 shall
9 be collected by the division of professional registration and
10 shall be transmitted to the department of revenue for deposit in
11 the state treasury to the credit of the board of registration for
12 the healing arts fund.

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

1 instrument specialists.

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

5 345.055. 1. The board shall charge a license or
6 registration renewal fee for each license or registration
7 renewed. Persons possessing the required training and
8 qualifications to be licensed or registered as both a
9 speech-language pathologist and audiologist shall receive both
10 licenses, which for the purposes of this section shall be
11 considered as a single license or certificate. Duplicate
12 licenses or certificates shall be issued without additional
13 charge to persons practicing in more than one location. Persons
14 who allow their licenses to lapse shall submit a reinstatement
15 fee, and if the license has lapsed for more than a three-year
16 period, the board may require reexamination.

17 2. The fees prescribed by section 345.051 and this section
18 shall be exclusive, and notwithstanding any other provision of
19 law, no municipality may require any person licensed pursuant to
20 the provisions of sections 345.010 to 345.080 to furnish any
21 bond, pass any examination, or pay any license fee or
22 occupational tax.

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

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

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

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

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

23 3. Nothing in this chapter shall prohibit a corporation,
24 partnership, trust, association or other like organization
25 maintaining an established business address from engaging in the
26 business of selling or offering for sale hearing instruments at
27 retail, provided that it employ only properly licensed hearing
28 instrument specialists or properly licensed audiologists in the

1 direct sale and fitting of such instruments. Each corporation,
2 partnership, trust, association or other like organization shall
3 file annually with the board on a form provided by the board, a
4 list of all licensed hearing instrument specialists employed by
5 it. Each organization shall also file with the division a
6 statement, on a form provided by the division, that it agrees to
7 comply with the rules and regulations of the division and the
8 provisions of this chapter.

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

11 346.030. Sections 346.010 to 346.250 [are not intended to
12 prevent] shall not apply to any audiologist licensed pursuant to
13 chapter 345, RSMo, [from engaging in the practice of measuring
14 human hearing for the purpose of selection of hearing aids,
15 provided such audiologist, or organization employing such
16 audiologist, does not sell hearing instruments, or accessories
17 thereto, except in the case of earmolds provided by an
18 audiologist to be used only for the purpose of audiologic
19 evaluation] while practicing exclusively under that license.

20 346.035. [1.] Sections 346.010 to 346.250 shall not apply
21 to a person who is a physician licensed to practice in Missouri
22 pursuant to chapter 334, RSMo.

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

26 346.055. 1. An applicant may obtain a license by
27 successfully passing a qualifying examination of the type
28 described in sections 346.010 to 346.250, provided the applicant:

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

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

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

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

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

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

25 5. The provisions of subsections 2, 3, and 4 of this
26 section shall not apply to any person holding a valid Missouri
27 hearing instrument specialist license under this chapter when
28 applying for the renewal of that license. These provisions shall

1 apply to any person holding a hearing instrument specialist-in-
2 training permit at the time of their application for licensure or
3 renewal of said permit.

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

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

19 346.110. No person shall:

20 (1) Sell through the mails, hearing instruments without
21 prior fitting and testing by a hearing instrument specialist
22 licensed under this chapter or an audiologist licensed under
23 chapter 345, RSMo;

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

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

28 (4) Alter a license with fraudulent intent;

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

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

6 383.130. As used in sections 383.130[,] and 383.133 [and
7 383.500], the following terms shall mean:

8 (1) "Disciplinary action", any final action taken by the
9 board of trustees or similarly empowered officials of a hospital
10 or ambulatory surgical center, or owner or operator of a
11 temporary nursing staffing agency, to reprimand, discipline or
12 restrict the practice of a health care professional. [If the
13 health care professional is a physician or surgeon,] Only such
14 reprimands, discipline, or restrictions in response to activities
15 which are also grounds for disciplinary actions [pursuant to
16 section 334.100, RSMo,] according to the professional licensing
17 law for that health care professional shall be considered
18 disciplinary actions for the purposes of this definition[. If
19 the health care professional is a dentist, only such reprimands,
20 discipline, or restrictions in response to activities which are
21 also grounds for disciplinary actions pursuant to section
22 332.321, RSMo, shall be considered disciplinary actions for the
23 purposes of this definition];

24 (2) "Health care professional", a physician or surgeon
25 licensed under the provisions of chapter 334, RSMo, a dentist
26 licensed under the provisions of chapter 332, RSMo, or a
27 podiatrist licensed under the provisions of chapter 330, RSMo, or
28 a pharmacist licensed under the provisions of chapter 338, RSMo,

1 a psychologist licensed under the provisions of chapter 337,
2 RSMo, or a nurse licensed under the provisions of chapter 335,
3 RSMo, while acting within their scope of practice;

4 (3) "Hospital", a place devoted primarily to the
5 maintenance and operation of facilities for the diagnosis,
6 treatment or care for not less than twenty-four hours in any week
7 of three or more nonrelated individuals suffering from illness,
8 disease, injury, deformity or other abnormal physical conditions;
9 or a place devoted primarily to provide for not less than
10 twenty-four hours in any week medical or nursing care for three
11 or more nonrelated individuals. The term "hospital" does not
12 include convalescent, nursing, shelter or boarding homes as
13 defined in chapter 198, RSMo;

14 (4) "Licensing authority", the appropriate board or
15 authority which is responsible for the licensing or regulation of
16 the health care professional;

17 (5) "Temporary nursing staffing agency", any person, firm,
18 partnership, or corporation doing business within the state that
19 supplies, on a temporary basis, registered nurses, licensed
20 practical nurses to a hospital, nursing home, or other facility
21 requiring the services of those persons.

22 383.133. 1. [Beginning on January 1, 1987,] The chief
23 executive office or similarly empowered official of any hospital
24 [or], ambulatory surgical center, as such [term is] terms are
25 defined in [section 197.200] chapter 197, RSMo, or temporary
26 nursing staffing agency, shall report to the appropriate health
27 care professional licensing authority any disciplinary action
28 against any health care professional or the voluntary resignation

1 of any health care professional against whom any complaints or
2 reports have been made which might have led to disciplinary
3 action.

4 2. All reports required by this section shall be submitted
5 within fifteen days of the final disciplinary action and shall
6 contain, but need not be limited to, the following information:

7 (1) The name, address and telephone number of the person
8 making the report;

9 (2) The name, address and telephone number of the person
10 who is the subject of the report;

11 (3) A [brief] description of the facts, including as much
12 detail and information as possible, which gave rise to the
13 issuance of the report, including the dates of occurrence deemed
14 to necessitate the filing of the report;

15 (4) If court action is involved and known to the reporting
16 agent, the identity of the court, including the date of filing
17 and the docket number of the action.

18 3. Upon request, the licensing authority may furnish a
19 report of any disciplinary action received by it under the
20 provisions of this section to any [of the hospitals or ambulatory
21 surgical centers] entity required to report under this section.
22 Such licensing authority may also furnish, upon request, a report
23 of disciplinary action taken by the licensing authority to any
24 other administrative or law enforcement agency acting within the
25 scope of its statutory authority.

26 4. There shall be no liability on the part of, and no cause
27 of action of any nature shall arise against any health care
28 professional licensing authority or any [hospital or ambulatory

1 surgical center] entity required to report under this section, or
2 any of their agents or employees for any action taken in good
3 faith and without malice in carrying out the provisions of this
4 section.

5 5. Neither a report required to be filed under subsection 2
6 of this section nor the record of any proceeding shall be used
7 against a health care professional in any other administrative or
8 judicial proceeding.

9 6. Violation of any provision of this section is an
10 infraction.

11 620.010. 1. There is hereby created a "Department of
12 Economic Development" to be headed by a director appointed by the
13 governor, by and with the advice and consent of the senate. All
14 of the general provisions, definitions and powers enumerated in
15 section 1 of the Omnibus State Reorganization Act of 1974 shall
16 continue to apply to this department and its divisions, agencies
17 and personnel.

18 2. The office of director of the department of business and
19 administration, chapter 35, RSMo, and others, is abolished and
20 all powers, duties, personnel and property of that office, not
21 previously reassigned by executive reorganization plan no. 1 of
22 1973 as submitted by the governor pursuant to chapter 26, RSMo,
23 are transferred by type I transfer to the director of the
24 department of economic development. The department of business
25 and administration is hereby abolished.

26 3. The duties and responsibilities relating to subsection 2
27 of section 35.010, RSMo, are transferred by type I transfer to
28 the personnel division, office of administration.

1 4. The powers, duties and functions vested in the public
2 service commission, chapters 386, 387, 388, 389, 390, 392, and
3 393, RSMo, and others, and the administrative hearing commission,
4 sections 621.015 to 621.198, RSMo, and others, are transferred by
5 type III transfers, and the state banking board, chapter 361,
6 RSMo, and others, and the savings and loan commission, chapter
7 369, RSMo, and others, are transferred by type II transfers to
8 the department of economic development. The director of the
9 department is directed to provide and coordinate staff and
10 equipment services to these agencies in the interest of
11 facilitating the work of the bodies and achieving optimum
12 efficiency in staff services common to all the bodies. Nothing
13 in the Reorganization Act of 1974 shall prevent the chairman of
14 the public service commission from presenting additional budget
15 requests or from explaining or clarifying its budget requests to
16 the governor or general assembly.

17 5. The powers, duties and functions vested in the office of
18 the public counsel are transferred by type III transfer to the
19 department of economic development. Funding for the general
20 counsel's office shall be by general revenue.

21 6. The public service commission is authorized to employ
22 such staff as it deems necessary for the functions performed by
23 the general counsel other than those powers, duties and functions
24 relating to representation of the public before the public
25 service commission.

26 7. There is hereby created a "Division of Credit Unions" in
27 the department of economic development, to be headed by a
28 director, nominated by the department director and appointed by

1 the governor with the advice and consent of the senate. All the
2 powers, duties and functions vested in the state supervisor of
3 credit unions in chapter 370, RSMo, and the powers and duties
4 relating to credit unions vested in the commissioner of finance
5 in chapter 370, RSMo, are transferred to the division of credit
6 unions of the department of economic development, by a type II
7 transfer, and the office of the state supervisor of credit unions
8 is abolished. The salary of the director of the division of
9 credit unions shall be set by the director of the department
10 within the limits of the appropriations therefor. The director
11 of the division shall assume all the duties and functions of the
12 state supervisor of credit unions and the commissioner of finance
13 only where the director has duties and responsibilities relating
14 to credit unions as set out in chapter 370, RSMo.

15 8. The powers, duties and functions vested in the division
16 of finance, chapters 361, 362, 364, 365, 367, and 408, RSMo, and
17 others, are transferred by type II transfer to the department of
18 economic development. There shall be a director of the division
19 who shall be nominated by the department director and appointed
20 by the governor with the advice and consent of the senate.

21 9. All the powers, duties and functions vested in the
22 director of the division of savings and loan supervision in
23 chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any
24 other provision of law are transferred to the division of finance
25 of the department of economic development by a type I transfer.
26 The position of the director of the division of savings and loan
27 supervision is hereby abolished. The director of the division of
28 finance shall assume all the duties and functions of the director

1 of the division of savings and loan supervision as provided in
2 chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any
3 other provision of law. The division of savings and loan is
4 hereby abolished. The powers of the savings and loan commission
5 are hereby limited to hearing appeals from decisions of the
6 director of the division of finance approving or denying
7 applications to incorporate savings and loan associations or to
8 establish branches of savings and loan associations and approving
9 regulations pertaining to savings and loan associations. Any
10 appeals shall be held in accordance with section 369.319, RSMo.

11 10. On and after August 28, 1990, the status of the
12 division is modified under a specific type transfer pursuant to
13 section 1 of the Omnibus Reorganization Act of 1974. The status
14 of the division is modified from that of a division transferred
15 to the department of economic development pursuant to a type II
16 transfer, as provided for in this section, to that of an agency
17 possessing the characteristics of a division transferred pursuant
18 to a type III transfer; provided, however, that the division will
19 remain within the department of economic development. The
20 division of insurance shall be assigned to the department of
21 economic development as a type III division, and the director of
22 the department of economic development shall have no supervision,
23 authority or control over the actions or decisions of the
24 director of the division. All authority, records, property,
25 personnel, powers, duties, functions, matter pending and all
26 other pertinent vestiges pertaining thereto shall be retained by
27 the division except as modified by this section. If the division
28 of insurance becomes a department by operation of a

1 constitutional amendment, the department of economic development
2 shall continue until December 31, 1991, to provide at least the
3 same assistance as was provided in previous fiscal years for
4 personnel, data processing support and other benefits from
5 appropriations.

6 11. All the powers, duties and functions of the commerce
7 and industrial development division and the industrial
8 development commission, chapters 184 and 255, RSMo, and others,
9 not otherwise transferred, are transferred by type I transfer to
10 the department of economic development, and the industrial
11 development commission is abolished. All powers, duties and
12 functions of the division of commerce and industrial development
13 and the division of community development are transferred by a
14 type I transfer to the department of economic development, and
15 the division of commerce and industrial development and the
16 division of community development are abolished.

17 12. All the powers, duties and functions vested in the
18 tourism commission, chapter 258, RSMo, and others, are
19 transferred to the "Division of Tourism", which is hereby
20 created, by type III transfer.

21 13. All the powers, duties and functions of the department
22 of community affairs, chapter 251, RSMo, and others, not
23 otherwise assigned, are transferred by type I transfer to the
24 department of economic development, and the department of
25 community affairs is abolished. The director of the department
26 of economic development may assume all the duties of the director
27 of community affairs or may establish within the department such
28 subunits and advisory committees as may be required to administer

1 the programs so transferred. The director of the department
2 shall appoint all members of such committees and heads of
3 subunits.

4 14. (1) There is hereby established a "Division of
5 Professional Registration" assigned to the department of economic
6 development as a type III division, headed by a director
7 appointed by the governor with the advice and consent of the
8 senate.

9 (2) The director of the division of professional
10 registration shall promulgate rules and regulations which
11 designate for each board or commission assigned to the division
12 the renewal date for licenses or certificates. After the initial
13 establishment of renewal dates, no director of the division shall
14 promulgate a rule or regulation which would change the renewal
15 date for licenses or certificates if such change in renewal date
16 would occur prior to the date on which the renewal date in effect
17 at the time such new renewal date is specified next occurs. Each
18 board or commission shall by rule or regulation establish
19 licensing periods of one, two, or three years. Registration fees
20 set by a board or commission shall be effective for the entire
21 licensing period involved, and shall not be increased during any
22 current licensing period. Persons who are required to pay their
23 first registration fees shall be allowed to pay the pro rata
24 share of such fees for the remainder of the period remaining at
25 the time the fees are paid. Each board or commission shall
26 provide the necessary forms for initial registration, and
27 thereafter the director may prescribe standard forms for renewal
28 of licenses and certificates. Each board or commission shall by

1 rule and regulation require each applicant to provide the
2 information which is required to keep the board's records
3 current. Each board or commission shall issue the original
4 license or certificate.

5 (3) The division shall provide clerical and other staff
6 services relating to the issuance and renewal of licenses for all
7 the professional licensing and regulating boards and commissions
8 assigned to the division. The division shall perform the
9 financial management and clerical functions as they each relate
10 to issuance and renewal of licenses and certificates. "Issuance
11 and renewal of licenses and certificates" means the ministerial
12 function of preparing and delivering licenses or certificates,
13 and obtaining material and information for the board or
14 commission in connection with the renewal thereof. It does not
15 include any discretionary authority with regard to the original
16 review of an applicant's qualifications for licensure or
17 certification, or the subsequent review of licensee's or
18 certificate holder's qualifications, or any disciplinary action
19 contemplated against the licensee or certificate holder. The
20 division may develop and implement microfilming systems and
21 automated or manual management information systems.

22 (4) The director of the division shall establish a system
23 of accounting and budgeting, in cooperation with the director of
24 the department, the office of administration, and the state
25 auditor's office, to ensure proper charges are made to the
26 various boards for services rendered to them. The general
27 assembly shall appropriate to the division and other state
28 agencies from each board's funds, moneys sufficient to reimburse

1 the division and other state agencies for all services rendered
2 and all facilities and supplies furnished to that board.

3 (5) For accounting purposes, the appropriation to the
4 division and to the office of administration for the payment of
5 rent for quarters provided for the division shall be made from
6 the "Professional Registration Fees Fund", which is hereby
7 created, and is to be used solely for the purpose defined in
8 subdivision (4) of subsection 14 of this section. The fund shall
9 consist of moneys deposited into it from each board's fund. Each
10 board shall contribute a prorated amount necessary to fund the
11 division for services rendered and rent based upon the system of
12 accounting and budgeting established by the director of the
13 division as provided in subdivision (4) of this subsection.
14 Transfers of funds to the professional registration fees fund
15 shall be made by each board on July first of each year; provided,
16 however, that the director of the division may establish an
17 alternative date or dates of transfers at the request of any
18 board. Such transfers shall be made until they equal the
19 prorated amount for services rendered and rent by the division.

20 [The provisions of section 33.080, RSMo, to the contrary
21 notwithstanding, money in this fund shall not be transferred and
22 placed to the credit of general revenue.] The provisions of
23 section 33.080, RSMo, to the contrary notwithstanding, money in
24 this fund shall not be transferred and placed to the credit of
25 general revenue until the amount in the fund at the end of the
26 biennium exceeds three times the appropriation from the
27 professional registration fees fund for the preceding fiscal
28 year. The amount, if any, in the fund which shall lapse is that

1 amount in the fund which exceeds the appropriate multiple of the
2 appropriations from the professional registration fees fund for
3 the preceding fiscal year.

4 (6) The director of the division shall be responsible for
5 collecting and accounting for all moneys received by the division
6 or its component agencies. Any money received by a board or
7 commission shall be promptly given, identified by type and
8 source, to the director. The director shall keep a record by
9 board and state accounting system classification of the amount of
10 revenue the director receives. The director shall promptly
11 transmit all receipts to the department of revenue for deposit in
12 the state treasury to the credit of the appropriate fund. The
13 director shall provide each board with all relevant financial
14 information in a timely fashion. Each board shall cooperate with
15 the director by providing necessary information.

16 (7) All educational transcripts, test scores, complaints,
17 investigatory reports, and information pertaining to any person
18 who is an applicant or licensee of any agency assigned to the
19 division of professional registration by statute or by the
20 department of economic development are confidential and may not
21 be disclosed to the public or any member of the public, except
22 with the written consent of the person whose records are
23 involved. The agency which possesses the records or information
24 shall disclose the records or information if the person whose
25 records or information is involved has consented to the
26 disclosure. Each agency is entitled to the attorney-client
27 privilege and work-product privilege to the same extent as any
28 other person. Provided, however, that any board may disclose

1 confidential information without the consent of the person
2 involved in the course of voluntary interstate exchange of
3 information, or in the course of any litigation concerning that
4 person, or pursuant to a lawful request, or to other
5 administrative or law enforcement agencies acting within the
6 scope of their statutory authority. Information regarding
7 identity, including names and addresses, registration, and
8 currency of the license of the persons possessing licenses to
9 engage in a professional occupation and the names and addresses
10 of applicants for such licenses is not confidential information.

11 (8) Any deliberations conducted and votes taken in
12 rendering a final decision after a hearing before an agency
13 assigned to the division shall be closed to the parties and the
14 public. Once a final decision is rendered, that decision shall
15 be made available to the parties and the public.

16 15. (1) The division of registration and examination,
17 department of education, within chapter 161, RSMo, and others, is
18 abolished and the following boards and commissions are
19 transferred by specific type transfers to the division of
20 professional registration, department of economic development:
21 state board of accountancy, chapter 326, RSMo; state board of
22 barber examiners, chapter 328, RSMo; state board of registration
23 for architects, professional engineers and land surveyors,
24 chapter 327, RSMo; state board of chiropractic examiners, chapter
25 331, RSMo; state board of cosmetology, chapter 329, RSMo; state
26 board of healing arts, chapter 334, RSMo; Missouri dental board,
27 chapter 332, RSMo; state board of embalmers and funeral
28 directors, chapter 333, RSMo; state board of optometry, chapter

1 336, RSMo; state board of nursing, chapter 335, RSMo; board of
2 pharmacy, chapter 338, RSMo; state board of podiatry, chapter
3 330, RSMo; Missouri real estate commission, chapter 339, RSMo;
4 and Missouri veterinary medical board chapter 340, RSMo. The
5 governor shall appoint members of these boards by and with the
6 advice and consent of the senate from nominees submitted by the
7 director of the department.

8 (2) The boards and commissions assigned to the division
9 shall exercise all their respective statutory duties and powers,
10 except those clerical and other staff services involving
11 collecting and accounting for moneys and financial management
12 relating to the issuance and renewal of licenses, which services
13 shall be provided by the division, within the appropriation
14 therefor. All clerical and other staff services relating to the
15 issuance and renewal of licenses of the individual boards and
16 commissions are abolished. All clerical and other staff services
17 pertaining to collecting and accounting for moneys and to
18 financial management relative to the issuance and renewal of
19 licenses of the individual boards and commissions are abolished.
20 Nothing herein shall prohibit employment of professional
21 examining or testing services from professional associations or
22 others as required by the boards or commissions on contract.
23 Nothing herein shall be construed to affect the power of a board
24 or commission to expend its funds as appropriated. However, the
25 division shall review the expense vouchers of each board. The
26 results of such review shall be submitted to the board reviewed
27 and to the house and senate appropriations committees annually.

28 (3) Notwithstanding any other provisions of law, the

1 director of the division shall exercise only those management
2 functions of the boards and commissions specifically provided in
3 the Reorganization Act of 1974, and those relating to the
4 allocation and assignment of space, personnel other than board
5 personnel, and equipment.

6 (4) "Board personnel", as used in this section or chapters
7 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339
8 and 340, RSMo, shall mean personnel whose functions and
9 responsibilities are in areas not related to the clerical duties
10 involving the issuance and renewal of licenses, to the collecting
11 and accounting for moneys, or to financial management relating to
12 issuance and renewal of licenses; specifically included are
13 executive secretaries (or comparable positions), consultants,
14 inspectors, investigators, counsel, and secretarial support staff
15 for these positions; and such other positions as are established
16 and authorized by statute for a particular board or commission.
17 Boards and commissions may employ legal counsel, if authorized by
18 law, and temporary personnel if the board is unable to meet its
19 responsibilities with the employees authorized above. Any board
20 or commission which hires temporary employees shall annually
21 provide the division director and the appropriation committees of
22 the general assembly with a complete list of all persons employed
23 in the previous year, the length of their employment, the amount
24 of their remuneration and a description of their
25 responsibilities.

26 (5) Board personnel for each board or commission shall be
27 employed by and serve at the pleasure of the board or commission,
28 shall be supervised as the board or commission designates, and

1 shall have their duties and compensation prescribed by the board
2 or commission, within appropriations for that purpose, except
3 that compensation for board personnel shall not exceed that
4 established for comparable positions as determined by the board
5 or commission pursuant to the job and pay plan of the department
6 of economic development. Nothing herein shall be construed to
7 permit salaries for any board personnel to be lowered except by
8 board action.

9 (6) Each board or commission shall receive complaints
10 concerning its licensees' business or professional practices.
11 Each board or commission shall establish by rule a procedure for
12 the handling of such complaints prior to the filing of formal
13 complaints before the administrative hearing commission. The
14 rule shall provide, at a minimum, for the logging of each
15 complaint received, the recording of the licensee's name, the
16 name of the complaining party, the date of the complaint, and a
17 brief statement of the complaint and its ultimate disposition.
18 The rule shall provide for informing the complaining party of the
19 progress of the investigation, the dismissal of the charges or
20 the filing of a complaint before the administrative hearing
21 commission.

22 16. All the powers, duties and functions of the division of
23 athletics, chapter 317, RSMo, and others, are transferred by type
24 I transfer to the division of professional registration. The
25 athletic commission is abolished.

26 17. The state council on the arts, chapter 185, RSMo, and
27 others, is transferred by type II transfer to the department of
28 economic development, and the members of the council shall be

1 appointed by the director of the department.

2 18. The Missouri housing development commission, chapter
3 215, RSMo, is assigned to the department of economic development,
4 but shall remain a governmental instrumentality of the state of
5 Missouri and shall constitute a body corporate and politic.

6 19. All the authority, powers, duties, functions, records,
7 personnel, property, matters pending and other pertinent vestiges
8 of the division of manpower planning of the department of social
9 services are transferred by a type I transfer to the "Division of
10 Job Development and Training", which is hereby created, within
11 the department of economic development. The division of manpower
12 planning within the department of social services is abolished.
13 The provisions of section 1 of the Omnibus State Reorganization
14 Act of 1974, Appendix B, relating to the manner and procedures
15 for transfers of state agencies shall apply to the transfers
16 provided in this section.

17 20. Any rule or portion of a rule, as that term is defined
18 in section 536.010, RSMo, that is created under the authority
19 delegated in this chapter shall become effective only if it
20 complies with and is subject to all of the provisions of chapter
21 536, RSMo, and, if applicable, section 536.028, RSMo. All
22 rulemaking authority delegated prior to August 28, 1999, is of no
23 force and effect and repealed. Nothing in this section shall be
24 interpreted to repeal or affect the validity of any rule filed or
25 adopted prior to August 28, 1999, if it fully complied with all
26 applicable provisions of law. This section and chapter 536,
27 RSMo, are nonseverable and if any of the powers vested with the
28 general assembly pursuant to chapter 536, RSMo, to review, to

1 delay the effective date or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 1999,
4 shall be invalid and void.

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

14 Missouri State Board of Accountancy

15 Missouri State Board [of Registration] for Architects,
16 Professional Engineers [and], Professional Land Surveyors and
17 Landscape Architects

18 Board of Barber Examiners

19 Board of Cosmetology

20 Board of Chiropody and Podiatry

21 Board of Chiropractic Examiners

22 Missouri Dental Board

23 Board of Embalmers and Funeral Directors

24 Board of Registration for the Healing Arts

25 Board of Nursing

26 Board of Optometry

27 Board of Pharmacy

28 Missouri Real Estate Commission

1 Missouri Veterinary Medical Board
2 Supervisor of Liquor Control
3 Department of Health and Senior Services
4 Department of Insurance
5 Department of Mental Health.

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

10 3. The administrative hearing commission is authorized to
11 conduct hearings and make findings of fact and conclusions of law
12 in those cases brought by the Missouri state board for
13 architects, professional engineers, professional land surveyors
14 and landscape architects against unlicensed persons under section
15 327.076, RSMo.

16 4. Notwithstanding any other provision of this section to
17 the contrary, after August 28, 1995, in order to encourage
18 settlement of disputes between any agency described in subsection
19 1 or 2 of this section and its licensees, any such agency shall:

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

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

offer;

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

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

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

[327.111. Any person who practices architecture in Missouri as defined in section 327.091, who is not exempt pursuant to the provisions of section 327.101, or who is not the holder of a currently valid license

1 or certificate of authority to practice architecture in
2 Missouri, or who pretends or attempts to use as such
3 person's own the license or certificate of authority or
4 the seal of another architect or who affixes his or her
5 or another's architect's seal on any plans,
6 specifications, drawings, or reports which have not
7 been prepared by such person or under such person's
8 immediate personal supervision, is guilty of a class A
9 misdemeanor.】

10
11 【327.201. Any person who practices professional
12 engineering in Missouri as defined in section 327.181,
13 who is not exempt pursuant to the provisions of section
14 327.191 and who is not the holder of a currently valid
15 license or certificate of authority to practice
16 professional engineering in Missouri, or who pretends
17 or attempts to use as such person's own the license or
18 certificate of authority or the seal of another
19 professional engineer, or who affixes such person's or
20 another professional engineer's seal on any plans,
21 specifications, drawings or reports which have not been
22 prepared by such person or under such person's
23 immediate personal supervision is guilty of a class A
24 misdemeanor.】

25
26 【327.291. Any person who practices as a
27 professional land surveyor in Missouri as defined in
28 section 327.272, who is not a holder of a currently
29 valid license or certificate of authority to practice
30 professional land surveying in Missouri, or who
31 pretends or attempts to use as such person's own the
32 license or certificate of authority or the seal of
33 another professional land surveyor or who affixes such
34 person's or another professional land surveyor's seal
35 on any map, plat, survey or other document which has
36 not been prepared by such person or under such person's
37 immediate personal supervision is guilty of a class A
38 misdemeanor.】

39
40 【327.633. Any person violating any of the
41 provisions of sections 327.600 to 327.635 is deemed
42 guilty of a class A misdemeanor.】

43
44 【336.090. 1. Upon payment of a fee equivalent to
45 the examination and certificate fees, an applicant who
46 is an optometrist, registered or licensed under the
47 laws of another state or territory of the United
48 States, or of a foreign country or province shall,
49 without examination, be granted a certificate of
50 registration as a registered optometrist by the state

1 board of optometry upon the following conditions:

2 (1) That the applicant is at least twenty-one
3 years of age, of good moral character; and

4 (2) That the requirements for the registration or
5 licensing of optometrists in the particular state,
6 territory, country or province, were, at the date of
7 the license, substantially equal to the requirements
8 then in force in this state.

9 2. The board may by rule and regulation require
10 applicants under this section to satisfactorily
11 complete any practical examination or any examination
12 on Missouri laws required pursuant to section 336.050.]
13

14 [336.200. Any person, firm or corporation
15 employing a registered optometrist may advertise the
16 availability of optometric service, provided that the
17 names of the registered optometrists providing such
18 service are included in all printed advertisements.
19 The violation of any provision of this section shall
20 constitute an infraction, punishable upon conviction,
21 by a fine of not less than twenty-five dollars nor more
22 than two hundred dollars.]
23

24 [337.606. For a period of twenty-four months from
25 July 1, 1990, applicants for licensure shall be
26 exempted from the academic requirements of sections
27 337.600 to 337.639 if the committee is satisfied that
28 the applicant has acceptable educational
29 qualifications, or social work experience, or is
30 currently engaged in the practice of clinical social
31 work. After that time no person shall engage in
32 clinical social work practice for compensation or hold
33 himself or herself out as a licensed clinical social
34 worker unless the person is licensed in accordance with
35 the provisions of sections 337.600 to 337.639.]
36

37 [337.609. No provision of sections 337.600 to
38 337.639 shall be construed to require any agency,
39 corporation, or organization, not otherwise required by
40 law, to employ licensed clinical social workers.]
41

42 [337.624. 1. No part of this section or of
43 chapter 354 or 375, RSMo, shall be construed to mandate
44 benefits or third-party reimbursement for services of
45 social workers in the policies or contracts of any
46 insurance company, health services corporation, or
47 other third-party payer.

48 2. This section shall not be construed to effect
49 procedures for billing for social work services
50 provided by agencies, corporations, or organizations

1 which employ licensed social workers.]

2
3 [337.639. Nothing in sections 337.600 to 337.639
4 shall be construed to prohibit any person licensed
5 under the provisions of sections 337.600 to 337.639
6 from testifying in court hearings concerning matters of
7 adoption, adult abuse, child abuse, child neglect, or
8 other matters pertaining to the welfare of children or
9 any dependent person, or from seeking collaboration or
10 consultation with professional colleagues or
11 administrative supervisors on behalf of the client.]

12
13 [337.650. As used in sections 337.650 to 337.689,
14 the following terms mean:

15 (1) "Committee", the state committee for social
16 work established in section 337.622;

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

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

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

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

32 (6) "Practice of baccalaureate social work",
33 rendering, offering to render or supervising those who
34 render to individuals, families, groups, organizations,
35 institutions, corporations or the general public any
36 service involving the application of methods,
37 principles, and techniques of baccalaureate social
38 work;

39 (7) "Provisional licensed baccalaureate social
40 worker", any person who is a graduate of an accredited
41 school of social work and meets all requirements of a
42 licensed baccalaureate social worker, other than the
43 supervised baccalaureate social work experience
44 prescribed by subdivision (3) of subsection 1 of
45 section 337.665, and who is supervised by a licensed
46 clinical social worker or a licensed baccalaureate
47 social worker, as defined by rule.]

48
49 [337.659. No provision of sections 337.650 to
50 337.689 shall be construed to require any agency,

1 corporation or organization, not otherwise required by
2 law, to employ licensed baccalaureate social workers.】
3

4 【337.668. The term of each license issued
5 pursuant to the provisions of sections 337.650 to
6 337.689 shall be no less than twenty-four and no more
7 than forty-eight consecutive calendar months. All
8 licensees shall annually complete fifteen hours of
9 continuing education units. The committee shall renew
10 any license, other than a provisional license, upon
11 application for a renewal, submission of documentation
12 of the completion of the required annual hours of
13 continuing education and payment of the fee established
14 by the committee pursuant to the provisions of section
15 337.662.】
16

17 【337.674. No part of this section or of chapter
18 354 or 375, RSMo, shall be construed to mandate
19 benefits or third-party reimbursement for services of
20 social workers in the policies or contracts of any
21 insurance company, health services corporation, or
22 other third-party payer.】
23

24 【337.677. 1. The committee shall promulgate
25 rules and regulations pertaining to:

26 (1) The form and content of license applications
27 required by the provisions of sections 337.650 to
28 337.689 and the procedures for filing an application
29 for an initial or renewal license in this state;

30 (2) Fees required by the provisions of sections
31 337.650 to 337.689;

32 (3) The characteristics of "supervised
33 baccalaureate experience" as that term is used in
34 section 337.665;

35 (4) The standards and methods to be used in
36 assessing competency as a licensed baccalaureate social
37 worker, including the requirement for annual continuing
38 education units;

39 (5) Establishment and promulgation of procedures
40 for investigating, hearing and determining grievances
41 and violations occurring pursuant to the provisions of
42 sections 337.650 to 337.689;

43 (6) Development of an appeal procedure for the
44 review of decisions and rules of administrative
45 agencies existing pursuant to the constitution or laws
46 of this state;

47 (7) Establishment of a policy and procedure for
48 reciprocity with other states, including states which
49 do not have baccalaureate or clinical social worker
50 licensing laws or states whose licensing laws are not

1 substantially the same as those of this state; and

2 (8) Any other policies or procedures necessary to
3 the fulfillment of the requirements of sections 337.650
4 to 337.689.

5 2. Any rule or portion of a rule, as that term is
6 defined in section 536.010, RSMo, that is created under
7 the authority delegated in sections 337.650 to 337.689
8 shall become effective only if it complies with and is
9 subject to all of the provisions of chapter 536, RSMo,
10 and, if applicable, section 536.028, RSMo. This
11 section and chapter 536, RSMo, are nonseverable and if
12 any of the powers vested with the general assembly
13 pursuant to chapter 536, RSMo, to review, to delay the
14 effective date or to disapprove and annul a rule are
15 subsequently held unconstitutional, then the grant of
16 rulemaking authority and any rule proposed or adopted
17 after August 28, 2001, shall be invalid and void.]
18

19 [337.680. 1. The committee may refuse to issue
20 or renew any license required by the provisions of
21 sections 337.650 to 337.689 for one or any combination
22 of causes stated in subsection 2 of this section. The
23 committee shall notify the applicant in writing of the
24 reasons for the refusal and shall advise the applicant
25 of the applicant's right to file a complaint with the
26 administrative hearing commission as provided by
27 chapter 621, RSMo.

28 2. The committee may cause a complaint to be
29 filed with the administrative hearing commission as
30 provided by chapter 621, RSMo, against any holder of
31 any license required by sections 337.650 to 337.689 or
32 any person who has failed to renew or has surrendered
33 the person's license for any one or any combination of
34 the following causes:

35 (1) Use of any controlled substance, as defined
36 in chapter 195, RSMo, or alcoholic beverage to an
37 extent that such use impairs a person's ability to
38 engage in the occupation of baccalaureate social work;
39 except that the fact that a person has undergone
40 treatment for past substance or alcohol abuse and/or
41 has participated in a recovery program shall not by
42 itself be cause for refusal to issue or renew a
43 license;

44 (2) The person has been finally adjudicated and
45 found guilty, or entered a plea of guilty or nolo
46 contendere, in a criminal prosecution pursuant to the
47 laws of any state or of the United States, for any
48 offense reasonably related to the qualifications,
49 functions or duties of a baccalaureate social worker;
50 for any offense an essential element of which is fraud,
51 dishonesty or an act of violence; or for any offense

1 involving moral turpitude, whether or not sentence is
2 imposed;

3 (3) Use of fraud, deception, misrepresentation or
4 bribery in securing any license issued pursuant to the
5 provisions of sections 337.650 to 337.689 or in
6 obtaining permission to take any examination given or
7 required pursuant to the provisions of sections 337.650
8 to 337.689;

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

12 (5) Incompetency, misconduct, fraud,
13 misrepresentation or dishonesty in the performance of
14 the functions or duties of a baccalaureate social
15 worker;

16 (6) Violation of, or assisting or enabling any
17 person to violate, any provision of sections 337.650 to
18 337.689, or of any lawful rule or regulation adopted
19 pursuant to sections 337.650 to 337.689;

20 (7) Impersonation of any person holding a license
21 or allowing any person to use the person's license or
22 diploma from any school;

23 (8) Revocation or suspension of a license or
24 other right to practice baccalaureate social work
25 granted by another state, territory, federal agency or
26 country upon grounds for which revocation or suspension
27 is authorized in this state;

28 (9) Final adjudication as incapacitated by a
29 court of competent jurisdiction;

30 (10) Assisting or enabling any person to practice
31 or offer to practice baccalaureate social work who is
32 not licensed and currently eligible to practice
33 pursuant to the provisions of sections 337.650 to
34 337.689;

35 (11) Obtaining a license based upon a material
36 mistake of fact;

37 (12) Failure to display a valid license if so
38 required by sections 337.650 to 337.689 or any rule
39 promulgated hereunder;

40 (13) Violation of any professional trust or
41 confidence;

42 (14) Use of any advertisement or solicitation
43 which is false, misleading or deceptive to the general
44 public or persons to whom the advertisement or
45 solicitation is primarily directed;

46 (15) Being guilty of unethical conduct based on
47 the code of ethics of the National Association of
48 Social Workers.

49 3. Any person, organization, association or
50 corporation who reports or provides information to the
51 committee pursuant to the provisions of sections

1 337.650 to 337.689 and who does so in good faith shall
2 not be subject to an action for civil damages as a
3 result thereof.

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

15
16 [337.686. Persons licensed pursuant to the
17 provisions of sections 337.650 to 337.689 may not
18 disclose any information acquired from persons
19 consulting them in their professional capacity, or be
20 compelled to disclose such information except:

21 (1) With the written consent of the client, or in
22 the case of the client's death or disability, the
23 client's personal representative or other person
24 authorized to sue, or the beneficiary of an insurance
25 policy on the client's life, health or physical
26 condition;

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

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

33 (4) When the person waives the privilege by
34 bringing charges against the licensee;

35 (5) When the licensee is called upon to testify
36 in any court or administrative hearings concerning
37 matters of adoption, adult abuse, child abuse, child
38 neglect, or other matters pertaining to the welfare of
39 clients of the licensee; or

40 (6) When the licensee is collaborating or
41 consulting with professional colleagues or an
42 administrative superior on behalf of the client.]

43 Section B. The repeal and reenactment of sections 317.001,
44 317.006, 317.011, 317.013, 317.015, and 317.018, and the
45 enactment of section 317.019 of section A of this act shall
46 become effective on July 1, 2008.