

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2081
AN ACT

To repeal sections 190.107, 194.119, 194.233, 333.011, 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.610, 334.650, 334.655, 334.660, 334.665, 334.670, 334.675, 339.010, 339.150, and 376.811, RSMo, and to enact in lieu thereof thirty-four new sections relating to professional services, with penalty provisions.

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

1 Section A. Sections 190.107, 194.119, 194.233, 333.011,
2 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570,
3 334.610, 334.650, 334.655, 334.660, 334.665, 334.670, 334.675,
4 339.010, 339.150, and 376.811, RSMo, are repealed and thirty-four
5 new sections enacted in lieu thereof, to be known as sections
6 21.840, 190.107, 194.119, 333.011, 334.500, 334.506, 334.525,
7 334.530, 334.540, 334.550, 334.560, 334.570, 334.601, 334.602,
8 334.610, 334.611, 334.612, 334.613, 334.614, 334.615, 334.616,
9 334.617, 334.618, 334.650, 334.655, 334.660, 334.665, 334.670,
10 334.675, 334.686, 334.687, 339.010, 339.150, and 376.811, to read
11 as follows:

12 21.840. 1. There is established a joint committee of the
13 general assembly to be known as the "Joint Committee on Preneed
14 Funeral Contracts" to be composed of seven members of the senate

1 and seven members of the house of representatives. The senate
2 members of the joint committee shall be appointed by the
3 president pro tem and minority floor leader of the senate and the
4 house members shall be appointed by the speaker and minority
5 floor leader of the house of representatives. The appointment of
6 each member shall continue during the member's term of office as
7 a member of the general assembly or until a successor has been
8 appointed to fill the member's place when his or her term of
9 office as a member of the general assembly has expired. No party
10 shall be represented by more than four members from the house of
11 representatives nor more than four members from the senate. A
12 majority of the committee shall constitute a quorum, but the
13 concurrence of a majority of the members shall be required for
14 the determination of any matter within the committee's duties.

15 2. The joint committee shall:

16 (1) Make a comprehensive study and analysis of the consumer
17 and economic impact on the preneed funeral contract industry in
18 the state of Missouri;

19 (2) Determine from its study and analysis the need for
20 changes in statutory law; and

21 (4) Make any other recommendation to the general assembly
22 relating to its findings.

23 3. The joint committee shall meet within thirty days after
24 its creation and organize by selecting a chairperson and a vice
25 chairperson, one of whom shall be a member of the senate and the
26 other a member of the house of representatives.

27 4. The committee may meet at locations other than Jefferson
28 City when the committee deems it necessary.

1 5. The committee shall be staffed by legislative personnel
2 as is deemed necessary to assist the committee in the performance
3 of its duties.

4 6. The members of the committee shall serve without
5 compensation but shall be entitled to reimbursement for actual
6 and necessary expenses incurred in the performance of their
7 official duties.

8 7. It shall be the duty of the committee to compile a full
9 report of its activities for submission to the general assembly.
10 The report shall be submitted not later than January 31, 2009,
11 and shall include any recommendations which the committee may
12 have for legislative action as well as any recommendations for
13 administrative or procedural changes in the internal management
14 or organization of state or local government agencies and
15 departments. Copies of the report containing such
16 recommendations shall be sent to the appropriate directors of
17 state or local government agencies or departments included in the
18 report.

19 8. The provisions of this section shall expire on January
20 31, 2009.

21 190.107. 1. Any municipally operated ambulance service,
22 ambulance district, fire protection district that provides
23 ambulance service or any other ambulance service may enter into
24 contracts providing for mutual aid services provided by such
25 ambulance service. The contracts that are agreed upon may
26 provide for compensation from the parties and other terms that
27 are agreeable to the parties and may be for an indefinite period
28 as long as they include a minimum of a sixty-day cancellation

1 notice by either party.

2 2. Any municipally operated ambulance service, ambulance
3 district, fire protection district that provides ambulance
4 service or any other ambulance service may provide assistance to
5 any other ambulance service in the state that requests it, at the
6 time of an emergency, major catastrophe or any other unforeseen
7 event or series of events which jeopardizes the ability of the
8 local ambulance service to promptly respond to emergencies.

9 3. When responding on mutual aid or emergency aid requests,
10 the ambulance service shall be subject to all provisions of law
11 as if it were providing service within its own jurisdiction.

12 4. Mutual-aid contracts may be agreed to between ambulance
13 services in the states neighboring Missouri and ambulance
14 services in the state of Missouri in the exact same manner as
15 contracts between ambulance services within the state of
16 Missouri.

17 5. Notwithstanding any other provision of law to the
18 contrary, except in a county with a charter form of government
19 and with more than six hundred thousand but fewer than seven
20 hundred thousand inhabitants or any count of the first
21 classification with more than one hundred eight-four thousand but
22 fewer than one hundred eighty-eight thousand inhabitants, in any
23 area in which two or more ambulance services provide services in
24 overlapping ambulance areas, no ambulance service shall impose
25 regulations, restrictions, or licensing requirement on any
26 competing ambulance service except with respect to calls
27 originating through a 911 system or that require a response using
28 a siren and lights.

1 194.119. 1. As used in this section, the term "right of
2 sepulcher" means the right to choose and control the burial,
3 cremation, or other final disposition of a dead human body.

4 2. For purposes of this chapter and chapters 193, 333, and
5 436, RSMo, and in all cases relating to the custody, control, and
6 disposition of deceased human remains, including the common law
7 right of sepulcher, where not otherwise defined, the term
8 "next-of-kin" means the following persons in the priority listed
9 if such person is eighteen years of age or older, is mentally
10 competent, and is willing to assume responsibility for the costs
11 of disposition:

12 (1) An attorney in fact designated in a durable power of
13 attorney wherein the deceased specifically granted the right of
14 sepulcher over his or her body to such attorney in fact;

15 (2) The surviving spouse;

16 [(2)] (3) Any surviving child of the deceased. If a
17 surviving child is less than eighteen years of age and has a
18 legal or natural guardian, such child shall not be disqualified
19 on the basis of the child's age and such child's legal or natural
20 guardian, if any, shall be entitled to serve in the place of the
21 child unless such child's legal or natural guardian was subject
22 to an action in dissolution from the deceased. In such event the
23 person or persons who may serve as next-of-kin shall serve in the
24 order provided in subdivisions [(3)] (4) to (8) of this
25 subsection;

26 [(3)] (4) (a) Any surviving parent of the deceased; or

27 (b) If the deceased is a minor, a surviving parent who has
28 custody of the minor; or

1 (c) If the deceased is a minor and the deceased's parents
2 have joint custody, the parent whose residence is the minor
3 child's residence for purposes of mailing and education;

4 [(4)] (5) Any surviving sibling of the deceased;

5 [(5) Any person designated by the deceased to act as
6 next-of-kin pursuant to a valid designation of right of sepulcher
7 as provided in subsection 8 of this section;]

8 (6) The next nearest surviving relative of the deceased by
9 consanguinity or affinity;

10 (7) Any person or friend who assumes financial
11 responsibility for the disposition of the deceased's remains if
12 no next-of-kin assumes such responsibility;

13 (8) The county coroner or medical examiner; provided
14 however that such assumption of responsibility shall not make the
15 coroner, medical examiner, the county, or the state financially
16 responsible for the cost of disposition.

17 3. The next-of-kin of the deceased shall be entitled to
18 control the final disposition of the remains of any dead human
19 being consistent with all applicable laws, including all
20 applicable health codes.

21 4. A funeral director or establishment is entitled to rely
22 on and act according to the lawful instructions of any person
23 claiming to be the next-of-kin of the deceased; provided however,
24 in any civil cause of action against a funeral director or
25 establishment licensed pursuant to this chapter for actions taken
26 regarding the funeral arrangements for a deceased person in the
27 director's or establishment's care, the relative fault, if any,
28 of such funeral director or establishment may be reduced if such

1 actions are taken in reliance upon a person's claim to be the
2 deceased person's next-of-kin.

3 5. Any person who desires to exercise the right of
4 sepulcher and who has knowledge of an individual or individuals
5 with a superior right to control disposition shall notify such
6 individual or individuals prior to making final arrangements.

7 6. If an individual with a superior claim is personally
8 served with written notice from a person with an inferior claim
9 that such person desires to exercise the right of sepulcher and
10 the individual so served does not object within forty-eight hours
11 of receipt, such individual shall be deemed to have waived such
12 right. An individual with a superior right may also waive such
13 right at any time if such waiver is in writing and dated.

14 7. If there is more than one person in a class who are
15 equal in priority and the funeral director has no knowledge of
16 any objection by other members of such class, the funeral
17 director or establishment shall be entitled to rely on and act
18 according to the instructions of the first such person in the
19 class to make arrangements; provided that such person assumes
20 responsibility for the costs of disposition and no other person
21 in such class provides written notice of his or her objection.

22 [8. Any person may designate an individual to be his or her
23 closest next-of-kin, regardless of blood or marital relationship,
24 by means of a written instrument that is signed, dated, and
25 verified. Such designation of right of sepulcher shall be
26 witnessed by two persons, and shall contain the names and last
27 known address of each person entitled to be next-of-kin but for
28 the execution of the designation of right of sepulcher and who

are higher in priority than the person so designated.】

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

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

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

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

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

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

(6) "Practice of embalming", the work of preserving, disinfecting and preparing by arterial embalming, [or otherwise,] including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

(7) "Practice of funeral directing", engaging by an

1 individual in the business of preparing, otherwise than by
2 embalming, for the burial, disposal or transportation out of this
3 state of, and the directing and supervising of the burial or
4 disposal of, dead human bodies or engaging in the general
5 control, supervision or management of the operations of a funeral
6 establishment.

7 334.500. As used in sections 334.500 to 334.685, the following
8 terms mean:

9 (1) "Board", the state board of registration for the
10 healing arts in the state of Missouri;

11 (2) "Physical therapist assistant", a person who is
12 licensed as a physical therapist assistant by the board or a
13 person who was actively engaged in practice as a physical
14 therapist assistant on August 28, 1993;

15 (3) "Physical therapist", a person who is licensed to
16 practice physical therapy;

17 (4) "Practice of physical therapy", the examination,
18 treatment and instruction of human beings to assess, prevent,
19 correct, alleviate and limit physical disability, movement
20 dysfunction, bodily malfunction and pain from injury, disease and
21 any other bodily condition, such term includes, but is not
22 limited to, the administration, interpretation and evaluation of
23 physical therapy tests and measurements of bodily functions and
24 structures; the planning, administration, evaluation and
25 modification of treatment and instruction, including the use of
26 physical measures, activities and devices, for preventive and
27 therapeutic purposes; and the provision of consultative,
28 educational, research and other advisory services for the purpose

1 of reducing the incidence and severity of physical disability,
2 movement dysfunction, bodily malfunction and pain does not
3 include the use of surgery or obstetrics or the administration of
4 x-radiation, radioactive substance, diagnostic x-ray, diagnostic
5 laboratory electrocautery, electrosurgery or invasive tests or
6 the prescribing of any drug or medicine or the administration or
7 dispensing of any drug or medicine other than a topical agent
8 administered or dispensed upon the direction of a physician.
9 Physical therapists may perform electromyography and nerve
10 conduction tests but may not interpret the results of the
11 electromyography or nerve conduction test. Physical therapists
12 shall practice physical therapy within the scope of their
13 education and training as provided in sections 334.500 to
14 334.620.

15 334.506. 1. [Nothing in this chapter shall prevent a
16 physical therapist, whose license is in good standing, from
17 providing educational resources and training, developing fitness
18 or wellness programs for asymptomatic persons, or providing
19 screening or consultative services within the scope of physical
20 therapy practice without the prescription and direction of a
21 person licensed and registered as a physician and surgeon
22 pursuant to this chapter, as a chiropractor pursuant to chapter
23 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
24 podiatrist pursuant to chapter 330, RSMo, or any licensed and
25 registered physician, dentist, or podiatrist practicing in
26 another jurisdiction, whose license is in good standing, except
27 that no physical therapist shall initiate treatment for a new
28 injury or illness without the prescription or direction of a

1 person licensed and registered as a physician and surgeon
2 pursuant to this chapter, as a chiropractor pursuant to chapter
3 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
4 podiatrist pursuant to chapter 330, RSMo, or any licensed and
5 registered physician, dentist, or podiatrist practicing in
6 another jurisdiction, whose license is in good standing.

7 2. Nothing in this chapter shall prevent a physical
8 therapist, whose license is in good standing, from examining and
9 treating, without the prescription and direction of a person
10 licensed and registered as a physician and surgeon pursuant to
11 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
12 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
13 to chapter 330, RSMo, or any licensed and registered physician,
14 dentist, or podiatrist practicing in another jurisdiction, whose
15 license is in good standing, any person with a recurring,
16 self-limited injury within one year of diagnosis by a person
17 licensed and registered as a physician and surgeon pursuant to
18 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
19 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
20 to chapter 330, RSMo, or any licensed and registered physician,
21 dentist, or podiatrist practicing in another jurisdiction, whose
22 license is in good standing, or any person with a chronic illness
23 that has been previously diagnosed by a person licensed and
24 registered as a physician and surgeon pursuant to this chapter,
25 as a chiropractor pursuant to chapter 331, RSMo, as a dentist
26 pursuant to chapter 332, RSMo, or a podiatrist pursuant to
27 chapter 330, RSMo, or any licensed and registered physician,
28 dentist, or podiatrist practicing in another jurisdiction, whose

1 license is in good standing, except that a physical therapist
2 shall contact the patient's current physician, chiropractor,
3 dentist, or podiatrist, within seven days of initiating physical
4 therapy services, pursuant to this subsection, shall not change
5 an existing physical therapy referral available to the physical
6 therapist without approval of the patient's current physician,
7 chiropractor, dentist, or podiatrist, and shall refer to a person
8 licensed and registered as a physician and surgeon pursuant to
9 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
10 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
11 to chapter 330, RSMo, or any licensed and registered physician,
12 dentist, or podiatrist practicing in another jurisdiction, whose
13 license is in good standing, any patient whose medical condition
14 should, at the time of examination or treatment, be determined to
15 be beyond the scope of practice of physical therapy. A physical
16 therapist shall refer to a person licensed and registered as a
17 physician and surgeon pursuant to this chapter, as a chiropractor
18 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter
19 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, or
20 any licensed and registered physician, dentist, or podiatrist
21 practicing in another jurisdiction, whose license is in good
22 standing, any person whose condition, for which physical therapy
23 services are rendered pursuant to this subsection, has not been
24 documented to be progressing toward documented treatment goals
25 after six visits or fourteen days, whichever shall come first.
26 If the person's condition for which physical therapy services are
27 rendered under this subsection shall be documented to be
28 progressing toward documented treatment goals, a physical

1 therapist may continue treatment without referral from a
2 physician, chiropractor, dentist or podiatrist, whose license is
3 in good standing. If treatment rendered under this subsection is
4 to continue beyond thirty days, a physical therapist shall notify
5 the patient's current physician, chiropractor, dentist, or
6 podiatrist before continuing treatment beyond the thirty-day
7 limitation. A physical therapist shall also perform such
8 notification before continuing treatment rendered under this
9 subsection for each successive period of thirty days.] As used in
10 this section, "approved health care provider" means a person
11 holding a current and active license as a physician and surgeon
12 under this chapter, a chiropractor under chapter 331, RSMo, a
13 dentist under chapter 332, RSMo, a podiatrist under chapter 330,
14 RSMo, a physician assistant under this chapter, or any licensed
15 and registered physician, chiropractor, dentist, or podiatrist
16 practicing in another jurisdiction whose license is in good
17 standing.

18 2. A physical therapist shall not initiate treatment for a
19 new injury or illness without a prescription from an approved
20 health care provider.

21 3. A physical therapist may provide educational resources
22 and training, develop fitness or wellness programs for
23 asymptomatic persons, or provide screening or consultative
24 services within the scope of physical therapy practice without
25 the prescription and direction of an approved health care
26 provider.

27 4. A physical therapist may examine and treat without the
28 prescription and direction of an approved health care provider

1 any person with a recurring self-limited injury within one year
2 of diagnosis by an approved health care provider or a chronic
3 illness that has been previously diagnosed by an approved health
4 care provider. The physical therapist shall:

5 (1) Contact the patient's current approved health care
6 provider within seven days of initiating physical therapy
7 services under this subsection;

8 (2) Not change an existing physical therapy referral
9 available to the physical therapist without approval of the
10 patient's current approved health care provider;

11 (3) Refer to an approved health care provider any patient
12 whose medical condition at the time of examination or treatment
13 is determined to be beyond the scope of practice of physical
14 therapy;

15 (4) Refer to an approved health care provider any patient
16 whose condition for which physical therapy services are rendered
17 under this subsection has not been documented to be progressing
18 toward documented treatment goals after six visits or fourteen
19 days, whichever first occurs;

20 (5) Notify the patient's current approved health care
21 provider prior to the continuation of treatment if treatment
22 rendered under this subsection is to continue beyond thirty days.
23 The physical therapist shall provide such notification for each
24 successive period of thirty days.

25 **[3.] 5.** The provision of physical therapy services of
26 evaluation and screening pursuant to this section shall be
27 limited to a physical therapist, and any authority for evaluation
28 and screening granted within this section may not be delegated.

1 Upon each reinitiation of physical therapy services, a physical
2 therapist shall provide a full physical therapy evaluation prior
3 to the reinitiation of physical therapy treatment. Physical
4 therapy treatment provided pursuant to the provisions of
5 subsection [2] 4 of this section, may be delegated by physical
6 therapists to physical therapist assistants only if the patient's
7 current [physician, chiropractor, dentist, or podiatrist]
8 approved health care provider has been so informed as part of the
9 physical therapist's seven-day notification upon reinitiation of
10 physical therapy services as required in subsection [2] 4 of this
11 section. Nothing in this subsection shall be construed as to
12 limit the ability of physical therapists or physical therapist
13 assistants to provide physical therapy services in accordance
14 with the provisions of this chapter, and upon the referral of [a
15 physician and surgeon licensed pursuant to this chapter, a
16 chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to
17 chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo,
18 or any licensed and registered physician, dentist, or podiatrist
19 practicing in another jurisdiction, whose license is in good
20 standing] an approved health care provider. Nothing in this
21 subsection shall prohibit [a person licensed or registered as a
22 physician or surgeon licensed pursuant to this chapter, a
23 chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to
24 chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo,
25 or any licensed and registered physician, dentist, or podiatrist
26 practicing in another jurisdiction, whose license is in good
27 standing,] an approved health care provider from acting within
28 the scope of their practice as defined by the applicable chapters

1 of RSMo.

2 [4.] 6. No person licensed to practice, or applicant for
3 licensure, as a physical therapist or physical therapist
4 assistant shall make a medical diagnosis.

5 7. A physical therapist shall only delegate physical
6 therapy treatment to a physical therapist assistant or to a
7 person in an entry level of a professional education program
8 approved by the Commission for Accreditation of Physical
9 Therapists and Physical Therapist Assistant Education (CAPTE) who
10 satisfy supervised clinical education requirements related to the
11 person's physical therapist or physical therapist assistant
12 education. The entry level person shall be under onsite
13 supervision of a physical therapist.

14 334.525. 1. Notwithstanding any other provision of law to
15 the contrary, any person licensed as a physical therapist or
16 physical therapist assistant under this chapter may apply to the
17 state board of registration for the healing arts for an inactive
18 license status on a form furnished by the board. Upon receipt of
19 the completed inactive status application form and the board's
20 determination that the licensee meets the requirements
21 established by the board by rule, the board shall declare the
22 licensee inactive and shall place the licensee on an inactive
23 status list. A person whose license is inactive or who has
24 discontinued his or her practice because of retirement shall not
25 practice his or her profession within this state. Such person
26 may continue to use the title of his or her profession or the
27 initials of his or her profession after such person's name.

28 2. If a licensee is granted inactive status, the licensee

1 may return to active status by notifying the board in advance of
2 his or her intention, paying the appropriate fees, and meeting
3 all established requirements of the board as a condition of
4 reinstatement.

5 334.530. 1. A candidate for license to practice as a
6 physical therapist shall be at least twenty-one years of age. A
7 candidate shall furnish evidence of such person's good moral
8 character and the person's educational qualifications by
9 submitting satisfactory evidence of completion of a program of
10 physical therapy education approved as reputable by the board. A
11 candidate who presents satisfactory evidence of the person's
12 graduation from a school of physical therapy approved as
13 reputable by the American Medical Association or, if graduated
14 before 1936, by the American Physical Therapy Association, or if
15 graduated after 1988, the Commission on Accreditation for
16 Physical Therapy Education or its successor, is deemed to have
17 complied with the educational qualifications of this subsection.

18 2. Persons desiring to practice as physical therapists in
19 this state shall appear before the board at such time and place
20 as the board may direct and be examined as to their fitness to
21 engage in such practice. Applications for examination shall be
22 in writing, on a form furnished by the board and shall include
23 evidence satisfactory to the board that the applicant possesses
24 the qualifications set forth in subsection 1 of this section.
25 Each application shall contain a statement that it is made under
26 oath or affirmation and that its representations are true and
27 correct to the best knowledge and belief of the [person signing
28 the statement] applicant, subject to the penalties of making a

1 false affidavit or declaration.

2 3. [The board shall not issue a permanent license to
3 practice as a physical therapist or allow any person to sit for
4 the Missouri state board examination for physical therapists who
5 has failed three or more times any physical therapist licensing
6 examination administered in one or more states or territories of
7 the United States or the District of Columbia.

8 4. The board may waive the provisions of subsection 3 if
9 the applicant has met one of the following provisions:

10 (1) The applicant is licensed and has maintained an active
11 clinical practice for the previous three years in another state
12 of the United States, the District of Columbia or Canada and the
13 applicant has achieved a passing score on a licensing examination
14 administered in a state or territory of the United States, the
15 District of Columbia and no license issued to the applicant has
16 been disciplined or limited in any state or territory of the
17 United States, the District of Columbia or Canada;

18 (2) The applicant has failed the licensure examination
19 three times or more and then obtains a professional degree in
20 physical therapy at a level higher than previously completed, the
21 applicant can sit for the licensure examination three additional
22 times.

23 5.] The examination of qualified candidates for licenses to
24 practice physical therapy shall [include a written examination
25 and shall embrace the subjects taught in reputable programs of
26 physical therapy education, sufficiently strict to test the
27 qualifications of the candidates as practitioners] test entry-
28 level competence as related to physical therapy theory,

1 examination and evaluation, physical therapy diagnosis,
2 prognosis, treatment, intervention, prevention, and consultation.
3

4 [6.] 4. The examination shall embrace, in relation to the
5 human being, the subjects of anatomy, chemistry, kinesiology,
6 pathology, physics, physiology, psychology, physical therapy
7 theory and procedures as related to medicine, surgery and
8 psychiatry, and such other subjects, including medical ethics, as
9 the board deems useful to test the fitness of the candidate to
10 practice physical therapy.

11 5. The applicant shall pass a test administered by the
12 board on the laws and rules related to the practice of physical
13 therapy in Missouri.

14 334.540. 1. The board shall issue a license to any
15 physical therapist who [is licensed] possesses an active license
16 in another jurisdiction and who has had no violations,
17 suspensions or revocations of a license to practice physical
18 therapy in any jurisdiction, provided that, such person is
19 licensed in a jurisdiction whose requirements are substantially
20 equal to, or greater than, the requirements for licensure of
21 physical therapists in Missouri at the time the applicant applies
22 for licensure.

23 2. Every applicant for a license pursuant to this section,
24 upon making application and showing the necessary qualifications
25 as provided in subsection 1 of this section, shall be required to
26 pay the same fee as the fee required to be paid by applicants who
27 apply to take the examination before the board. Within the
28 limits provided in this section, the board may negotiate

1 reciprocal compacts with licensing boards of other states for the
2 admission of licensed practitioners from Missouri in other
3 states.

4 3. [Notwithstanding the provisions of subsections 1 and 2
5 of this section, the board shall not issue a license to any
6 applicant who has failed three or more times any physical
7 therapist licensing examination administered in one or more
8 states or territories of the United States or the District of
9 Columbia.

10 4. The board may waive the provisions of subsection 3 if
11 the applicant has met one of the following provisions:

12 (1) The applicant is licensed and has maintained an active
13 clinical practice for the previous three years in another state
14 of the United States, the District of Columbia or Canada and the
15 applicant has achieved a passing score on a licensing examination
16 administered in a state or territory of the United States, the
17 District of Columbia and no license issued to the applicant has
18 been disciplined or limited in any state or territory of the
19 United States, the District of Columbia or Canada;

20 (2) The applicant has failed the licensure examination
21 three times or more and then obtains a professional degree in
22 physical therapy at a level higher than previously completed, the
23 applicant can sit for the licensure examination three additional
24 times] The applicant shall pass a test administered by the board
25 on the laws and rules related to practice of physical therapy in
26 Missouri.

27 334.550. 1. An applicant who has not been previously
28 examined in this state or another jurisdiction and meets the

1 qualifications of subsection 1 of section 334.530, or an
2 applicant applying for reinstatement of an inactive license under
3 a supervised active practice, may pay a temporary license fee and
4 submit an agreement-to-supervise form, which is signed by the
5 applicant's supervising physical therapist, to the board and
6 obtain without examination a nonrenewable temporary license.
7 Such temporary licensee may only engage in the practice of
8 physical therapy under the supervision of a licensed physical
9 therapist. The supervising physical therapist shall hold an
10 unencumbered license to practice physical therapy in this state
11 and shall provide the board proof of active clinical practice in
12 this state for a minimum of one year prior to supervising a
13 temporary licensee. The supervising physical therapist shall not
14 be an immediate family member of the applicant. The board shall
15 define immediate family member and the scope of such supervision
16 by rules and regulations. The supervising physical therapist for
17 the first-time examinee applicant shall submit to the board a
18 signed notarized form prescribed by the board attesting that the
19 applicant for temporary license shall begin employment at a
20 location in this state within seven days of issuance of the
21 temporary license. The supervising physical therapist shall
22 notify the board within three days if the temporary licensee's
23 employment ceases. A licensed physical therapist shall not
24 supervise more than one temporary licensee.

25 2. The temporary license for the first-time examinee
26 applicant shall expire on [either] the date the applicant
27 receives the results of the applicant's initial examination, the
28 date the applicant withdraws from sitting for the examination,

1 the date the board is notified by the supervising physical
2 therapist that the temporary licensee's employment has ceased, or
3 within ninety days of its issuance, whichever occurs first.

4 3. The temporary license for the reinstatement applicant
5 under the supervised active practice shall expire effective one
6 year from the date of issuance.

7 334.560. The board shall charge each person who applies for
8 examination for a license to practice as a physical therapist an
9 examination fee. Should the examination prove unsatisfactory and
10 the board refuse to issue a license thereon, the applicant
11 failing to pass the examination may reapply [and return to any
12 meeting] and be examined upon payment of a reexamination fee[;
13 but no temporary license may be issued to such persons].

14 334.570. 1. Every person licensed under sections 334.500
15 to 334.620 shall, on or before the registration renewal date,
16 apply to the board for a certificate of registration for the
17 ensuing licensing period. The application shall be made under
18 oath on a form furnished to the applicant [and shall state] by
19 the board. The application shall include, but not be limited to,
20 disclosure of the following:

21 _____ (1) The applicant's full name [and the address at which the
22 person practices and the address at which the person resides and
23 the date and number of such person's license];

24 _____ (2) The applicant's office address or addresses and
25 telephone number or numbers;

26 _____ (3) The applicant's home address and telephone number;

27 _____ (4) The date and number of the applicant's license;

28 _____ (5) All final disciplinary actions taken against the

1 applicant by any professional association or society, licensed
2 hospital or medical staff of a hospital, physical therapy
3 facility, state, territory, federal agency or county; and

4 (6) Information concerning the applicant's current physical
5 and mental fitness to practice his or her profession.

6
7 The applicant may be required to successfully complete a test
8 administered by the board on the laws and rules related to the
9 practice of physical therapy. The test process, dates, and
10 passing scores shall be established by the board by rule.

11 2. A [blank form] notice for application for registration
12 shall be [mailed] made available to each person licensed in this
13 state [at the person's last known address of practice or
14 residence]. The failure to [mail the form of application or the
15 failure to receive it] receive the notice does not, however,
16 relieve any person of the duty to register and pay the fee
17 required by sections 334.500 to 334.620 nor exempt such person
18 from the penalties provided by sections 334.500 to 334.620 for
19 failure to register.

20 3. If a physical therapist does not renew such license for
21 two consecutive renewal periods, such license shall be deemed
22 void.

23 4. Each applicant for registration shall accompany the
24 application for registration with a registration fee to be paid
25 to the director of revenue for the licensing period for which
26 registration is sought.

27 5. If the application is filed and the fee paid after the
28 registration renewal date, a delinquent fee shall be paid; except

1 that, whenever in the opinion of the board the applicant's
2 failure to register is caused by extenuating circumstances
3 including illness of the applicant, as defined by rule, the
4 delinquent fee may be waived by the board.

5 6. Upon application and submission by such person of
6 evidence satisfactory to the board that such person is licensed
7 to practice in this state and upon the payment of fees required
8 to be paid by this chapter, the board shall issue to such person
9 a certificate of registration. The certificate of registration
10 shall contain the name of the person to whom it is issued and his
11 or her office address, the expiration date, and the number of the
12 license to practice.

13 7. Upon receiving such certificate, every person shall
14 cause the certificate to be readily available or conspicuously
15 displayed at all times in every practice location maintained by
16 such person in the state. If the licensee maintains more than
17 one practice location in this state, the board shall, without
18 additional fee, issue to such licensee duplicate certificates of
19 registration for each practice location so maintained. If any
20 licensee changes practice locations during the period for which
21 any certificate of registration has been issued, the licensee
22 shall, within fifteen days thereafter, notify the board of such
23 change and the board shall issue to the licensee, without
24 additional fee, a new registration certificate showing the new
25 location.

26 8. Whenever any new license is granted to any physical
27 therapist or physical therapist assistant under the provisions of
28 this chapter, the board shall, upon application therefore, issue

1 to such physical therapist or physical therapist assistant a
2 certificate of registration covering a period from the date of
3 the issuance of the license to the next renewal date without the
4 payment of any registration fee.

5 334.601. The board shall set the amount of the fees which
6 this chapter authorizes and requires by rule. The fees shall be
7 set at a level to produce revenue which shall not substantially
8 exceed the cost and expense of administering this chapter.

9 334.602. 1. Physical therapists and physical therapist
10 assistants shall provide documentation in order that an adequate
11 and complete patient record can be maintained. All patient
12 records shall be legible and available for review and shall
13 include at a minimum documentation of the following information:

14 (1) Identification of the patient, including name,
15 birthdate, address, and telephone number;

16 (2) The date or dates the patient was seen;

17 (3) The current status of the patient, including the reason
18 for the visit;

19 (4) Observation of pertinent physical findings;

20 (5) Assessment and clinical impression of physical therapy
21 diagnosis;

22 (6) Plan of care and treatment;

23 (7) Documentation of progress toward goals;

24 (8) Informed consent;

25 (9) Discharge summary.

26 2. Patient records remaining under the care, custody, and
27 control of the licensee shall be maintained by the licensee of
28 the board, or the licensee's designee, for a minimum of seven

1 years from the date of when the last professional service was
2 provided.

3 3. Any correction, addition, or change in any patient
4 record shall be clearly marked and identified as such, and the
5 date, time, and name of the person making the correction,
6 addition, or change shall be included, as well as the reason for
7 the correction, addition, or change.

8 4. The board shall not obtain a patient medical record
9 without written authorization from the patient to obtain the
10 medical record or the issuance of a subpoena for the patient
11 medical record.

12 334.610. Any person who holds himself or herself out to be
13 a physical therapist or a licensed physical therapist within this
14 state or any person who advertises as a physical therapist or
15 claims that the person can render physical therapy services and
16 who, in fact, does not hold a valid physical therapist license is
17 guilty of a class B misdemeanor and, upon conviction, shall be
18 punished as provided by law. Any person who, in any manner,
19 represents himself or herself as a physical therapist, or who
20 uses in connection with such person's name the words or letters
21 "physical therapist", "physiotherapist", "registered physical
22 therapist", "doctor of physical therapy", "P.T.", "Ph.T.",
23 "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters,
24 words, abbreviations or insignia, indicating or implying that the
25 person is a physical therapist without a valid existing license
26 as a physical therapist issued to such person pursuant to the
27 provisions of sections 334.500 to 334.620, is guilty of a class B
28 misdemeanor. Nothing in sections 334.500 to 334.620 shall

1 prohibit any person licensed in this state under chapter 331,
2 RSMo, from carrying out the practice for which the person is duly
3 licensed, or from advertising the use of physiologic and
4 rehabilitative modalities; nor shall it prohibit any person
5 licensed or registered in this state under section 334.735 or any
6 other law from carrying out the practice for which the person is
7 duly licensed or registered; nor shall it prevent professional
8 and semiprofessional teams, schools, YMCA clubs, athletic clubs
9 and similar organizations from furnishing treatment to their
10 players and members. This section, also, shall not be construed
11 so as to prohibit masseurs and masseuses from engaging in their
12 practice not otherwise prohibited by law and provided they do not
13 represent themselves as physical therapists. This section shall
14 not apply to physicians and surgeons licensed under this chapter
15 or to a person in an entry level of a professional education
16 program approved by the commission for accreditation of physical
17 therapists and physical therapist assistant education (CAPTE) who
18 is satisfying supervised clinical education requirements related
19 to the person's physical therapist or physical therapist
20 assistant education while under on-site supervision of a physical
21 therapist; or to a physical therapist who is practicing in the
22 United States Armed Services, United States Public Health
23 Service, or Veterans Administration under federal regulations for
24 state licensure for health care providers.

25 334.611. Notwithstanding any other provision of law to the
26 contrary, any qualified physical therapist who is legally
27 authorized to practice under the laws of another state may
28 practice as a physical therapist in this state without

1 examination by the board or payment of any fee if such practice
2 consists solely of the provision of gratuitous services provided
3 for a summer camp or teaching or participating in a continuing
4 educational seminar for a period not to exceed fourteen days in
5 any one calendar year. Nothing in sections 334.500 to 334.625
6 shall be construed to prohibit isolated or occasional gratuitous
7 service to and treatment of the afflicted or to prohibit physical
8 therapists from other nations, states, or territories from
9 performing their duties for their respective teams or
10 organizations during the course of their teams' or organizations'
11 stay in this state.

12 334.612. 1. If the board finds merit to a complaint by an
13 individual incarcerated or under the care and control of the
14 department of corrections and takes further investigative action,
15 no documentation shall appear on file or disciplinary action
16 shall be taken in regards to the licensee's license unless the
17 provisions of subsection 2 of section 334.613 have been violated.
18 Any case file documentation that does not result in the board
19 filing an action under subsection 2 of section 334.613 shall be
20 destroyed within three months after the final case disposition by
21 the board. No notification to any other licensing board in
22 another state or any national registry regarding any
23 investigative action shall be made unless the provisions of
24 subsection 2 of section 334.613 have been violated.

25 2. Upon written request of the physical therapist or
26 physical therapist assistant subject to a complaint prior to
27 August 28, 1999, by an individual incarcerated or under the care
28 and control of the department of corrections that did not result

1 in the board filing an action described in subsection 2 of
2 section 334.613, the board and the division of professional
3 registration shall in a timely fashion:

4 (1) Destroy all documentation regarding the complaint;

5 (2) If previously notified of the complaint, notify any
6 other licensing board in another state or any national registry
7 regarding the board's actions; and

8 (3) Send a letter to the licensee that clearly states that
9 the board found the complaint to be unsubstantiated, that the
10 board has taken the requested action, and notify the licensee of
11 the provisions of subsection 3 of this section.

12 3. Any person who has been the subject of an
13 unsubstantiated complaint as provided in subsection 1 or 2 of
14 this section shall not be required to disclose the existence of
15 such complaint in subsequent applications or representations
16 relating to their practice.

17 334.613. 1. The board may refuse to issue or renew a
18 license to practice as a physical therapist or physical therapist
19 assistant for one or any combination of causes stated in
20 subsection 2 of this section. The board shall notify the
21 applicant in writing of the reasons for the refusal and shall
22 advise the applicant of the applicant's right to file a complaint
23 with the administrative hearing commission as provided by chapter
24 621, RSMo. As an alternative to a refusal to issue or renew a
25 license to practice as a physical therapist or physical therapist
26 assistant, the board may, at its discretion, issue a license
27 which is subject to probation, restriction, or limitation to an
28 applicant for licensure for any one or any combination of causes

1 stated in subsection 2 of this section. The board's order of
2 probation, limitation, or restriction shall contain a statement
3 of the discipline imposed, the basis therefor, the date such
4 action shall become effective, and a statement that the applicant
5 has thirty days to request in writing a hearing before the
6 administrative hearing commission. If the board issues a
7 probationary, limited, or restricted license to an applicant for
8 licensure, either party may file a written petition with the
9 administrative hearing commission within thirty days of the
10 effective date of the probationary, limited, or restricted
11 license seeking review of the board's determination. If no
12 written request for a hearing is received by the administrative
13 hearing commission within the thirty-day period, the right to
14 seek review of the board's decision shall be considered as
15 waived.

16 2. The board may cause a complaint to be filed with the
17 administrative hearing commission as provided by chapter 621,
18 RSMo, against any holder of a license to practice as a physical
19 therapist or physical therapist assistant who has failed to renew
20 or has surrendered his or her license for any one or any
21 combination of the following causes:

22 (1) Use of any controlled substance, as defined in chapter
23 195, RSMo, or alcoholic beverage to an extent that such use
24 impairs a person's ability to perform the work of a physical
25 therapist or physical therapist assistant;

26 (2) The person has been finally adjudicated and found
27 guilty, or entered a plea of guilty or nolo contendere, in a
28 criminal prosecution under the laws of any state or of the United

1 States, for any offense reasonably related to the qualifications,
2 functions, or duties of a physical therapist or physical
3 therapist assistant, for any offense an essential element of
4 which is fraud, dishonesty, or an act of violence, or for any
5 offense involving moral turpitude, whether or not sentence is
6 imposed;

7 (3) Use of fraud, deception, misrepresentation, or bribery
8 in securing any certificate of registration or authority, permit,
9 or license issued under this chapter or in obtaining permission
10 to take any examination given or required under this chapter;

11 (4) Misconduct, fraud, misrepresentation, dishonesty,
12 unethical conduct, or unprofessional conduct in the performance
13 of the functions or duties of a physical therapist or physical
14 therapist assistant, including but not limited to the following:

15 (a) Obtaining or attempting to obtain any fee, charge,
16 tuition, or other compensation by fraud, deception, or
17 misrepresentation; willfully and continually overcharging or
18 overtreating patients; or charging for sessions of physical
19 therapy which did not occur unless the services were contracted
20 for in advance, or for services which were not rendered or
21 documented in the patient's records;

22 (b) Attempting, directly or indirectly, by way of
23 intimidation, coercion, or deception, to obtain or retain a
24 patient or discourage the use of a second opinion or
25 consultation;

26 (c) Willfully and continually performing inappropriate or
27 unnecessary treatment or services;

28 (d) Delegating professional responsibilities to a person

1 who is not qualified by training, skill, competency, age,
2 experience, or licensure to perform such responsibilities;

3 (e) Misrepresenting that any disease, ailment, or infirmity
4 can be cured by a method, procedure, treatment, medicine, or
5 device;

6 (f) Performing services which have been declared by board
7 rule to be of no physical therapy value;

8 (g) Final disciplinary action by any professional
9 association, professional society, licensed hospital or medical
10 staff of the hospital, or physical therapy facility in this or
11 any other state or territory, whether agreed to voluntarily or
12 not, and including but not limited to any removal, suspension,
13 limitation, or restriction of the person's professional
14 employment, malpractice, or any other violation of any provision
15 of this chapter;

16 (h) Administering treatment without sufficient examination,
17 or for other than medically accepted therapeutic or experimental
18 or investigative purposes duly authorized by a state or federal
19 agency, or not in the course of professional physical therapy
20 practice;

21 (i) Engaging in or soliciting sexual relationships, whether
22 consensual or nonconsensual, while a physical therapist or
23 physical therapist assistant/patient relationship exists; making
24 sexual advances, requesting sexual favors, or engaging in other
25 verbal conduct or physical contact of a sexual nature with
26 patients or clients;

27 (j) Terminating the care of a patient without adequate
28 notice or without making other arrangements for the continued

1 care of the patient;

2 (k) Failing to furnish details of a patient's physical
3 therapy records to treating physicians, other physical
4 therapists, or hospitals upon proper request; or failing to
5 comply with any other law relating to physical therapy records;

6 (l) Failure of any applicant or licensee, other than the
7 licensee subject to the investigation, to cooperate with the
8 board during any investigation;

9 (m) Failure to comply with any subpoena or subpoena duces
10 tecum from the board or an order of the board;

11 (n) Failure to timely pay license renewal fees specified in
12 this chapter;

13 (o) Violating a probation agreement with this board or any
14 other licensing agency;

15 (p) Failing to inform the board of the physical therapist's
16 or physical therapist assistant's current telephone number,
17 residence, and business address;

18 (q) Advertising by an applicant or licensee which is false
19 or misleading, or which violates any rule of the board, or which
20 claims without substantiation the positive cure of any disease,
21 or professional superiority to or greater skill than that
22 possessed by any other physical therapist or physical therapist
23 assistant. An applicant or licensee shall also be in violation
24 of this provision if the applicant or licensee has a financial
25 interest in any organization, corporation, or association which
26 issues or conducts such advertising;

27 (5) Any conduct or practice which is or might be harmful or
28 dangerous to the mental or physical health of a patient or the

1 public; or incompetency, gross negligence, or repeated negligence
2 in the performance of the functions or duties of a physical
3 therapist or physical therapist assistant. For the purposes of
4 this subdivision, "repeated negligence" means the failure, on
5 more than one occasion, to use that degree of skill and learning
6 ordinarily used under the same or similar circumstances by the
7 member of the applicant's or licensee's profession;

8 (6) Violation of, or attempting to violate, directly or
9 indirectly, or assisting or enabling any person to violate, any
10 provision of this chapter, or of any lawful rule adopted under
11 this chapter;

12 (7) Impersonation of any person licensed as a physical
13 therapist or physical therapist assistant or allowing any person
14 to use his or her license or diploma from any school;

15 (8) Revocation, suspension, restriction, modification,
16 limitation, reprimand, warning, censure, probation, or other
17 final disciplinary action against a physical therapist or
18 physical therapist assistant for a license or other right to
19 practice as a physical therapist or physical therapist assistant
20 by another state, territory, federal agency or country, whether
21 or not voluntarily agreed to by the licensee or applicant,
22 including but not limited to the denial of licensure, surrender
23 of the license, allowing the license to expire or lapse, or
24 discontinuing or limiting the practice of physical therapy while
25 subject to an investigation or while actually under investigation
26 by any licensing authority, medical facility, branch of the armed
27 forces of the United States of America, insurance company, court,
28 agency of the state or federal government, or employer;

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

3 (10) Assisting or enabling any person to practice or offer
4 to practice who is not licensed and currently eligible to
5 practice under this chapter; or knowingly performing any act
6 which in any way aids, assists, procures, advises, or encourages
7 any person to practice physical therapy who is not licensed and
8 currently eligible to practice under this chapter;

9 (11) Issuance of a license to practice as a physical
10 therapist or physical therapist assistant based upon a material
11 mistake of fact;

12 (12) Failure to display a valid license pursuant to
13 practice as a physical therapist or physical therapist assistant;

14 (13) Knowingly making, or causing to be made, or aiding, or
15 abetting in the making of, a false statement in any document
16 executed in connection with the practice of physical therapy;

17 (14) Soliciting patronage in person or by agents or
18 representatives, or by any other means or manner, under the
19 person's own name or under the name of another person or concern,
20 actual or pretended, in such a manner as to confuse, deceive, or
21 mislead the public as to the need or necessity for or
22 appropriateness of physical therapy services for all patients, or
23 the qualifications of an individual person or persons to render,
24 or perform physical therapy services;

25 (15) Using, or permitting the use of, the person's name
26 under the designation of "physical therapist", "physiotherapist",
27 "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.",
28 "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant",

1 "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with
2 reference to the commercial exploitation of any goods, wares or
3 merchandise;

4 (16) Knowingly making or causing to be made a false
5 statement or misrepresentation of a material fact, with intent to
6 defraud, for payment under chapter 208, RSMo, or chapter 630,
7 RSMo, or for payment from Title XVIII or Title XIX of the federal
8 Medicare program;

9 (17) Failure or refusal to properly guard against
10 contagious, infectious, or communicable diseases or the spread
11 thereof; maintaining an unsanitary facility or performing
12 professional services under unsanitary conditions; or failure to
13 report the existence of an unsanitary condition in any physical
14 therapy facility to the board, in writing, within thirty days
15 after the discovery thereof;

16 (18) Any candidate for licensure or person licensed to
17 practice as a physical therapist or physical therapist assistant,
18 paying or offering to pay a referral fee or, notwithstanding
19 section 334.010 to the contrary, practicing or offering to
20 practice professional physical therapy independent of the
21 prescription and direction of a person licensed and registered as
22 a physician and surgeon under this chapter, as a physician
23 assistant under this chapter, as a chiropractor under chapter
24 331, RSMo, as a dentist under chapter 332, RSMo, as a podiatrist
25 under chapter 330, RSMo, or any licensed and registered
26 physician, chiropractor, dentist, or podiatrist practicing in
27 another jurisdiction, whose license is in good standing;

28 (19) Any candidate for licensure or person licensed to

practice as a physical therapist or physical therapist assistant,
treating or attempting to treat ailments or other health
conditions of human beings other than by professional physical
therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any
controlled substance unless it is prescribed, dispensed, or
administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under
334.602;

(22) Attempting to engage in conduct that subverts or
undermines the integrity of the licensing examination or the
licensing examination process, including but not limited to
utilizing in any manner recalled or memorized licensing
examination questions from or with any person or entity, failing
to comply with all test center security procedures, communicating
or attempting to communicate with any other examinees during the
test, or copying or sharing licensing examination questions or
portions of questions;

(23) Any candidate for licensure or person licensed to
practice as a physical therapist or physical therapist assistant
who requests, receives, participates or engages directly or
indirectly in the division, transferring, assigning, rebating or
refunding of fees received for professional services or profits
by means of a credit or other valuable consideration such as
wages, an unearned commission, discount or gratuity with any
person who referred a patient, or with any relative or business
associate of the referring person;

(24) Being unable to practice as a physical therapist or

physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

1 (d) Written notice of the reexamination or the physical or
2 mental examination shall be sent to the physical therapist or
3 physical therapist assistant, by registered mail, addressed to
4 the physical therapist or physical therapist assistant at the
5 physical therapist's or physical therapist assistant's last known
6 address. Failure of a physical therapist or physical therapist
7 assistant to submit to the examination when directed shall
8 constitute an admission of the allegations against the physical
9 therapist or physical therapist assistant, in which case the
10 board may enter a final order without the presentation of
11 evidence, unless the failure was due to circumstances beyond the
12 physical therapist's or physical therapist assistant's control.
13 A physical therapist or physical therapist assistant whose right
14 to practice has been affected under this subdivision shall, at
15 reasonable intervals, be afforded an opportunity to demonstrate
16 that the physical therapist or physical therapist assistant can
17 resume the competent practice as a physical therapist or physical
18 therapist assistant with reasonable skill and safety to patients;
19 (e) In any proceeding under this subdivision neither the
20 record of proceedings nor the orders entered by the board shall
21 be used against a physical therapist or physical therapist
22 assistant in any other proceeding. Proceedings under this
23 subdivision shall be conducted by the board without the filing of
24 a complaint with the administrative hearing commission;
25 (f) When the board finds any person unqualified because of
26 any of the grounds set forth in this subdivision, it may enter an
27 order imposing one or more of the disciplinary measures set forth
28 in subsection 3 of this section.

1 3. After the filing of such complaint before the
2 administrative hearing commission, the proceedings shall be
3 conducted in accordance with the provisions of chapter 621, RSMo.
4 Upon a finding by the administrative hearing commission that the
5 grounds provided in subsection 2 of this section for disciplinary
6 action are met, the board may, singly or in combination:

7 (1) Warn, censure or place the physical therapist or
8 physical therapist assistant named in the complaint on probation
9 on such terms and conditions as the board deems appropriate for a
10 period not to exceed ten years;

11 (2) Suspend the physical therapist's or physical therapist
12 assistant's license for a period not to exceed three years;

13 (3) Restrict or limit the physical therapist's or physical
14 therapist assistant's license for an indefinite period of time;

15 (4) Revoke the physical therapist's or physical therapist
16 assistant's license;

17 (5) Administer a public or private reprimand;

18 (6) Deny the physical therapist's or physical therapist
19 assistant's application for a license;

20 (7) Permanently withhold issuance of a license;

21 (8) Require the physical therapist or physical therapist
22 assistant to submit to the care, counseling or treatment of
23 physicians designated by the board at the expense of the physical
24 therapist or physical therapist assistant to be examined;

25 (9) Require the physical therapist or physical therapist
26 assistant to attend such continuing educational courses and pass
27 such examinations as the board may direct.

28 4. In any order of revocation, the board may provide that

1 the physical therapist or physical therapist assistant shall not
2 apply for reinstatement of the physical therapist's or physical
3 therapist assistant's license for a period of time ranging from
4 two to seven years following the date of the order of revocation.
5 All stay orders shall toll this time period.

6 5. Before restoring to good standing a license issued under
7 this chapter which has been in a revoked, suspended, or inactive
8 state for any cause for more than two years, the board may
9 require the applicant to attend such continuing medical education
10 courses and pass such examinations as the board may direct.

11 6. In any investigation, hearing or other proceeding to
12 determine a physical therapist's, physical therapist assistant's
13 or applicant's fitness to practice, any record relating to any
14 patient of the physical therapist, physical therapist assistant,
15 or applicant shall be discoverable by the board and admissible
16 into evidence, regardless of any statutory or common law
17 privilege which such physical therapist, physical therapist
18 assistant, applicant, record custodian, or patient might
19 otherwise invoke. In addition, no such physical therapist,
20 physical therapist assistant, applicant, or record custodian may
21 withhold records or testimony bearing upon a physical
22 therapist's, physical therapist assistant's, or applicant's
23 fitness to practice on the ground of privilege between such
24 physical therapist, physical therapist assistant, applicant, or
25 record custodian and a patient.

26 334.614. 1. Notwithstanding any other provisions of
27 section 620.010, RSMo, to the contrary, the board shall at least
28 quarterly publish a list of the names and addresses of all

1 physical therapists and physical therapist assistants who hold
2 licenses under the provisions of this chapter, and shall publish
3 a list of all physical therapists and physical therapist
4 assistants whose licenses have been suspended, revoked,
5 surrendered, restricted, denied, or withheld.

6 2. Notwithstanding any other provisions of section 620.010,
7 RSMo, to the contrary, in addition, the board shall prepare and
8 make available to the public a report upon the disciplinary
9 matters submitted to them where the board recommends disciplinary
10 action, except in those instances when physical therapists and
11 physical therapist assistants possessing licenses voluntarily
12 enter treatment and monitoring programs for purposes of
13 rehabilitation and, in such instances, only such specific action
14 shall not be reported with any other actions taken prior to, as
15 part of, or following voluntary entrance into such treatment
16 programs. The report shall set forth findings of fact and any
17 final disciplinary actions of the board. If the board does not
18 recommend disciplinary action, a report stating that no action is
19 recommended shall be prepared and forwarded to the complaining
20 party.

21 334.615. 1. Upon receipt of information that the holder of
22 any license as a physical therapist or physical therapist
23 assistant issued under this chapter may present a clear and
24 present danger to the public health and safety, the executive
25 director shall direct that the information be brought to the
26 board in the form of sworn testimony or affidavits during a
27 meeting of the board.

28 2. The board may issue an order suspending or restricting

1 the holder of a license as a physical therapist or physical
2 therapist assistant if it believes:

3 (1) The licensee's acts, conduct, or condition may have
4 violated subsection 2 of section 334.613; and

5 (2) A licensee is practicing, attempting, or intending to
6 practice in Missouri; and

7 (3) (a) A licensee is unable by reason of any physical or
8 mental condition to receive and evaluate information or to
9 communicate decisions to the extent that the licensee's condition
10 or actions significantly affect the licensee's ability to
11 practice; or

12 (b) Another state, territory, federal agency, or country
13 has issued an order suspending or restricting the physical
14 therapist's or physical therapist assistant's right to practice
15 his or her profession; or

16 (c) The licensee has engaged in repeated acts of life-
17 threatening negligence as defined in subsection 2 of section
18 334.613; and

19 (4) The acts, conduct, or condition of the licensee
20 constitute a clear and present danger to the public health and
21 safety.

22 3. (1) The order of suspension or restriction:

23 (a) Shall be based on the sworn testimony or affidavits
24 presented to the board;

25 (b) May be issued without notice and hearing to the
26 licensee;

27 (c) Shall include the facts which lead the board to
28 conclude that the acts, conduct, or condition of the licensee

1 constitute a clear and present danger to the public health and
2 safety.

3 (2) The board or the administrative hearing commission
4 shall serve the licensee, in person or by certified mail, with a
5 copy of the order of suspension or restriction and all sworn
6 testimony or affidavits presented to the board, a copy of the
7 complaint and the request for expedited hearing, and a notice of
8 the place of and the date upon which the preliminary hearing will
9 be held.

10 (3) The order of restriction shall be effective upon
11 service of the documents required in subdivision (2) of this
12 subsection.

13 (4) The order of suspension shall become effective upon the
14 entry of the preliminary order of the administrative hearing
15 commission.

16 (5) The licensee may seek a stay order from the circuit
17 court of Cole County from the preliminary order of suspension,
18 pending the issuance of a final order by the administrative
19 hearing commission.

20 4. The board shall file a complaint in the administrative
21 hearing commission with a request for expedited preliminary
22 hearing and shall certify the order of suspension or restriction
23 and all sworn testimony or affidavits presented to the board.
24 Immediately upon receipt of a complaint filed under this section,
25 the administrative hearing commission shall set the place and
26 date of the expedited preliminary hearing which shall be
27 conducted as soon as possible, but not later than five days after
28 the date of service upon the licensee. The administrative

1 hearing commission shall grant a licensee's request for a
2 continuance of the preliminary hearing; however, the board's
3 order shall remain in full force and effect until the preliminary
4 hearing, which shall be held not later than forty-five days after
5 service of the documents required in subdivision (2) of
6 subsection 3 of this section.

7 5. At the preliminary hearing, the administrative hearing
8 commission shall receive into evidence all information certified
9 by the board and shall only hear evidence on the issue of whether
10 the board's order of suspension or restriction should be
11 terminated or modified. Within one hour after the preliminary
12 hearing, the administrative hearing commission shall issue its
13 oral or written preliminary order, with or without findings of
14 fact and conclusions of law, that adopts, terminates, or modifies
15 the board's order. The administrative hearing commission shall
16 reduce to writing any oral preliminary order within five business
17 days, but the effective date of the order shall be the date
18 orally issued.

19 6. The preliminary order of the administrative hearing
20 commission shall become a final order and shall remain in effect
21 for three years unless either party files a request for a full
22 hearing on the merits of the complaint filed by the board within
23 thirty days from the date of the issuance of the preliminary
24 order of the administrative hearing commission.

25 7. Upon receipt of a request for full hearing, the
26 administrative hearing commission shall set a date for hearing
27 and notify the parties in writing of the time and place of the
28 hearing. If a request for full hearing is timely filed, the

1 preliminary order of the administrative hearing commission shall
2 remain in effect until the administrative hearing commission
3 enters an order terminating, modifying, or dismissing its
4 preliminary order or until the board issues an order of
5 discipline following its consideration of the decision of the
6 administrative hearing commission under section 621.110, RSMo,
7 and subsection 3 of section 334.100.

8 8. In cases where the board initiates summary suspension or
9 restriction proceedings against a physical therapist or physical
10 therapist assistant licensed under this chapter, and such
11 petition is subsequently denied by the administrative hearing
12 commission, in addition to any award made under sections 536.085
13 and 536.087, RSMo, the board, but not individual members of the
14 board, shall pay actual damages incurred during any period of
15 suspension or restriction.

16 9. Notwithstanding the provisions of this chapter or
17 chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the
18 proceedings under this section shall be closed and no order shall
19 be made public until it is final, for purposes of appeal.

20 10. The burden of proving the elements listed in subsection
21 2 of this section shall be upon the state board of registration
22 for the healing arts.

23 334.616. 1. A license issued under this chapter by the
24 Missouri state board of registration for the healing arts shall
25 be automatically revoked at such time as the final trial
26 proceedings are concluded whereby a licensee has been adjudicated
27 and found guilty, or has entered a plea of guilty or nolo
28 contendere, in a felony criminal prosecution under the laws of

1 the state of Missouri, the laws of any other state, or the laws
2 of the United States of America for any offense reasonably
3 related to the qualifications, functions or duties of their
4 profession, or for any felony offense, an essential element of
5 which is fraud, dishonesty or an act of violence, or for any
6 felony offense involving moral turpitude, whether or not sentence
7 is imposed, or, upon the final and unconditional revocation of
8 the license to practice their profession in another state or
9 territory upon grounds for which revocation is authorized in this
10 state following a review of the record of the proceedings and
11 upon a formal motion of the state board of registration for the
12 healing arts. The license of any such licensee shall be
13 automatically reinstated if the conviction or the revocation is
14 ultimately set aside upon final appeal in any court of competent
15 jurisdiction.

16 2. Anyone who has been denied a license, permit, or
17 certificate to practice in another state shall automatically be
18 denied a license to practice in this state. However, the board
19 of healing arts may set up other qualifications by which such
20 person may ultimately be qualified and licensed to practice in
21 Missouri.

22 334.617. 1. Upon application by the board and the
23 necessary burden having been met, a court of general jurisdiction
24 may grant an injunction, restraining order, or other order as may
25 be appropriate to enjoin a person from:

26 (1) Offering to engage or engaging in the performance of
27 any acts or practices for which a license is required by chapters
28 334.500 to 334.687 upon a showing that such acts or practices

1 were performed or offered to be performed without a license; or

2 (2) Engaging in any practice or business authorized by a
3 license issued under chapters 334.500 to 334.687 upon a showing
4 that the holder presents a substantial probability of serious
5 danger to the health, safety, or welfare of any resident of the
6 state or client or patient of the licensee.

7 2. Any such action shall be commenced in the county in
8 which such conduct occurred or in the county in which the
9 defendant resides or Cole County.

10 3. Any action brought under this section shall be in
11 addition to and not in lieu of any penalty provided by chapters
12 334.500 to 334.687 and may be brought concurrently with other
13 actions to enforce chapters 334.500 to 334.687.

14 334.618. Upon receiving information that any provision of
15 sections 334.500 to 334.687 has been or is being violated, the
16 executive director of the board or other person designated by the
17 board shall investigate, and upon probable cause appearing, the
18 executive director shall, under the direction of the board, file
19 a complaint with the administrative hearing commission or
20 appropriate official or court. All such complaints shall be
21 handled as provided by rule promulgated under subdivision (6) of
22 subsection 16 of section 620.010, RSMo.

23 334.650. 1. After January 1, 1997, no person shall hold
24 himself or herself out as being a physical therapist assistant in
25 this state unless the person is licensed as provided in sections
26 334.650 to 334.685.

27 2. A licensed physical therapist shall direct and supervise
28 a physical therapist assistant [at all times. The licensed

1 physical therapist shall have the responsibility of supervising
2 the physical therapy treatment program]. The physical therapist
3 shall retain ultimate authority and responsibility for the
4 physical therapy treatment. The licensed physical therapist
5 shall have the responsibility of supervising the physical therapy
6 treatment program. No physical therapist may establish a
7 treating office in which the physical therapist assistant is the
8 primary care provider. No licensed physical therapist shall have
9 under their direct supervision more than four full-time
10 equivalent physical therapist assistants.

11 334.655. 1. A candidate for licensure to practice as a
12 physical therapist assistant shall be at least nineteen years of
13 age. A candidate shall furnish evidence of the person's good
14 moral character and of the person's educational qualifications.
15 The educational requirements for licensure as a physical
16 therapist assistant are:

17 (1) A certificate of graduation from an accredited high
18 school or its equivalent; and

19 (2) Satisfactory evidence of completion of an associate
20 degree program of physical therapy education accredited by the
21 commission on accreditation of physical therapy education.

22 2. Persons desiring to practice as a physical therapist
23 assistant in this state shall appear before the board at such
24 time and place as the board may direct and be examined as to the
25 person's fitness to engage in such practice. Applications for
26 examination shall be [in writing,] on a form furnished by the
27 board and shall include evidence satisfactory to the board that
28 the applicant possesses the qualifications provided in subsection

1 1 of this section. Each application shall contain a statement
2 that the statement is made under oath of affirmation and that its
3 representations are true and correct to the best knowledge and
4 belief of the person signing the statement, subject to the
5 penalties of making a false affidavit or declaration.

6 3. The examination of qualified candidates for licensure to
7 practice as physical therapist assistants shall embrace [a
8 written] an examination [and] which shall cover the curriculum
9 taught in accredited associate degree programs of physical
10 therapy assistant education. Such examination shall be
11 sufficient to test the qualification of the candidates as
12 practitioners.

13 4. [The board shall not issue a license to practice as a
14 physical therapist assistant or allow any person to sit for the
15 Missouri state board examination for physical therapist
16 assistants who has failed three or more times any physical
17 therapist licensing examination administered in one or more
18 states or territories of the United States or the District of
19 Columbia.

20 5. The board may waive the provisions of subsection 4 if
21 the applicant has met one of the following provisions: the
22 applicant is licensed and has maintained an active clinical
23 practice for the previous three years in another state of the
24 United States, the District of Columbia or Canada and the
25 applicant has achieved a passing score on a licensing examination
26 administered in a state or territory of the United States, the
27 District of Columbia and no license issued to the applicant has
28 been disciplined or limited in any state or territory of the

1 United States, the District of Columbia or Canada.

2 6.] The examination shall include, as related to the human
3 body, the subjects of anatomy, kinesiology, pathology,
4 physiology, psychology, physical therapy theory and procedures as
5 related to medicine and such other subjects, including medical
6 ethics, as the board deems useful to test the fitness of the
7 candidate to practice as a physical therapist assistant.

8 5. The applicant shall pass a test administered by the
9 board on the laws and rules related to the practice as a physical
10 therapist assistant in this state.

11 [7.] 6. The board shall license without examination any
12 legally qualified person who is a resident of this state and who
13 was actively engaged in practice as a physical therapist
14 assistant on August 28, 1993. The board may license such person
15 pursuant to this subsection until ninety days after the effective
16 date of this section.

17 [8.] 7. A candidate to practice as a physical therapist
18 assistant who does not meet the educational qualifications may
19 submit to the board an application for examination if such person
20 can furnish written evidence to the board that the person has
21 been employed in this state for at least three of the last five
22 years under the supervision of a licensed physical therapist and
23 such person possesses the knowledge and training equivalent to
24 that obtained in an accredited school. The board may license
25 such persons pursuant to this subsection until ninety days after
26 rules developed by the state board of healing arts regarding
27 physical therapist assistant licensing become effective.

28 334.660. 1. The board shall license without examination

1 legally qualified persons who [hold] possess active certificates
2 of licensure, registration or certification in any state or
3 territory of the United States or the District of Columbia, who
4 have had no violations, suspensions or revocations of such
5 license, registration or certification, if such persons have
6 passed [a written] an examination to practice as a physical
7 therapist assistant that was substantially equal to the
8 examination requirements of this state and in all other aspects,
9 including education, the requirements for such certificates of
10 licensure, registration or certification were, at the date of
11 issuance, substantially equal to the requirements for licensure
12 in this state.

13 2. [The board shall not issue a license to any applicant
14 who has failed three or more times any physical therapist
15 assistant licensing examination administered in one or more
16 states or territories of the United States or the District of
17 Columbia.

18 3. The board may waive the provisions of subsection 1 if
19 the applicant has met one of the following provisions: the
20 applicant is licensed and has maintained an active clinical
21 practice for the previous three years in another state of the
22 United States, the District of Columbia or Canada and the
23 applicant has achieved a passing score on a licensing examination
24 administered in a state or territory of the United States, the
25 District of Columbia and no license issued to the applicant has
26 been disciplined or limited in any state or territory of the
27 United States, the District of Columbia or Canada.

28 4.] Every applicant for a license pursuant to this section,

1 upon making application and providing documentation of the
2 necessary qualifications as provided in this section, shall pay
3 the same fee required of applicants to take the examination
4 before the board. Within the limits of this section, the board
5 may negotiate reciprocal contracts with licensing boards of other
6 states for the admission of licensed practitioners from Missouri
7 in other states.

8 3. The applicant shall successfully pass a test
9 administered by the board on the laws and rules related to
10 practice as a physical therapist assistant in this state.

11 334.665. 1. An applicant who has not been previously
12 examined in another jurisdiction and meets the qualifications of
13 subsection 1 of section 334.655 or an applicant applying for
14 reinstatement of an inactive license under a supervised active
15 practice may pay a temporary license fee and submit an
16 agreement-to-supervise form which is signed by the applicant's
17 supervising physical therapist to the board and obtain without
18 examination a nonrenewable temporary license. Such temporary
19 licensee may only practice under the supervision of a licensed
20 physical therapist. The supervising physical therapist shall
21 hold an unencumbered license to practice physical therapy in the
22 state of Missouri and shall provide the board proof of active
23 clinical practice in the state of Missouri for a minimum of one
24 year prior to supervising the temporary licensee. The
25 supervising physical therapist shall not be an immediate family
26 member of the applicant. The board shall define immediate family
27 member and the scope of such supervision by rule. The
28 supervising physical therapist for the first-time examinee

1 applicant shall submit to the board a signed notarized form
2 prescribed by the board attesting that the applicant for
3 temporary license shall begin employment at a location in this
4 state within seven days of issuance of the temporary license.
5 The supervising physical therapist shall notify the board within
6 three days if the temporary licensee's employment ceases. A
7 licensed physical therapist shall supervise no more than one
8 temporary licensee. [The board shall define the scope of such
9 supervision by rules and regulations.]

10 2. The temporary license for the first-time examinee
11 applicant shall expire on [either] the date the applicant
12 receives the results of the applicant's initial examination, the
13 date the applicant withdraws from sitting for the examination,
14 the date the board is notified by the supervising physical
15 therapist that the temporary licensee's employment has ceased, or
16 within ninety days of its issuance, whichever occurs first.

17 3. The temporary license for the reinstatement applicant
18 under the supervised active practice shall expire effective one
19 year from the date of issuance.

20 334.670. The board shall charge a person, who applies for
21 examination for a license to practice as a physical therapist
22 assistant, an examination fee. If the person does not score a
23 passing grade on the examination, the board may refuse to issue a
24 license. Any applicant who fails to pass the examination may
25 reapply and be reexamined upon payment of a reexamination fee.
26 [No temporary license may be issued to any person who has
27 previously failed the examination in Missouri or any other state
28 or jurisdiction.]

1 334.675. 1. Every person licensed pursuant to sections
2 334.650 to 334.685 shall, on or before the licensing renewal
3 date, apply to the board for a certificate of licensure for the
4 next licensing period. The application for renewal shall be made
5 under oath on a form furnished to the applicant [and shall state]
6 by the board. The application shall include, but not be limited
7 to, disclosure of the following:

8 (1) The applicant's full name [and the address at which the
9 applicant practices and the address at which the applicant
10 resides and];

11 (2) The applicant's office address or addresses and
12 telephone number or numbers;

13 (3) The applicant's home address and telephone number;

14 (4) The date and number of the applicant's license;

15 (5) All final disciplinary actions taken against the
16 applicant by any professional association or society, licensed
17 hospital or medical staff of the hospital, physical therapy
18 facility, state, territory, federal agency or country; and

19 (6) Information concerning the applicant's current physical
20 and mental fitness to practice the applicant's profession.

21
22 The applicant may be required to successfully complete a test
23 administered by the board on the laws and rules related to the
24 practice of physical therapy in this state. The test process,
25 dates, and passing scores shall be established by the board by
26 rule.

27 2. A [blank application form] notice shall be [mailed] made
28 available to each person licensed in this state [pursuant to

1 sections 334.650 to 334.685 at the person's last known address of
2 practice or residence. The failure to mail the application for
3 or the failure to receive the application form]. The failure to
4 receive the notice does not relieve any person of the duty to
5 renew the person's license and pay the renewal fee as required by
6 sections 334.650 to 334.685 nor shall it exempt the person from
7 the penalties provided by sections 334.650 to 334.685 for failure
8 to renew a license.

9 3. If a physical therapist assistant does not renew such
10 license for two consecutive renewal periods, such license shall
11 be deemed voided.

12 4. Each applicant for registration shall accompany the
13 application for registration with a registration fee to be paid
14 to the director of revenue for the licensing period for which
15 registration is sought.

16 5. If the application is filed and the fee paid after the
17 registration renewal date, a delinquent fee shall be paid; except
18 that, if in the opinion of the board the applicant's failure to
19 register is caused by extenuating circumstances, including
20 illness of the applicant as defined by rule, the delinquent fee
21 may be waived by the board.

22 6. Upon due application therefore and upon submission by
23 such person of evidence satisfactory to the board that he or she
24 is licensed to practice in this state and upon the payment of
25 fees required to be paid by this chapter, the board shall issue
26 to such person a certificate of registration. The certificate of
27 registration shall contain the name of the person to whom it is
28 issued and his or her office address, the expiration date, and

1 the number of the license to practice.

2 7. Upon receiving such certificate, every person shall
3 cause it to be readily available or conspicuously displayed at
4 all times in every practice location maintained by such licensee
5 in the state. If the licensee maintains more than one practice
6 location in this state, the board shall without additional fee
7 issue to them duplicate certificates of registration for each
8 practice location so maintained. If any licensee changes
9 practice locations during the period for which any certificate of
10 registration has been issued, such licensee shall, within fifteen
11 days thereafter, notify the board of such change and the board
12 shall issue to the licensee, without additional fee, a new
13 registration certificate showing the new location.

14 8. Whenever any new license is granted to any physical
15 therapist or physical therapist assistant under the provisions of
16 this chapter, the board shall, upon application therefore, issue
17 to such physical therapist or physical therapist assistant a
18 certificate of registration covering a period from the date of
19 the issuance of the license to the next renewal date without the
20 payment of any registration fee.

21 334.686. Any person who holds himself or herself out to be
22 a physical therapist assistant or a licensed physical therapist
23 assistant within this state or any person who advertises as a
24 physical therapist assistant and who, in fact, does not hold a
25 valid physical therapist assistant license is guilty of a class B
26 misdemeanor and, upon conviction, shall be punished as provided
27 by law. Any person who, in any manner, represents himself or
28 herself as a physical therapist assistant, or who uses in

1 connection with such person's name the words or letters,
2 "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.",
3 "C.P.T.A.", or any other letters, words, abbreviations or
4 insignia, indicating or implying that the person is a physical
5 therapist assistant without a valid existing license as a
6 physical therapist assistant issued to such person under the
7 provisions of sections 334.500 to 334.620, is guilty of a class B
8 misdemeanor. This section shall not apply to physicians and
9 surgeons licensed under this chapter or to a person in an entry
10 level of a professional education program approved by the
11 Commission for Accreditation of Physical Therapists and Physical
12 Therapist Assistant Education (CAPTE) who is satisfying
13 supervised clinical education requirements related to the
14 person's physical therapist or physical therapist assistant
15 education while under onsite supervision of a physical therapist;
16 or to a physical therapist who is practicing in the United States
17 Armed Forces, United States Public Health Service, or Veterans
18 Administration under federal regulations for state licensure for
19 health care providers.

20 334.687. 1. For purposes of this section, the licensing of
21 physical therapists and physical therapist assistants shall take
22 place within processes established by the state board of
23 registration for the healing arts through rules. The board of
24 healing arts is authorized to adopt rules establishing licensing
25 and renewal procedures, supervision of physical therapist
26 assistants, and former licensees who wish to return to the
27 practice of physical therapy, fees, and addressing such other
28 matters as are necessary to protect the public and discipline the

1 profession.

2 2. Any rule or portion of a rule, as that term is defined
3 in section 536.010, RSMo, that is created under the authority
4 delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter
6 536, RSMo, and, if applicable, section 536.028, RSMo. This
7 section and chapter 536, RSMo, are nonseverable and if any of the
8 powers vested with the general assembly pursuant to chapter 536,
9 RSMo, to review, to delay the effective date, or to disapprove
10 and annul a rule are subsequently held unconstitutional, then the
11 grant of rulemaking authority and any rule proposed or adopted
12 after August 28, 2008, shall be invalid and void.

13 339.010. 1. A "real estate broker" is any person,
14 partnership, association, or corporation, foreign or domestic
15 who, for another, and for a compensation or valuable
16 consideration, does, or attempts to do, any or all of the
17 following:

18 (1) Sells, exchanges, purchases, rents, or leases real
19 estate;

20 (2) Offers to sell, exchange, purchase, rent or lease real
21 estate;

22 (3) Negotiates or offers or agrees to negotiate the sale,
23 exchange, purchase, rental or leasing of real estate;

24 (4) Lists or offers or agrees to list real estate for sale,
25 lease, rental or exchange;

26 (5) Buys, sells, offers to buy or sell or otherwise deals
27 in options on real estate or improvements thereon;

28 (6) Advertises or holds himself or herself out as a

1 licensed real estate broker while engaged in the business of
2 buying, selling, exchanging, renting, or leasing real estate;

3 (7) Assists or directs in the procuring of prospects,
4 calculated to result in the sale, exchange, leasing or rental of
5 real estate;

6 (8) Assists or directs in the negotiation of any
7 transaction calculated or intended to result in the sale,
8 exchange, leasing or rental of real estate;

9 (9) Engages in the business of charging to an unlicensed
10 person an advance fee in connection with any contract whereby the
11 real estate broker undertakes to promote the sale of that
12 person's real estate through its listing in a publication issued
13 for such purpose intended to be circulated to the general public;

14 (10) Performs any of the foregoing acts [as an employee of,
15 or] on behalf of[,] the owner of real estate, or interest
16 therein, or improvements affixed thereon, for compensation.

17 2. A "real estate salesperson" is any person who for a
18 compensation or valuable consideration becomes associated, either
19 as an independent contractor or employee, either directly or
20 indirectly, with a real estate broker to do any of the things
21 above mentioned. The provisions of sections 339.010 to 339.180
22 and sections 339.710 to 339.860 shall not be construed to deny a
23 real estate salesperson who is compensated solely by commission
24 the right to be associated with a broker as an independent
25 contractor.

26 3. The term "commission" as used in sections 339.010 to
27 339.180 and sections 339.710 to 339.860 means the Missouri real
28 estate commission.

1 4. "Real estate" for the purposes of sections 339.010 to
2 339.180 and sections 339.710 to 339.860 shall mean, and include,
3 leaseholds, as well as any other interest or estate in land,
4 whether corporeal, incorporeal, freehold or nonfreehold, and the
5 real estate is situated in this state.

6 5. "Advertising" shall mean any communication, whether oral
7 or written, between a licensee or other entity acting on behalf
8 of one or more licensees and the public[; it], and shall include,
9 but not be limited to, business cards, signs, insignias,
10 letterheads, radio, television, newspaper and magazine ads,
11 Internet advertising, web sites, display or group ads in
12 telephone directories, and billboards.

13 6. The provisions of sections 339.010 to 339.180 and
14 sections 339.710 to 339.860 shall not apply to:

15 (1) Any person, partnership, association, or corporation
16 who as owner, lessor, or lessee shall perform any of the acts
17 described in subsection 1 of this section with reference to
18 property owned or leased by them, or to the regular employees
19 thereof[, provided such owner, lessor, or lessee is not engaged
20 in the real estate business];

21 (2) Any licensed attorney-at-law;

22 (3) An auctioneer employed by the owner of the property;

23 (4) Any person acting as receiver, trustee in bankruptcy,
24 administrator, executor, or guardian or while acting under a
25 court order or under the authority of a will, trust instrument or
26 deed of trust or as a witness in any judicial proceeding or other
27 proceeding conducted by the state or any governmental subdivision
28 or agency;

1 (5) Any person employed or retained to manage real property
2 by, for, or on behalf of the agent or the owner of any real
3 estate shall be exempt from holding a license, if the person is
4 limited to one or more of the following activities:

5 (a) Delivery of a lease application, a lease, or any
6 amendment thereof, to any person;

7 (b) Receiving a lease application, lease, or amendment
8 thereof, a security deposit, rental payment, or any related
9 payment, for delivery to, and made payable to, a broker or owner;

10 (c) Showing a rental unit to any person, as long as the
11 employee is acting under the direct instructions of the broker or
12 owner, including the execution of leases or rental agreements;

13 (d) Conveying information prepared by a broker or owner
14 about a rental unit, a lease, an application for lease, or the
15 status of a security deposit, or the payment of rent, by any
16 person;

17 (e) Assisting in the performance of brokers' or owners'
18 functions, administrative, clerical or maintenance tasks;

19 (f) If the person described in this section is employed or
20 retained by, for, or on behalf of a real estate broker, the real
21 estate broker shall be subject to discipline under this chapter
22 for any conduct of the person that violates this chapter or the
23 regulations promulgated thereunder;

24 (6) Any officer or employee of a federal agency or the
25 state government or any political subdivision thereof performing
26 official duties;

27 (7) Railroads and other public utilities regulated by the
28 state of Missouri, or their subsidiaries or affiliated

1 corporations, or to the officers or regular employees thereof,
2 unless performance of any of the acts described in subsection 1
3 of this section is in connection with the sale, purchase, lease
4 or other disposition of real estate or investment therein
5 unrelated to the principal business activity of such railroad or
6 other public utility or affiliated or subsidiary corporation
7 thereof;

8 (8) Any bank, trust company, savings and loan association,
9 credit union, insurance company, mortgage banker, or farm loan
10 association organized under the laws of this state or of the
11 United States when engaged in the transaction of business on its
12 own behalf and not for others;

13 (9) Any newspaper, magazine, periodical, Internet site,
14 Internet communications, or any form of communications regulated
15 or licensed by the Federal Communications Commission or any
16 successor agency or commission whereby the advertising of real
17 estate is incidental to its operation;

18 (10) Any developer selling Missouri land owned by the
19 developer;

20 (11) Any employee acting on behalf of a nonprofit
21 community, or regional economic development association, agency
22 or corporation which has as its principal purpose the general
23 promotion and economic advancement of the community at large,
24 provided that such entity:

25 (a) Does not offer such property for sale, lease, rental or
26 exchange on behalf of another person or entity;

27 (b) Does not list or offer or agree to list such property
28 for sale, lease, rental or exchange; or

1 (c) Receives no fee, commission or compensation, either
2 monetary or in kind, that is directly related to sale or disposal
3 of such properties. An economic developer's normal annual
4 compensation shall be excluded from consideration as commission
5 or compensation related to sale or disposal of such properties;
6 or

7 (12) Any neighborhood association, as that term is defined
8 in section 441.500, RSMo, that without compensation, either
9 monetary or in kind, provides to prospective purchasers or
10 lessors of property the asking price, location, and contact
11 information regarding properties in and near the association's
12 neighborhood, including any publication of such information in a
13 newsletter, Internet site, or other medium.

14 339.150. 1. No real estate broker shall knowingly employ
15 or engage any person to perform any service to the broker for
16 which licensure as a real estate broker or a real estate
17 salesperson is required pursuant to sections 339.010 to 339.180
18 and sections 339.710 to 339.860, unless such a person is:

19 (1) A licensed real estate salesperson or a licensed real
20 estate broker as required by section 339.020[,]; or

21 (2) For a transaction involving commercial real estate as
22 defined in section 339.710, a person regularly engaged in the
23 real estate brokerage business outside the state of Missouri who
24 has, in such forms as the commission may adopt by rule:

25 (a) Executed a brokerage agreement with the Missouri real
26 estate broker;

27 (b) Consented to the jurisdiction of Missouri and the
28 commission;

1 (c) Consented to disciplinary procedures under section
2 339.100; and

3 (d) Appointed the commission as his or her agent for
4 service of process regarding any administrative or legal actions
5 relating to the conduct in Missouri; or

6 (3) For any other transaction, a person regularly engaged
7 in the real estate brokerage business outside of the state of
8 Missouri.

9
10 Any such action shall be unlawful as provided by section 339.100
11 and shall be grounds for investigation, complaint, proceedings
12 and discipline as provided by section 339.100.

13 2. No real estate licensee shall pay any part of a fee,
14 commission or other compensation received by the licensee to any
15 person for any service rendered by such person to the licensee in
16 buying, selling, exchanging, leasing, renting or negotiating a
17 loan upon any real estate, unless such a person is a licensed
18 real estate salesperson regularly associated with such a broker,
19 or a licensed real estate broker, or a person regularly engaged
20 in the real estate brokerage business outside of the state of
21 Missouri.

22 3. Notwithstanding the provisions of subsections 1 and 2 of
23 this section, any real estate broker who shall refuse to pay any
24 person for services rendered by such person to the broker, with
25 the consent, knowledge and acquiescence of the broker that such
26 person was not licensed as required by section 339.020, in
27 buying, selling, exchanging, leasing, renting or negotiating a
28 loan upon any real estate for which services a license is

1 required, and who is employed or engaged by such broker to
2 perform such services, shall be liable to such person for the
3 reasonable value of the same or similar services rendered to the
4 broker, regardless of whether or not the person possesses or
5 holds any particular license, permit or certification at the time
6 the service was performed. Any such person may bring a civil
7 action for the reasonable value of his services rendered to a
8 broker notwithstanding the provisions of section 339.160.

9 376.811. 1. Every insurance company and health services
10 corporation doing business in this state shall offer in all
11 health insurance policies benefits or coverage for chemical
12 dependency meeting the following minimum standards:

13 (1) Coverage for outpatient treatment through a
14 nonresidential treatment program, or through partial- or full-day
15 program services, of not less than twenty-six days per policy
16 benefit period;

17 (2) Coverage for residential treatment program of not less
18 than twenty-one days per policy benefit period;

19 (3) Coverage for medical or social setting detoxification
20 of not less than six days per policy benefit period;

21 (4) The coverages set forth in this subsection may be
22 subject to a separate lifetime frequency cap of not less than ten
23 episodes of treatment, except that such separate lifetime
24 frequency cap shall not apply to medical detoxification in a
25 life-threatening situation as determined by the treating
26 physician and subsequently documented within forty-eight hours of
27 treatment to the reasonable satisfaction of the insurance company
28 or health services corporation; and

1 (5) The coverages set forth in this subsection:

2 (a) Shall be subject to the same coinsurance, co-payment
3 and deductible factors as apply to physical illness;

4 (b) May be administered pursuant to a managed care program
5 established by the insurance company or health services
6 corporation; and

7 (c) May deliver covered services through a system of
8 contractual arrangements with one or more providers, hospitals,
9 nonresidential or residential treatment programs, or other mental
10 health service delivery entities certified by the department of
11 mental health, or accredited by a nationally recognized
12 organization, or licensed by the state of Missouri.

13 2. In addition to the coverages set forth in subsection 1
14 of this section, every insurance company, health services
15 corporation and health maintenance organization doing business in
16 this state shall offer in all health insurance policies, benefits
17 or coverages for recognized mental illness, excluding chemical
18 dependency, meeting the following minimum standards:

19 (1) Coverage for outpatient treatment, including treatment
20 through partial- or full-day program services, for mental health
21 services for a recognized mental illness rendered by a licensed
22 professional to the same extent as any other illness;

23 (2) Coverage for residential treatment programs for the
24 therapeutic care and treatment of a recognized mental illness
25 when prescribed by a licensed professional and rendered in a
26 psychiatric residential treatment center licensed by the
27 department of mental health or accredited by the Joint Commission
28 on Accreditation of Hospitals to the same extent as any other

1 illness;

2 (3) Coverage for inpatient hospital treatment for a
3 recognized mental illness to the same extent as for any other
4 illness, not to exceed ninety days per year;

5 (4) The coverages set forth in this subsection shall be
6 subject to the same coinsurance, co-payment, deductible, annual
7 maximum and lifetime maximum factors as apply to physical
8 illness; and

9 (5) The coverages set forth in this subsection may be
10 administered pursuant to a managed care program established by
11 the insurance company, health services corporation or health
12 maintenance organization, and covered services may be delivered
13 through a system of contractual arrangements with one or more
14 providers, community mental health centers, hospitals,
15 nonresidential or residential treatment programs, or other mental
16 health service delivery entities certified by the department of
17 mental health, or accredited by a nationally recognized
18 organization, or licensed by the state of Missouri.

19 3. The offer required by sections 376.810 to 376.814 may be
20 accepted or rejected by the group or individual policyholder or
21 contract holder and, if accepted, shall fully and completely
22 satisfy and substitute for the coverage under section 376.779.
23 Nothing in sections 376.810 to 376.814 shall prohibit an
24 insurance company, health services corporation or health
25 maintenance organization from including all or part of the
26 coverages set forth in sections 376.810 to 376.814 as standard
27 coverage in their policies or contracts issued in this state.

28 4. Every insurance company, health services corporation and

1 health maintenance organization doing business in this state
2 shall offer in all health insurance policies mental health
3 benefits or coverage as part of the policy or as a supplement to
4 the policy. Such mental health benefits or coverage shall
5 include at least two sessions per year to a licensed
6 psychiatrist, licensed psychologist, licensed professional
7 counselor, licensed marital and family therapist, or licensed
8 clinical social worker acting within the scope of such license
9 and under the following minimum standards:

10 (1) Coverage and benefits in this subsection shall be for
11 the purpose of diagnosis or assessment, but not dependent upon
12 findings; and

13 (2) Coverage and benefits in this subsection shall not be
14 subject to any conditions of preapproval, and shall be deemed
15 reimbursable as long as the provisions of this subsection are
16 satisfied; and

17 (3) Coverage and benefits in this subsection shall be
18 subject to the same coinsurance, co-payment and deductible
19 factors as apply to regular office visits under coverages and
20 benefits for physical illness.

21 5. If the group or individual policyholder or contract
22 holder rejects the offer required by this section, then the
23 coverage shall be governed by the mental health and chemical
24 dependency insurance act as provided in sections 376.825 to
25 376.836.

26 6. This section shall not apply to a supplemental insurance
27 policy, including a life care contract, accident-only policy,
28 specified disease policy, hospital policy providing a fixed daily

1 benefit only, Medicare supplement policy, long-term care policy,
2 hospitalization-surgical care policy, short-term major medical
3 policy of six months or less duration, or any other supplemental
4 policy as determined by the director of the department of
5 insurance.

6 [194.233. 1. The chief executive officer of each
7 hospital in this state shall designate one or more
8 trained persons to request anatomical gifts which
9 persons shall not be connected with determination of
10 death. The hospital official may designate a
11 representative of an organ or tissue procurement
12 organization to request consent.

13 2. When there is a patient who is a suitable
14 candidate for organ or tissue donation based on
15 hospital accepted criteria the designee shall request
16 consent to a donation from the persons authorized to
17 give consent as specified in subdivision (1), (2), (3),
18 (4), (5) or (6) of subsection 2 of section 194.220.
19 The request shall be made in the order of priority
20 stated in subsection 2 of section 194.220. When the
21 hospital cannot, from available information, ascertain
22 that the patient has next-of-kin authorized to give
23 consent as specified in subdivision (2), (3), (4), (5)
24 or (6) of subsection 2 of section 194.220, then the
25 hospital shall notify and request consent to a donation
26 from a member of the class described in subdivision (7)
27 of subsection 2 of section 194.220. Such notification
28 to a member of the class described in subdivision (7)
29 of subsection 2 of section 194.220 shall occur before
30 death where practicable.

31 3. No request shall be required if the hospital
32 designee has actual notice of a gift by the decedent
33 under subsection 1 of section 194.220 or actual notice
34 of contrary indications by the decedent.

35 4. Consent shall be obtained by the methods
36 specified in section 194.240.

37 5. Where a donation is requested, the designee
38 shall verify such request in the patient's medical
39 record. Such verification of request for organ
40 donation shall include a statement to the effect that a
41 request for consent to an anatomical gift has been
42 made, and shall further indicate thereupon whether or
43 not consent was granted, the name of the person
44 granting or refusing the consent, and his or her
45 relationship to the decedent.

46 6. Upon the approval of the designated next of
47 kin or other individual, as set forth in subsection 2

1 of section 194.220, the hospital shall then notify an
2 organ or tissue procurement organization and cooperate
3 in the procurement of the anatomical gift or gifts
4 pursuant to applicable provisions of sections 194.210
5 to 194.290.

6 7. No hospital shall have an obligation to
7 retrieve the organ or tissue donated pursuant to this
8 section.]