FIRST REGULAR SESSION SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 564

100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, April 18, 2019, with recommendation that the Senate Committee Substitute do pass.

1384S.06C ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy-five new sections relating to professional registration, with penalty provisions.

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

Section A. Sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 4 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 5 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 6 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 8 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 9 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, are repealed and seventy-five new sections enacted in lieu thereof, to be known as sections 214.276,

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

- 11 256.477, 317.015, 324.012, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523,
- 12 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312,
- 13 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231,
- 14 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616,
- $15 \quad 334.655, \, 334.715, \, 334.920, \, 335.046, \, 335.066, \, 336.030, \, 336.110, \, 337.020, \, 337.035, \, 334.655, \, 334.715, \, 334.920, \, 335.046, \, 335.066, \, 336.030, \, 336.110, \, 337.020, \, 337.035, \, 336.030, \, 336.$
- 16 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715,
- 17 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.511, 339.532,
- 18 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065,
- 19 346.055, 346.105, and 436.230, to read as follows:
- 214.276. 1. The division may refuse to issue or renew any license, 2 required pursuant to sections 214.270 to 214.516 for one or any combination of 3 causes stated in subsection 2 of this section. The division shall notify the
- 5 causes stated in subsection 2 of this section. The division shall notify the
- 4 applicant in writing of the reasons for the refusal and shall advise the applicant
- 5 of his or her right to file a complaint with the administrative hearing commission
- 6 as provided by chapter 621.
- 7 2. The division may cause a complaint to be filed with the administrative
- 8 hearing commission as provided in chapter 621 against any holder of any license,
- 9 required by sections 214.270 to 214.516 or any person who has failed to surrender
- 10 his or her license, for any one or any combination of the following causes:
- 11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
- 12 beverage to an extent that such use impairs a person's ability to perform the work
- 13 of any profession licensed or regulated by sections 214.270 to 214.516;
- 14 (2) The person has been finally adjudicated and found guilty, or entered
- 15 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
- of any state or of the United States or any country, for any offense [reasonably]
- 17 directly related to the [qualifications, functions or] duties [of any profession
- 18 licensed or regulated pursuant to sections 214.270 to 214.516, for any offense an
- 19 essential element of which is fraud, dishonesty or an act of violence, or for any
- 20 offense involving moral turpitude,] and responsibilities of the occupation,
- 21 as set forth in section 324.012, regardless of whether or not sentence is
- 22 imposed;
- 23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
- 24 license, issued pursuant to sections 214.270 to 214.516 or in obtaining permission
- 25 to take any examination given or required pursuant to sections 214.270 to
- 26 214.516;
- 27 (4) Obtaining or attempting to obtain any fee, charge or other

28 compensation by fraud, deception or misrepresentation;

- 29 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation 30 or dishonesty in the performance of the functions or duties of any profession 31 regulated by sections 214.270 to 214.516;
- 32 (6) Violation of, or assisting or enabling any person to violate, any 33 provision of sections 214.270 to 214.516, or any lawful rule or regulation adopted 34 pursuant to sections 214.270 to 214.516;
- 35 (7) Impersonation of any person holding a license or allowing any person 36 to use his or her license;
- 37 (8) Disciplinary action against the holder of a license or other right to 38 practice any profession regulated by sections 214.270 to 214.516 granted by 39 another state, territory, federal agency or country upon grounds for which 40 revocation or suspension is authorized in this state;
- 41 (9) A person is finally adjudged insane or incompetent by a court of 42 competent jurisdiction;
- 43 (10) Assisting or enabling any person to practice or offer to practice any 44 profession licensed or regulated by sections 214.270 to 214.516 who is not 45 registered and currently eligible to practice pursuant to sections 214.270 to 46 214.516;
 - (11) Issuance of a license based upon a material mistake of fact;
- 48 (12) Failure to display a valid license;
- 49 (13) Violation of any professional trust or confidence;
- 50 (14) Use of any advertisement or solicitation which is false, misleading or 51 deceptive to the general public or persons to whom the advertisement or 52 solicitation is primarily directed;
- 53 (15) Willfully and through undue influence selling a burial space, 54 cemetery services or merchandise.
- 3. After the filing of such complaint, the proceedings shall be conducted 55 in accordance with the provisions of chapter 621. Upon a finding by the 56 administrative hearing commission that the grounds, provided in subsection 2 of 57 this section, for disciplinary action are met, the division may singly or in 58 combination, censure or place the person named in the complaint on probation on 59 such terms and conditions as the division deems appropriate for a period not to 61 exceed five years, or may suspend, or revoke the license or permit or may impose 62 a penalty allowed by subsection 4 of section 214.410. No new license shall be issued to the owner or operator of a cemetery or to any corporation controlled by

- such owner for three years after the revocation of the certificate of the owner or of a corporation controlled by the owner.
- 4. The division may settle disputes arising under subsections 2 and 3 of this section by consent agreement or settlement agreement between the division and the holder of a license. Within such a settlement agreement, the division may singly or in combination impose any discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of such disputes shall be entered into pursuant to the procedures set forth in section 621.045.
- 5. Use of the procedures set out in this section shall not preclude the application of any other remedy provided by this chapter.
- 256.477. 1. No person shall employ fraud or deceit in obtaining the certificate of registration. A violation of this subsection shall be a class B misdemeanor.
- 4 2. Any person found to have performed geologic work regulated under 5 sections 256.450 to 256.483 in a negligent manner shall be guilty of a class B 6 misdemeanor.
- 3. Any person who uses the seal of a registered geologist, other than the person to whom the seal was issued, shall be guilty of a class B misdemeanor.
- 9 4. The board shall revoke the certification of registration for [a] any 10 person [convicted of any felony or any crime involving moral turpitude or 11 sentence of imprisonment or probation in lieu thereof; or for any misdemeanor relating to or arising out of the practice of geology affecting public health, safety and welfare who has been finally adjudicated and found guilty, or 13 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, the United States, or any country, for any offense directly related to the duties and responsibilities of the 16 occupation, as set forth in section 324.012, regardless of whether or not 1718 sentence is imposed.
- 317.015. 1. Any person wishing to make a complaint against a licensee under sections 317.001 to 317.014 shall file the written complaint with the division setting forth supporting details. If the division determines that the charges warrant a hearing to ascertain whether the licensee shall be disciplined, it shall file a complaint with the administrative hearing commission as provided in chapter 621. Any person holding more than one license issued by the division and disciplined under one license will automatically be disciplined under all licenses.

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- 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this subsection. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of their rights to file a complaint or an appeal with the administrative hearing commission as provided in chapter 621.
- 15 (2) The division may file a complaint with the administrative hearing 16 commission, as provided in chapter 621, against any holder of any permit or 17 license issued pursuant to this chapter, or against any person who has failed to 18 renew or has surrendered their permit or license, for any one or more of the 19 following reasons:
- 20 (a) Use of an alcoholic beverage or any controlled substance, as defined 21 in chapter 195, before or during a bout;
 - (b) The person has been finally adjudicated and found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution under [any state or federal law] the laws of any state, the United States, or any country for any offense [reasonably] directly related to the [qualifications, functions or] duties and responsibilities of [any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,] the occupation, as set forth in section 324.012, regardless of whether or not a sentence is imposed;
- 31 (c) Use of fraud, deception, misrepresentation or bribery in securing any 32 permit or license issued pursuant to this chapter;
 - (d) Providing false information on applications or medical forms;
- 34 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation 35 or dishonesty in the performing of the functions or duties of any profession 36 licensed or regulated by this chapter;
- 37 (f) Violating or enabling any person to violate any provision of this 38 chapter or any rule adopted pursuant to this chapter;
- 39 (g) Impersonating any permit or license holder or allowing any person to 40 use their permit or license;
 - (h) Contestants failing to put forth their best effort during a bout;
- 42 (i) Disciplinary action against the holder of a license or other right to 43 practice any profession regulated by this chapter and issued by another state, 44 territory, federal agency or country upon grounds for which revocation or

- 45 suspension is authorized in this state;
- 46 (j) A person adjudged mentally incompetent by a court of competent 47 jurisdiction;
- 48 (k) Use of any advertisement or solicitation which is false, misleading or 49 deceptive to the general public or persons to whom the advertisement or 50 solicitation is primarily directed;
- 51 (l) Use of foul or abusive language or mannerisms or threats of physical 52 harm by any person associated with any bout or contest licensed pursuant to this 53 chapter; or
 - (m) Issuance of a permit or license based upon a mistake of fact.
- 55 (3) After the complaint is filed, the proceeding shall be conducted in 56 accordance with the provisions of chapter 621. If the administrative hearing 57 commission finds that a person has violated one or more of the grounds as provided in paragraphs (a) through (m) of subdivision (2) of this subsection, the 58 59 division may censure or place the person named in the compliant on probation on 60 appropriate terms and conditions for a period not to exceed five years, may 61 suspend the person's license for a period not to exceed three years, or may revoke 62 the person's license.
- 63 3. Upon a finding that the grounds provided in subsection 2 of this section for disciplinary action are met, the office may, singly or in combination, censure 65 or place on probation on such terms and conditions as the office deems 66 appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years or revoke the certificate, license, or permit. In any order 67 of revocation, the office may provide that the person shall not apply for a new 68 69 license for a maximum of three years and one day following the date of the order of revocation. All stay orders shall toll the disciplinary time periods allotted 70 herein. In lieu of or in addition to any remedy specifically provided in subsection 711 of this section, the office may require of a licensee: 72
- 73 (1) Satisfactory completion of medical testing and/or rehabilitation 74 programs as the office may specify; and/or
- 75 (2) A review conducted as the office may specify and satisfactory 76 completion of medical testing and/or rehabilitation programs as the office may 77 specify.
- $324.012. \ 1.$ This section shall be known and may be cited as the $2\,$ "Fresh Start Act of 2019".
- 3 2. As used in this section, the following terms mean:

- 4 (1) "Criminal conviction", any conviction, finding of guilt, plea of 5 guilty, or plea of nolo contendere;
- 6 (2) "Licensing", any required training, education, or fee to work 7 in a specific occupation, profession, or activity in the state;
- 8 (3) "Licensing authority", an agency, examining board, 9 credentialing board, or other office of the state with the authority to 10 impose occupational fees or licensing requirements on any profession;
- 11 (4) "Political subdivision", a city, town, village, municipality, or 12 county.
- 3. Notwithstanding any other provision of law, beginning
 January 1, 2020, no person shall be disqualified by a state licensing
 authority from pursuing, practicing, or engaging in any occupation for
 which a license is required solely or in part because of a prior
 conviction of a crime in this state or another state, unless the criminal
 conviction directly relates to the duties and responsibilities for the
 licensed occupation.
- 20 4. All state and political subdivision licensing authorities shall revise their existing licensing requirements to explicitly list the 21specific criminal offenses, civil penalties or judgments, or disciplinary 2223 actions taken by other licensing authorities that may disqualify an applicant from receiving a license. Such lists shall be made available 24 to the public. Beginning August 28, 2019, applicants for examination of 26licensure who have pleaded guilty to, entered a plea of nolo contendere 27 to, or been found guilty of any of the following offenses or offenses of 28 a similar nature established under the laws of this state, any other 29 state, United States, or any other country, notwithstanding whether sentence is imposed, may be considered by state and political 30 subdivision licensing authorities to have committed a criminal offense 31 32 that directly relates to the duties and responsibilities of a licensed 33 profession:
 - (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;
- 36 (2) Any of the following sexual offenses: rape in the first degree, 37 forcible rape, rape, statutory rape in the first degree, statutory rape in 38 the second degree, rape in the second degree, sexual assault, sodomy 39 in the first degree, forcible sodomy, statutory sodomy in the first 40 degree, statutory sodomy in the second degree, child molestation in the

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- first degree, child molestation in the second degree, sodomy in the 42 second degree, deviate sexual assault, sexual misconduct involving a 43 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second 45 degree, enticement of a child, or attempting to entice a child; 46
- (3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, 48 abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual 50 performance, promoting sexual performance by a child, or trafficking in children; and 52
 - (4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material.
 - 5. (1) Before January 1, 2020, each state licensing authority shall revise its existing licensing requirements to list the categories or specific criminal convictions that could disqualify an applicant from receiving a license. Licensing authorities shall not use vague or generic terms including, but not limited to, "moral turpitude" and "good character", or consider arrests without a subsequent conviction. Licensing authorities shall only list criminal convictions that are specific and directly related to the duties and responsibilities for the licensed occupation.
 - (2) The licensing authority shall use the clear and convincing standard of proof in examining the factors to determine whether an applicant with a criminal conviction listed under subdivision (1) of this subsection will be denied a license. The licensing authority shall make its determination based on the following factors:
- 76 (a) The nature and seriousness of the crime for which the individual was convicted; 77

- 78 (b) The passage of time since the commission of the crime, 79 including consideration of the factors listed under subdivision (3) of 80 this subsection;
- 81 (c) The relationship of the crime to the ability, capacity, and 82 fitness required to perform the duties and discharge the 83 responsibilities of the occupation; and
 - (d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.
- 86 (3) If an individual has a valid criminal conviction for a crime that could disqualify the individual from receiving a license, the 87 disqualification shall not last longer than five years from the date of 88 conviction, provided that the conviction is not for any crime set forth 89 in subsection 4 of this section and the individual has not been 90 convicted of any other crime directly related to the duties and 91 responsibilities for the licensed occupation during the five-year disqualification period. If an individual was incarcerated at any time during the previous five years for a crime that could disqualify the 94individual from receiving a license, the disqualification may last longer 95 than five years but shall not last longer than five years from the date 96 the individual was incarcerated, provided that the incarceration was 97 not for a crime set forth in subsection 4 of this section. The provisions 98 of this subdivision shall not apply to an individual who has been 100 exonerated for a crime for which he or she has previously been 101 convicted of or incarcerated.
- 102 6. An individual with a criminal record may petition a licensing 103 authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a 104 105 license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his or 106 her standing within thirty days after the licensing authority has met, 107 but in no event more than four months after receiving the petition from 108 109 the applicant. The decision shall be binding, unless the individual has 110 subsequent criminal convictions or failed to disclose information in his or her petition. The licensing authority may charge a fee to recoup its 111 costs not to exceed twenty-five dollars for each petition. 112
- 7. (1) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime,

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- the licensing authority shall notify the individual in writing of the following: 116
 - (a) The grounds and reasons for the denial or disqualification;
- 118 (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision; 119
 - (c) The earliest date the person may reapply for a license; and
- 121 (d) That evidence of rehabilitation may be considered upon 122 reapplication.
- (2) Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying 124 125conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for 126 127 each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing evidence sufficient for a 128 129 reviewing court.
- 130 (3) In any administrative hearing or civil litigation authorized 131 under this subsection, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction 132133 directly relates to the occupation for which the license is sought.
 - 8. The provisions of this section shall apply to any profession for which an occupational license is issued in this state, including any new occupational license created by a state licensing authority after August 28, 2019.
- 138 9. The provisions of this section shall apply to any profession for 139 which an occupational license is issued in this state, including any new 140 occupational license created by a state licensing authority after August 28, 2019. Notwithstanding any other provision of law, political 141 142 subdivisions shall be prohibited from creating any new occupational licenses after August 28, 2019. The provisions of this section shall not 143 apply to business licenses, where the terms "occupational licenses" and 144 "business licenses" are used interchangeably in a city charter 145146 definition.
 - 10. The provisions of this section shall not apply to peace officers or other law enforcement personnel licensed under the provisions of chapter 590 or to persons under the supervision or jurisdiction of the Missouri director of finance appointed pursuant to chapter 361.
- 151 11. Any department with oversight over a licensing authority

152 may promulgate all necessary rules and regulations for the 153 implementation of this section. Any rule or portion of a rule, as that 154 term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with 155 156 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if 157 any of the powers vested with the general assembly pursuant to chapter 158 159 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of 160 rulemaking authority and any rule proposed or adopted after August 161 162 28, 2019, shall be invalid and void.

324.086. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 324.050 to 324.089 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 324.050 to 324.089 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:
- 13 (1) Use or unlawful possession of any controlled substance, as defined in 14 chapter 195, or alcoholic beverage to an extent that such use impairs a person's 15 ability to perform the work of an occupational therapist or occupational therapy 16 assistant;
- 17 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States or any country, for any offense [reasonably] 20 directly related to the [qualifications, functions or] duties [of any profession licensed or regulated by sections 324.050 to 324.089, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any

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- certificate of registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in obtaining permission to take any examination given or required pursuant to sections 324.050 to 324.089;
- 29 (4) Obtaining or attempting to obtain any fee, charge, tuition or other 30 compensation by fraud, deception or misrepresentation;
- 31 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 32 or dishonesty in the performance of the functions and duties of any profession 33 licensed or regulated by sections 324.050 to 324.089;
- 34 (6) Violation of, or assisting or enabling any person to violate, any 35 provision of sections 324.050 to 324.089 or any lawful rule or regulation adopted 36 pursuant to sections 324.050 to 324.089;
 - (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- 40 (8) Disciplinary action against the holder of a license or other right to 41 practice any profession regulated by sections 324.050 to 324.089 granted by 42 another state, territory, federal agency or country upon grounds for which 43 revocation or suspension is authorized in this state;
- 44 (9) A person is finally adjudged insane or incompetent by a court of 45 competent jurisdiction;
- 46 (10) Assisting or enabling any person to practice or offer to practice any 47 profession licensed or regulated by sections 324.050 to 324.089 who is not 48 registered and currently eligible to practice pursuant to sections 324.050 to 49 324.089;
- 50 (11) Issuance of a certificate of registration or authority, permit or license 51 based upon a material mistake of fact;
 - (12) Violation of any professional trust or confidence;
- 53 (13) Use of any advertisement or solicitation which is false, misleading or 54 deceptive to the general public or persons to whom the advertisement or 55 solicitation is primarily directed;
- 56 (14) Unethical conduct as defined in the ethical standards for occupational 57 therapists and occupational therapy assistants adopted by the board and filed 58 with the secretary of state;
- 59 (15) Violation of the drug laws or rules and regulations of this state, any 60 other state or federal government.
- 3. After the filing of such complaint, the proceedings shall be conducted

in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or may revoke the license, certificate or permit.

- 4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 324.050 to 324.089 relative to the licensing of the applicant for the first time.
- 324.217. 1. The committee may refuse to issue any license or renew any license required by the provisions of sections 324.200 to 324.225 for one or any combination of reasons stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided in chapter 621.
- 2. The committee may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against the holder of any license required by sections 324.200 to 324.225 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:
- 12 (1) Use of fraud, deception, misrepresentation or bribery in securing a 13 license issued pursuant to the provisions of sections 324.200 to 324.225 or in 14 obtaining permission to take the examination required pursuant to sections 15 324.200 to 324.225;
- 16 (2) Impersonation of any person holding a license or allowing any person 17 to use his or her license or diploma from any school;
- 18 (3) Disciplinary action against the holder of a license or other right to 19 practice medical nutrition therapy by another state, territory, federal agency or 20 country upon grounds for which revocation or suspension is authorized in this 21 state;
- 22 (4) Issuance of a license based upon a material mistake of fact;
- 23 (5) The person has been finally adjudicated and found guilty, or entered 24 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws 25 of any state or the United States **or any country**, for any offense [reasonably]

- 26 directly related to the [qualifications, functions, or] duties [of the professional
- 27 who is regulated pursuant to sections 324.200 to 324.225, for any offense an
- 28 essential element of which is fraud, dishonesty or act of violence, or for any
- 29 offense involving moral turpitude,] and responsibilities of the occupation,
- 30 as set forth in section 324.012, regardless of whether or not sentence is
- 31 imposed;
- 32 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation
- 33 or dishonesty in the performance of the functions or duties of the profession that
- 34 is regulated by sections 324.200 to 324.225;
- 35 (7) Violation of, or assisting or enabling any person to violate, any
- 36 provision of sections 324.200 to 324.225, or any lawful rule or regulation adopted
- 37 pursuant to such sections;
- 38 (8) A person is finally adjudged insane or incompetent by a court of
- 39 competent jurisdiction;
- 40 (9) Use of any advertisement or solicitation that is false, misleading or
- 41 deceptive to the general public or persons to whom the advertisement or
- 42 solicitation is primarily directed;
- 43 (10) Obtaining or attempting to obtain any fee, charge, tuition or other
- 44 compensation by fraud, deception or misrepresentation;
- 45 (11) Use or unlawful possession of any controlled substance, as defined in
- 46 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
- 47 ability to perform the work of any profession that is licensed or regulated by
- 48 sections 324.200 to 324.225;
- 49 (12) Violation of the drug laws or rules and regulations of this state, any
- 50 other state or the federal government; or
- 51 (13) Violation of any professional trust or confidence.
- 52 3. Any person, organization, association or corporation who reports or
- 53 provides information to the committee pursuant to the provisions of sections
- 54 324.200 to 324.225 and who does so in good faith shall not be subject to an action
- 55 for civil damages as a result thereof.
- 4. After the filing of a complaint pursuant to subsection 2 of this section,
- 57 the proceedings shall be conducted in accordance with the provisions of chapter
- 58 621. Upon a finding by the administrative hearing commission that the grounds,
- 59 provided in subsection 2 of this section, for disciplinary action are met, the
- 60 committee may, singly or in combination, censure or place the person named in
- 61 the complaint on probation on such terms and conditions as the committee deems

- 62 appropriate for a period not to exceed five years, or may suspend, for a period not
- 63 to exceed three years, or revoke the license of the person. An individual whose
- 64 license has been revoked shall wait one year from the date of revocation to apply
- 65 for relicensure. Relicensure shall be at the discretion of the committee after
- 66 compliance with all requirements of sections 324.200 to 324.225 relative to the
- 67 licensing of an applicant for the first time.
- 5. The committee shall maintain an information file containing each complaint filed with the committee relating to a holder of a license.
- 70 6. The committee shall recommend for prosecution violations of sections 324.200 to 324.225 to an appropriate prosecuting or circuit attorney.
 - 324.262. 1. The board may refuse to issue, renew or reinstate any license
- 2 required by sections 324.240 to 324.275 for one or any combination of causes
- 3 stated in subsection 2 of this section. The board shall notify the applicant in
- 4 writing of the reasons for the refusal and shall advise the applicant of his or her
- 5 right to file a complaint with the administrative hearing commission as provided
- 6 by chapter 621.
- 7 2. The board may cause a complaint to be filed with the administrative
- 8 hearing commission as provided by chapter 621 against any holder of any license
- 9 issued pursuant to sections 324.240 to 324.275 or any person who has failed to
- 10 renew or has surrendered his or her license for any one or any combination of the
- 11 following causes:
- 12 (1) The person has been finally adjudicated and found guilty, or entered
- 13 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
- of any state or of the United States or any country, for any offense [reasonably]
- 15 **directly** related to the [qualifications, functions or] duties [of the profession
- 16 regulated pursuant to sections 324.240 to 324.275, for any offense an essential
- 17 element of which is fraud, dishonesty or act of violence, or for any offense
- 18 involving moral turpitude,] and responsibilities of the occupation, as set
- 19 **forth in section 324.012,** whether or not sentence is imposed;
- 20 (2) Use of fraud, deception, misrepresentation or bribery in securing any
- 21 license issued pursuant to sections 324,240 to 324,275 or in obtaining permission
- 22 to take any examination given or required pursuant to sections 324.240 to
- 23 324.275;
- 24 (3) Obtaining or attempting to obtain any fee, charge, tuition or other
- 25 compensation by fraud, deception or misrepresentation;
- 26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation

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- 27 or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.240 to 324.275; 28
- 29 (5) Violation of, or assisting or enabling any person to violate, any 30 provision of sections 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to 324.275, including providing massage 31 32 therapy under subdivision (7) of section 324.240 at a massage business as defined in subdivision (5) of section 324.240 that is not licensed under this chapter; 33
- 34 (6) Impersonation of any person holding a license or allowing any other 35 person to use his or her certificate or diploma from any school;
- 36 (7) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 324.240 to 324.275 granted by 38 another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- 40 (8) A person is finally adjudged insane or incompetent by a court of 41 competent jurisdiction;
 - (9) Issuance of a license based upon a material mistake of fact;
- 43 (10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or 44 45 solicitation is primarily directed.
- 46 3. Any person, organization, association or corporation who reports or 47 provides information to the division pursuant to the provisions of sections 324.240 to 324.275 and who does so in good faith and without negligence shall not be 48 49 subject to an action for civil damages as a result thereof.
- 50 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 51 621. Upon a finding by the administrative hearing commission that one or more 52of the grounds for disciplinary action provided in subsection 2 of this section are 53 met, the board may, singly or in combination, censure or place the person named in the complaint on probation or suspension or revoke the license of the person on such terms and conditions as the division deems appropriate. 56
- 324.265. 1. A person desiring a license to practice massage therapy shall be at least eighteen years of age, [shall be of good moral character,] shall pay the 3 appropriate required application fee, and shall submit satisfactory evidence to the 4 board of meeting at least one of the following requirements:
- 5 (1) Has passed a statistically valid examination on the rapeutic massage and body work which is approved by the board, prior to August 28, 1999, and

- 7 applies for such license by December 31, 2000; or
- 8 (2) Has completed a program of massage therapy studies, as defined by
- 9 the board, consisting of at least five hundred hours of supervised instruction and
- 10 subsequently passing an examination approved by the board. The examination
- 11 may consist of school examinations. The program and course of instruction shall
- 12 be approved by the board.
- 13 (a) The five hundred hours of supervised instruction shall consist of three
- 14 hundred hours dedicated to massage theory and practice techniques, one hundred
- 15 hours dedicated to the study of anatomy and physiology, fifty hours dedicated to
- 16 business practice, professional ethics, hygiene and massage law in the state of
- 17 Missouri, and fifty hours dedicated to ancillary therapies, including
- 18 cardiopulmonary resuscitation (CPR) and first aid.
- 19 (b) A person completing a massage therapy program comprised of less
- 20 than five hundred hours of supervised instruction may submit an application for
- 21 licensure and the board shall establish requirements for the applicant to complete
- 22 the requirements of paragraph (a) of subdivision (2) of this subsection.
- 23 2. A person who has practiced less than three years or has less than one
- 24 hundred hours of training may request a waiver of the requirements of subsection
- 25 1 of this section and apply for a temporary two-year license which shall not be
- 26 renewable. By the end of such two-year period, such person shall complete at
- 27 least one hundred additional hours of formal training, including at least
- 28 twenty-five hours in anatomy and physiology, in a school approved by the
- 29 board. Such person shall have until December 31, 2000, to apply for a temporary
- 30 license pursuant to this subsection.
- 3. Each license issued pursuant to the provisions of this section shall
- 32 expire on its renewal date. The board shall renew any license upon:
- 33 (1) Application for renewal:
- 34 (2) Proof, as provided by rule, that the therapist has completed twelve
- 35 hours of continuing education; and
- 36 (3) Payment of the appropriate renewal fee.
- 37 Failure to obtain the required continuing education hours, submit satisfactory
- 38 evidence, or maintain required documentation is a violation of this subsection. As
- 39 provided by rule, the board may waive or extend the time requirements for
- 40 completion of continuing education for reasons related to health, military service,
- 41 foreign residency, or other good cause. All requests for waivers or extensions of
- 42 time shall be made in writing and submitted to the board before the renewal date.

- 4. An applicant who possesses the qualifications specified in subsection
- 44 2 of this section to take the examination approved by the board may be granted
- 45 a provisional license to engage in the practice of massage therapy. An applicant
- 46 for a provisional license shall submit proof that the applicant has applied for the
- 47 examination approved by the board. A provisional license shall be valid for one
- 48 year from the date of issuance and shall be deemed void upon its expiration date.
- 49 A provisional licensee is prohibited from practicing massage therapy after
- 50 expiration of the provisional license.
- 5. As determined by the board, students making substantial progress
- 52 toward completion of their training in an approved curriculum shall be granted
- 53 a student license for the purpose of practicing massage therapy on the public
- 54 while under the supervision of a massage therapy instructor.
- 6. A student license may be renewed until the student completes such
- 56 student's training. Upon request, the board may extend a provisional license for
- 57 good cause at the discretion of the board. An application for the extension of a
- 58 provisional license shall be submitted to the board prior to the expiration of the
- 59 provisional license.
- 7. The following practitioners are exempt from the provisions of this
- 61 section upon filing written proof with the board that they meet one or more of the
- 62 following:
- 63 (1) Persons who act under a Missouri state license, registration, or
- 64 certification and perform soft tissue manipulation within their scope of practice;
- 65 (2) Persons who restrict their manipulation of the soft tissues of the
- 66 human body to the hands, feet or ears;
- 67 (3) Persons who use touch and words to deepen awareness of existing
- 68 patterns of movement in the human body as well as to suggest new possibilities
- 69 of movement;
- 70 (4) Persons who manipulate the human body above the neck, below the
- 71 elbow, and below the knee and do not disrobe the client in performing such
- 72 manipulation.
- 8. Any nonresident person licensed, registered, or certified by another
- 74 state or territory of the United States, the District of Columbia, or foreign
- 75 territory or recognized certification system determined as acceptable by the board
- 76 shall be exempt from licensure as defined in this chapter, if such persons are
- 77 incidentally called into the state to teach a course related to massage or body
- 78 work therapy or to provide massage therapy services as part of an emergency

79 response team working in conjunction with disaster relief officials.

- 9. Any nonresident person holding a current license, registration, or certification in massage therapy from another state or recognized national certification system determined as acceptable by the board shall be exempt from licensure as defined in this chapter when temporarily present in this state for the purpose of providing massage therapy services at special events such as conventions, sporting events, educational field trips, conferences, and traveling shows or exhibitions.
- 324.496. 1. The board, with recommendation by the committee, may refuse to issue, renew or reinstate any license required by sections 324.475 to 324.499 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 2. The board, with recommendation by the committee, may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued pursuant to sections 324.475 to 324.499 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:
- (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of the profession regulated pursuant to sections 324.475 to 324.499, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, whether or not sentence is imposed;
- 20 (2) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to sections 324.475 to 324.499 or in obtaining permission to take any examination given or required pursuant to sections 324.475 to 324.499;
- 24 (3) Obtaining or attempting to obtain any fee, charge, tuition or other 25 compensation by fraud, deception or misrepresentation;
- 26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation 27 or dishonesty in the performance of the functions or duties of the profession 28 regulated by sections 324.475 to 324.499;

- 29 (5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.475 to 324.499, or of any lawful rule or regulation 30 31 adopted pursuant to such sections;
- 32 (6) Impersonation of any person holding a license or allowing any person 33 to use his or her certificate or diploma from any school or certification entity;
- 34 (7) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 324.475 to 324.499 granted by 35 36 another state, territory, federal agency or country upon grounds for which 37 revocation or suspension is authorized in this state;
- 38 (8) A person is finally adjudged insane or incompetent by a court of 39 competent jurisdiction;
 - (9) Issuance of a license based upon a material mistake of fact;
- 41 (10) Use of any advertisement or solicitation which is false, misleading or 42 deceptive to the general public or persons to whom the advertisement or 43 solicitation is primarily directed;
- (11) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 324.475 to 324.499. 46
- 3. Any person, organization, association or corporation who reports or 47 provides information to the division, board or committee pursuant to the 48 49 provisions of sections 324.475 to 324.499 and who does so in good faith and without negligence shall not be subject to an action for civil damages as a result 50 51 thereof.
- 52 4. After the filing of a complaint pursuant to subsection 2 of this section, 53 the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, 54 provided in subsection 2 of this section, for disciplinary action are met, the board 55 may, upon recommendation of the committee, singly or in combination, censure 56 or place the person named in the complaint on probation, suspension or revoke 57 58 the license of the person on such terms and conditions as the division deems 59 appropriate.
- 324.523. 1. The division may refuse to issue or cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required under sections 324.520 to 324.526, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or 5

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

regulated under sections 324.520 to 324.526;

- 7 (1) Use or illegal possession of any controlled substance, as defined in 8 chapter 195, or use of any alcoholic beverage to an extent that such use impairs 9 a person's ability to perform the work of any profession that is licensed or
- 11 (2) Final adjudication and finding of guilt, or the [entrance of a] plea of 12 guilty or nolo contendere, in a criminal prosecution under the laws of any state [or], of the United States, or any country for any offense [reasonably] directly 13 related to the [qualifications, functions, or] duties [of any profession that is 14 15 licensed or regulated under sections 324.520 to 324.526, and the regulations 16 promulgated thereunder, for any offense an essential element of which is fraud, 17 dishonesty or act of violence, or for any offense involving moral turpitude,] and 18 responsibilities of the occupation, as set forth in section 324.012, 19 whether or not sentence is imposed;
- 20 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license required under sections 324.520 to 324.526;
- 23 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other 24 compensation by fraud, deception, or misrepresentation;
 - (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession that is licensed or regulated under sections 324.520 to 324.526;
- 28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.520 to 324.526, or any lawful rule or regulation adopted under sections 324.520 to 324.526;
 - (7) Impersonation of any person holding a certificate of registration or authority, permit, or license, or allowing any person to use his or her certificate of registration or authority, license, permit, or diploma from any school;
- 34 (8) Disciplinary action against the holder of a license or other right to 35 practice any profession regulated under sections 324.520 to 324.526 granted by 36 another state, territory, federal agency, or country upon grounds for which 37 revocation or suspension is authorized in this state;
 - (9) Final adjudication by a court of competent jurisdiction that a person is insane or incompetent;
- 40 (10) Assisting or enabling any person to practice or offer to practice any 41 profession licensed or regulated under sections 324.520 to 324.526 who is licensed

- 42 and is currently ineligible to practice under sections 324.520 to 324.526;
- 43 (11) Causing the division to issue a certificate of registration or authority,
- 44 permit, or license based upon a material mistake of fact;
- 45 (12) Failure to display a valid license;
- 46 (13) Violation of any advertisement or solicitation that is false,
- 47 misleading, or deceptive to the general public, or persons to whom the
- 48 advertisement or solicitation is primarily directed;
- 49 (14) Failure or refusal to properly guard against contagious, infectious,
- 50 or communicable diseases and the spread thereof.
- 51 2. After the filing of such complaint, the proceedings shall be conducted
- 52 in accordance with the provisions of chapter 621. Upon a finding by the
- 53 administrative hearing commission that grounds, provided in subsection 1 of this
- 54 section, for disciplinary action are met, the division may, singly, or in
- 55 combination, censure or place the person named in the complaint on probation on
- 56 such terms and conditions as the division deems appropriate for a period not to
- 57 exceed five years, or may suspend, for a period not to exceed three years, or
- 58 revoke the license, certificate, or permit.
- 59 3. The division, acting upon its own knowledge or written or verified
- 60 complaint filed by any person, may discipline a person as provided in subsections
- 61 1 or 2 of this section or the division may bring an action to enjoin any person,
- 62 establishment, firm, or corporation from engaging in an occupation regulated by
- 63 the provisions of sections 324.520 to 324.526, if such person, firm, or corporation
- 64 without being licensed to do so by the division engages in or practices an
- 65 occupation licensed under sections 324.520 to 324.526. The action shall be
- 66 brought in the county in which such person resides, or, in the case of an
- 67 establishment, firm, or corporation, where the establishment, firm, or corporation
- 68 maintains its principal office; and unless it appears that such person,
- 69 establishment, firm, or corporation so engaging or practicing such occupation is

licensed, the injunction shall be issued, and such person, firm, or corporation

- 71 shall be perpetually enjoined from engaging in such activities throughout the
- 72 state.
- 324.1112. 1. The board may deny a request for a license if the applicant:
- 2 (1) Has committed any act which, if committed by a licensee, would be
- 3 grounds for the suspension or revocation of a license under the provisions of
- 4 sections 324.1100 to 324.1148;
- 5 (2) Has been convicted of or entered a plea of guilty or nolo contendere [to

- 6 a felony offense, including the receiving of a suspended imposition of sentence
- 7 following a plea or finding of guilty to a felony offense;
- 8 (3) Has been convicted of or entered a plea of guilty or nolo contendere to
- 9 a misdemeanor offense involving moral turpitude, including receiving a
- 10 suspended imposition of sentence following a plea of guilty to a misdemeanor
- 11 offense] in a criminal prosecution under the laws of any state, or the
- 2 United States, or any country, for any offense directly related to the
- 13 duties and responsibilities of the occupation, as set forth in section
- 14 324.012, regardless of whether or not a sentence has been imposed;
- 15 **[**(4)**]** (3) Has been refused a license under sections 324.1100 to 324.1148
- 16 or had a license revoked or denied in this state or any other state;
- 17 [(5)] (4) Has falsified or willfully misrepresented information in an
- 18 employment application, records of evidence, or in testimony under oath;
- 19 [(6)] (5) Has been dependent on or abused alcohol or drugs; or
- 20 [(7)] **(6)** Has used, possessed, or trafficked in any illegal substance;
- 21 [(8)] (7) While unlicensed, committed or aided and abetted the
- 22 commission of any act for which a license is required by sections 324.1100 to
- 23 324.1148 after August 28, 2007; or
- [(9)] (8) Knowingly made any false statement in the application to the
- 25 board.
- 26 2. The board shall consider any evidence of the applicant's rehabilitation
- 27 when considering a request for licensure.
 - 324.1118. A private investigator agency or private fire investigator agency
 - 2 shall not hire an individual, who is not licensed as a private investigator or
- 3 private fire investigator, as an employee if the individual:
- 4 (1) Has committed any act which, if committed by a licensee, would be
- 5 grounds for the suspension or revocation of a license under the provisions of
- 6 sections 324.1100 to 324.1148;
- 7 (2) Within two years prior to the application date:
- 8 (a) Has been convicted of or entered a plea of guilty or nolo contendere [to
- 9 a felony offense, including the receiving of a suspended imposition of sentence
- 10 following a plea or finding of guilty to a felony offense;
- 11 (b) Has been convicted of or entered a plea of guilty or nolo contendere to
- 12 a misdemeanor offense involving moral turpitude, including receiving a
- 13 suspended imposition of sentence following a plea of guilty to a misdemeanor
- 14 offense] in a criminal prosecution under the laws of any state, or the

- 15 United States, or any country, for any offense directly related to the
- 16 duties and responsibilities of the occupation, as set forth in section
- 17 324.012, regardless of whether or not a sentence has been imposed;
- 18 **[(c)] (b)** Has falsified or willfully misrepresented information in an 19 employment application, records of evidence, or in testimony under oath;
- [(d)] (c) Has been dependent on or abused alcohol or drugs; or
- [(e)] (d) Has used, possessed, or trafficked in any illegal substance;
- 22 (3) Has been refused a license under the provisions of sections 324.1100
- 23 to 324.1148 or had a license revoked, denied, or refused in this state or in any
- 24 other state;
- 25 (4) While unlicensed, committed or aided and abetted the commission of
- 26 any act for which a license is required by sections 324.1100 to 324.1148 after
- 27 August 28, 2007; or
- 28 (5) Knowingly made any false statement in the application.
 - 326.280. 1. A license shall be granted by the board to any person who
- 2 meets the requirements of this chapter and who:
- 3 (1) Is a resident of this state or has a place of business in this state or, as
- 4 an employee, is regularly employed in this state;
- 5 (2) Has attained the age of eighteen years;
- 6 (3) [Is of good moral character;
- 7 (4) Either:
- 8 (a) Applied for the initial examination prior to June 30, 1999, and holds
- 9 a baccalaureate degree conferred by an accredited college or university recognized
- 10 by the board, with a concentration in accounting or the substantial equivalent of
- 11 a concentration in accounting as determined by the board; or
- 12 (b) Applied for the initial examination on or after June 30, 1999, and has
- 13 at least one hundred fifty semester hours of college education, including a
- 14 baccalaureate or higher degree conferred by an accredited college or university
- 15 recognized by the board, with the total educational program including an
- 16 accounting concentration or equivalent as determined by board rule to be
- 17 appropriate;
- 18 [(5)] (4) Has passed an examination in accounting, auditing and such
- 19 other related subjects as the board shall determine is appropriate; and
- 20 [(6)] (5) Has had one year of experience. Experience shall be verified by
- 21 a licensee and shall include any type of service or advice involving the use of
- 22 accounting, attest, compilation, management advisory, financial advisory, tax or

- consulting skills including governmental accounting, budgeting or auditing. The
 board shall promulgate rules and regulations concerning the verifying licensee's
- 25 review of the applicant's experience.
- 26 2. The board may prescribe by rule the terms and conditions for reexaminations and fees to be paid for reexaminations.
- 3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286 for renewal of licenses.
- 34 4. Upon application, the board may issue a temporary license to an 35 applicant pursuant to this subsection for a person who has made a prima facie showing that the applicant meets all of the requirements for a license and 36 37 possesses the experience required. The temporary license shall be effective only until the board has had the opportunity to investigate the applicant's 38 39 qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that the applicant's application for a license has been granted or 40 41 rejected. In no event shall a temporary license be in effect for more than twelve months after the date of issuance nor shall a temporary license be reissued to the 4243 same applicant. No fee shall be charged for a temporary license. The holder of a temporary license which has not expired, been suspended or revoked shall be 44 deemed to be the holder of a license issued pursuant to this section until the 45 temporary license expires, is terminated, suspended or revoked. 46
- 47 5. An applicant for an examination who meets the educational requirements of subdivision (4) of subsection 1 of this section or who reasonably 48 expects to meet those requirements within sixty days after the examination shall 49 be eligible for examination if the applicant also meets the requirements of 50 subdivisions (1), (2) and (3) of subsection 1 of this section. For an applicant 51 52 admitted to examination on the reasonable expectation that the applicant will meet the educational requirements within sixty days, no license shall be issued 53 nor credit for the examination or any part thereof given unless the educational 54 55 requirement is in fact met within the sixty-day period.
 - 326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

- 4 (1) The following shall hold a permit issued under this chapter:
- 5 (a) Any firm with an office in this state, as defined by the board by rule,
- 6 offering or performing attest or compilation services; or
- 7 (b) Any firm with an office in this state that uses the title "CPA" or "CPA
- 8 firm".
- 9 (2) Any firm that does not have an office in this state may offer or perform
- 10 attest or compilation services in this state without a valid permit only if it meets
- 11 each of the following requirements:
- 12 (a) It complies with the qualifications described in subdivision (1) of
- 13 subsection 4 of this section;
- 14 (b) It complies with the requirements of peer review as set forth in this
- 15 chapter and the board's promulgated regulations;
- 16 (c) It performs such services through an individual with practice
- 17 privileges under section 326.283; and
- 18 (d) It can lawfully do so in the state where said individual with the
- 19 privilege to practice has his or her principal place of business.
- 20 (3) A firm which is not subject to the requirements of subdivisions (1) or
- 21 (2) of this subsection may perform other nonattest or noncompilation services
- 22 while using the title "CPA" or "CPA firm" in this state without a permit issued
- 23 under this section only if it:
- 24 (a) Performs such services through an individual with the privilege to
- 25 practice under section 326.283; and
- 26 (b) Can lawfully do so in the state where said individual with privilege to
- 27 practice has his or her principal place of business.
- 28 (4) (a) All firms practicing public accounting in this state shall register
- 29 with the secretary of state.
- 30 (b) Firms which may be exempt from this requirement include:
- a. Sole proprietorships;
- 32 b. Trusts created pursuant to revocable trust agreements, of which the
- 33 trustee is a natural person who holds a license or privilege to practice as set forth
- 34 in section 326.280, 326.283, or 326.286;
- 35 c. General partnerships not operating as a limited liability partnership;
- 36 or
- d. Foreign professional corporations which do not meet criteria of chapter
- 38 356 due to name or ownership, shall obtain a certificate of authority as a general
- 39 corporation. Notwithstanding the provisions of chapter 356, the secretary of state

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- 40 may issue a certificate of authority to a foreign professional corporation which 41 does not meet the criteria of chapter 356 due to name or ownership, if the 42 corporation meets the requirements of this section and the rules of the board.
- 2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.
- 3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.
 - 4. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:
 - (1) A simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees under section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;
- 58 (2) Any certified public accounting firm may include owners who are not 59 licensees provided that:
 - (a) The firm designates a licensee of this state, or in the case of a firm which must have a permit under this section designates a licensee of another state who meets the requirements of section 326.283, who is responsible for the proper registration of the firm and identifies that individual to the board;
 - (b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities; and
 - (c) [All owners are of good moral character; and
- 67 (d)] The firm complies with other requirements as the board may impose 68 by rule;
- (3) Any licensee who is responsible for supervising attest services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required under subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee.

- 5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest and compilation services rendered in this state are under the charge of a licensee.
- 80 6. No licensee or firm holding a permit under this chapter shall use a 81 professional or firm name or designation that is misleading as to:
 - (1) The legal form of the firm;
 - (2) The persons who are partners, officers, members, managers or shareholders of the firm; or
- 85 (3) Any other matter.
 - The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name or initials of an individual who is not a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.
 - 7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit under this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.
 - 8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.
- 9. The board shall require by rule, as a condition to the renewal of

- permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:
 - (1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required under this subsection;
 - (2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and
 - (3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.
 - 10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight.
 - 11. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.
 - 12. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection 11 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course

148 of the review. All documents shall be privileged and closed records for all 149 purposes and all meetings at which the documents are discussed shall be considered closed meetings under subdivision (1) of section 610.021. The 150 proceedings, records and workpapers of the board and any peer review subjected 151152 to the board process shall be privileged and shall not be subject to discovery, 153 subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member 154 155 of the board or person who is involved in the peer review process shall be 156 permitted or required to testify in any civil action, arbitration, administrative 157 proceeding or board proceeding as to any matters produced, presented, disclosed 158 or discussed during or in connection with the peer review process or as to any 159 findings, recommendations, evaluations, opinions or other actions of such 160 committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery 161 162 or use in any civil action, arbitration, administrative proceeding or board 163 proceeding merely because they were presented or considered in connection with 164 the peer review process.

326.310. 1. The board may refuse to issue any license or permit required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

- 2. The board may file a complaint with the administrative hearing commission as provided by chapter 621 or may initiate settlement procedures as provided by section 621.045 against any certified public accountant or permit holder required by this chapter or any person who fails to renew or surrenders the person's certificate, license or permit for any one or any combination of the following causes:
- 13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 14 beverage to an extent that the use impairs a person's ability to perform the work 15 of any profession licensed or regulated by this chapter;
- 16 (2) The person has been finally adjudicated and found guilty, or entered 17 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of 18 any state or of the United States, or any country, for any offense [reasonably] 19 directly related to the [qualifications, functions or] duties [of any profession

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- 20 licensed or regulated pursuant to this chapter, for any offense an essential 21 element of which is fraud, dishonesty or act of violence, or for any offense 22 involving moral turpitude,] and responsibilities of the occupation, as set 23 forth in section 324.012, regardless of whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- 32 (6) Violation of, or assisting or enabling any person to violate, any 33 provision of this chapter or any lawful rule or regulation adopted pursuant to this 34 chapter;
- 35 (7) Impersonation of any person holding a certificate or permit or allowing 36 any person to use his or her certificate or permit or diploma from any school;
- 37 restriction, (8) Revocation, suspension, modification, 38 reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession 39 40 regulated by this chapter by another state, territory, federal agency or country, 41 whether voluntarily agreed to by the certified public accountant or applicant, 42including but not limited to the denial of licensure, surrender of a license, allowing a license to expire or lapse, or discontinuing or limiting the practice of 43 accounting while subject to an investigation or while actually under investigation 44 by any licensing authority, branch of the Armed Forces of the United States of 45 America, court, agency of the state or federal government, PCAOB, or employer; 46
- 47 (9) A person is finally adjudged insane or incompetent by a court of 48 competent jurisdiction;
- 49 (10) Assisting or enabling any person to practice or offer to practice 50 accountancy pursuant to this chapter who is not eligible to practice pursuant to 51 this chapter;
 - (11) Issuance of a license or permit based upon a material mistake of fact;
- 53 (12) Failure to display a valid certificate, license, or permit required by 54 this chapter or any rule promulgated pursuant to this chapter;
 - (13) Violation of any professional trust or confidence;

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- 56 (14) Use of any advertisement or solicitation which is false, misleading or 57 deceptive to the general public or persons to whom the advertisement or 58 solicitation is primarily directed;
- 59 (15) Violation of professional standards or rules of professional conduct 60 applicable to the accountancy profession as promulgated by the board;
- 61 (16) Failure to comply with any final order of a court of competent 62 jurisdiction enforcing a subpoena or subpoena duces tecum from the board;
 - (17) Failure to comply with any final order of the board;
- 64 (18) Failure to maintain documentation evidencing compliance with the 65 board's continuing professional education requirements;
 - (19) Failure, on the part of a holder of a certificate, license or permit pursuant to section 326.280 or 326.289, to maintain compliance with the requirements for issuance or renewal of such certificate, license, permit or provisional license or to report changes to the board pursuant to sections 326.280 to 326.289;
- 71 (20) Making any false or misleading statement or verification in support 72 of an application for a certificate, license or permit filed by another.
- 73 3. Proceedings pursuant to this section shall be conducted in accordance with the provisions of chapter 621. Upon a finding that the grounds provided in 74 subsection 2 of this section for disciplinary action are met, the board may, singly 75 76 or in combination, assess an administrative penalty not to exceed two thousand dollars per violation, censure or place on probation on such terms and conditions 7778 as the board deems appropriate for a period not to exceed five years, or may 79 suspend for a period not to exceed three years or revoke the certificate, license or 80 permit. In any order of revocation, the board may provide that the person shall not apply for a new license for a maximum of three years and one day following 81 the date of the order of revocation. All stay orders shall toll this time period. In 82 lieu of or in addition to any remedy specifically provided in subsection 1 of this 83 section, the board may require of a licensee: 84
 - (1) A peer review conducted as the board may specify; or
- 86 (2) Satisfactory completion of continuing professional education programs 87 or other training as the board may specify; or
- 88 (3) A peer review conducted as the board may specify and satisfactory 89 completion of continuing professional education programs as the board may 90 specify.
 - 327.131. Any person may apply to the board for licensure as an architect

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2 who is over the age of twenty-one, [is of good moral character,] has acquired an

3 accredited degree from an accredited degree program from a school of

4 architecture, holds a certified Intern Development Program (IDP) record with the

5 National Council of Architectural Registration Boards, and has taken and passed

6 all divisions of the Architect Registration Examination.

327.221. Any person may apply to the board for licensure as a professional engineer [who is of good moral character, and] who is a graduate of and holds a degree in engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the 5 education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after such person has graduated and has received a degree or education as provided in this section; provided that the board shall by rule provide what shall constitute satisfactory 10 engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of 11 12 satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has 13 graduated from and has received a degree from an accredited school of 14 15 engineering or after receiving an education as provided in this section shall count 16 as equivalent years of satisfactory engineering experience.

327.312. 1. Any person may apply to the board for enrollment as a land 2 surveyor-in-training [who is of good moral character,] who is a high school 3 graduate, or who holds a Missouri certificate of high school equivalence (GED), 4 and either:

- (1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or
- 10 (2) Has passed at least sixty hours of college credit which shall include 11 credit for at least twenty semester hours of approved surveying course work as 12 defined by board regulation of which at least two semester hours shall be in legal 13 aspects of boundary surveying and present evidence satisfactory to the board that 14 in addition thereto such person has at least one year of combined professional 15 office and field experience in land surveying projects under the immediate

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personal supervision of a professional land surveyor; or

- 17 (3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours 18 19 shall be in legal aspects of land surveying and in addition thereto has at least two 20 years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land 2122 surveyor. Pursuant to this provision, not more than one year of satisfactory 23 postsecondary education work shall count as equivalent years of satisfactory land 24 surveying work as aforementioned.
- 2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the 28 board.
- 327.381. The board may license, in its discretion, any architect, professional engineer, professional land surveyor, or professional landscape architect licensed in another state or territory of the United States, province of Canada, or in another country, when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor, or professional landscape architect in this state, and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, [and provided further that the board is satisfied by proof 9 10 adduced by such applicant that the applicant is of good moral character,] and 11 provided further that any such application is accompanied by the required fee.
- 327.441. 1. The board may refuse to issue any license or certificate of authority required pursuant to this chapter for one or any combination of causes 2 stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission 5 as provided by chapter 621. 6
- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license or certificate of authority required by this chapter or any person who has failed 10 to renew or has surrendered such person's license or certificate of authority, for any one or any combination of the following causes:
 - (1) Use of any controlled substance, as defined in chapter 195, or alcoholic

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- beverage to an extent that such use impairs a person's ability to perform the work 13 14 of any profession licensed or regulated by this chapter;
- 15 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of 16 any state or of the United States, or any country, for any offense [reasonably] 17 directly related to the [qualifications, functions or] duties [of any profession 18 licensed or regulated under this chapter, for any offense an essential element of 19 which is fraud, dishonesty or act of violence, or for any offense involving moral 20 21 turpitude,] and responsibilities of the occupation, as set forth in section **324.012**, **regardless of** whether or not sentence is imposed;
- 23 (3) Use of fraud, deception, misrepresentation or bribery in securing any 24 license or certificate of authority issued pursuant to this chapter or in obtaining 25 permission to take any examination given or required pursuant to this chapter;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- 28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 29 or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter; 30
- 31 (6) Violation of, or assisting or enabling any person to violate, any 32 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 33 this chapter;
 - (7) Impersonation of any person holding a license or certificate of authority, or allowing any person to use his or her license or certificate of authority, or diploma from any school;
 - (8) Disciplinary action against the holder of a license or a certificate of authority, or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) A person is finally adjudged incapacitated or disabled by a court of 41 42 competent jurisdiction;
- 43 (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently 44 45 eligible to practice pursuant to this chapter;
- 46 (11) Issuance of a professional license or a certificate of authority based 47 upon a material mistake of fact;
 - (12) Failure to display a valid license or certificate of authority if so

- 49 required by this chapter or any rule promulgated pursuant to this chapter;
 - (13) Violation of any professional trust or confidence;
- 51 (14) Use of any advertisement or solicitation which is false, misleading or 52 deceptive to the general public or persons to whom the advertisement or 53 solicitation is primarily directed.
- 3. After the filing of such complaint, the proceedings shall be conducted 54 in accordance with the provisions of chapter 621. Upon a finding by the 55 administrative hearing commission that the grounds, provided in subsection 2 of 56 this section, for disciplinary action are met, the board may, singly or in 57 58 combination, censure or place the person named in the complaint on probation on 59 such terms and conditions as the board deems appropriate for a period not to 60 exceed five years, or may suspend, for a period not to exceed three years, or order 61 a civil penalty under section 327.077, or revoke the license or certificate of 62 authority of the person named in the complaint.
- 327.612. Any person who [is of good moral character,] has attained the age of twenty-one years, and has a degree in landscape architecture from an accredited school of landscape architecture and has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree may apply to the board for licensure as a professional landscape architect.
- 328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall apply to the board, shall be registered as an apprentice with the board, and shall pay the appropriate fees prior to beginning their apprenticeship. Barber apprentices [shall be of good moral character and] shall be at least seventeen years of age.
- 2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first possess a license to practice the occupation of barbering, apply to the board, pay the appropriate fees, complete an eight-hour apprentice supervision instruction course certified by the board, and be issued a license as a barber apprentice supervisor prior to supervising barber apprentices.
- 3. The board may promulgate rules establishing the criteria for the supervision and training of barber apprentices.
- 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to

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18 review, to delay the effective date, or to disapprove and annul a rule are 19 subsequently held unconstitutional, then the grant of rulemaking authority and 20 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

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

- The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:
 - (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- 16 (2) The person has been finally adjudicated and found guilty, or entered 17 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of 18 any state or of the United States, or any country for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession 19 20 licensed or regulated under this chapter, for any offense an essential element of 21which is fraud, dishonesty or act of violence, or for any offense involving moral 22turpitude, and responsibilities of the occupation, as set forth in section **324.012**, **regardless of** whether or not sentence is imposed; 23
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- 28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other 29 compensation by fraud, deception or misrepresentation;
- 30 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 31 or dishonesty in the performance of the functions or duties of any profession 32 licensed or regulated by this chapter;
 - (6) Violation of, or assisting or enabling any person to violate, any

- 34 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 35 this chapter;
- 36 (7) Impersonation of any person holding a certificate of registration or 37 authority, permit or license or allowing any person to use his or her certificate of 38 registration or authority, permit, license or diploma from any school;
- 39 (8) Disciplinary action against the holder of a license or other right to 40 practice any profession regulated by this chapter granted by another state, 41 territory, federal agency or country upon grounds for which revocation or 42 suspension is authorized in this state;
- 43 (9) A person is finally adjudged insane or incompetent by a court of 44 competent jurisdiction;
- 45 (10) Assisting or enabling any person to practice or offer to practice any 46 profession licensed or regulated by this chapter who is not registered and 47 currently eligible to practice under this chapter;
- 48 (11) Issuance of a certificate of registration or authority, permit or license 49 based upon a material mistake of fact;
- 50 (12) Failure to display a valid certificate or license if so required by this 51 chapter or any rule promulgated hereunder;
- 52 (13) Violation of any professional trust or confidence;
- 53 (14) Use of any advertisement or solicitation which is false, misleading or 54 deceptive to the general public or persons to whom the advertisement or 55 solicitation is primarily directed;
- 56 (15) Failure or refusal to properly guard against contagious, infectious or 57 communicable diseases or the spread thereof.
- 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.
 - 329.140. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the

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- 5 applicant of the applicant's right to file a complaint with the administrative 6 hearing commission as provided by chapter 621.
- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
- 13 (1) Use or illegal possession of any controlled substance, as defined in 14 chapter 195; use of an alcoholic beverage to an extent that such use impairs a 15 person's ability to perform the work of any profession licensed or regulated by 16 this chapter;
- 17 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of 18 19 any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession 20 21 licensed or regulated under this chapter, for any offense an essential element of 22 which is fraud, dishonesty or act of violence, or for any offense involving moral 23 turpitude, and responsibilities of the occupation, as set forth in section **324.012, regardless of** whether or not sentence is imposed; 24
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- 29 (4) Obtaining or attempting to obtain any fee, charge, tuition or other 30 compensation by fraud, deception or misrepresentation;
- 31 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation 32 or dishonesty in the performance of the functions or duties of any profession 33 licensed or regulated by this chapter;
- 34 (6) Violation of, or assisting or enabling any person to violate, any 35 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 36 this chapter;
 - (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
 - (8) Disciplinary action against the holder of a license or other right to

- 41 practice any profession regulated by this chapter granted by another state,
- 42 territory, federal agency or country upon grounds for which revocation or
- 43 suspension is authorized in this state;
- 44 (9) A person is finally adjudged insane or incompetent by a court of 45 competent jurisdiction;
- 46 (10) Assisting or enabling any person to practice or offer to practice any 47 profession licensed or regulated by this chapter who is not licensed and currently 48 eligible to practice under this chapter;
- 49 (11) Issuance of a certificate of registration or authority, permit or license 50 based upon a material mistake of fact;
- 51 (12) Failure to display a valid license if so required by this chapter or any 52 rule promulgated hereunder;
 - (13) Violation of any professional trust or confidence;
- 54 (14) Use of any advertisement or solicitation which is false, misleading or 55 deceptive to the general public or persons to whom the advertisement or 56 solicitation is primarily directed;
- 57 (15) Failure or refusal to properly guard against contagious, infectious or 58 communicable diseases or the spread thereof.
- 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.
- 67 4. The board, acting upon its own knowledge or written or verified complaint filed by any person, may discipline a person as provided in subsections 68 1 to 3 of this section or the board may bring an action to enjoin any person, firm 69 70 or corporation from engaging in an occupation regulated by the provisions of this chapter, if such person, firm or corporation without being licensed to do so by the 71board, engages in or practices an occupation licensed pursuant to this 73chapter. The action shall be brought in the county in which such person resides, or, in the case of a firm or corporation, where the firm or corporation maintains its principal office; and, unless it appears that such person, firm or corporation 7576 so engaging or practicing such occupation is licensed, the injunction shall be

issued, and such person, firm or corporation shall be perpetually enjoined from engaging in such activities throughout the state.

331.030. 1. No person shall engage in the practice of chiropractic without 2 having first secured a chiropractic license as provided in this chapter.

- 3 2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall make application on the form prescribed by the board. The application shall contain a statement that it is made under 6 oath or affirmation and that representations contained thereon are true and 7 correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give 8 the applicant's name, address, age, sex, name of chiropractic schools or colleges 10 which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give 11 evidence satisfactory to the board of the successful completion of the educational 1213 requirements of this chapter, [that the applicant is of good moral character,] and that the chiropractic school or college of which the applicant is a graduate is 14 15 teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which 16 17 the applicant graduated is so teaching.
- 18 3. Before an applicant shall be eligible for licensure, the applicant shall 19 furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on 20 21Chiropractic Education, or its successor, prior to beginning the doctoral course of 22 study in chiropractic. The minimum number of semester credit hours applicable 23 at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic 24Education or, in the absence of the Council on Chiropractic Education or its 25 provision for such subjects, such hours and course content as adopted by rule of 26 the board; however in no event shall fewer than ninety semester credit hours be 27 accepted as the minimum number of hours required prior to beginning the 28 doctoral course of study in chiropractic. The examination applicant shall also 29 30 provide evidence satisfactory to the board of having graduated from a chiropractic 31 college having status with the Commission on Accreditation of the Council on 32 Chiropractic Education or its successor. Any senior student in a chiropractic 33 college having status with the Commission on Accreditation on the Council on 34 Chiropractic Education or its successor may take a practical examination

administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

- 4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.
- 5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.
- 6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in any foreign country, provided that the regulations for securing a license in the other country are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board [and that the applicant is of good moral character], and upon the payment of the reciprocity license fee as established by rule of the board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other country are not equivalent to those required for licensure in the state of

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- 71 Missouri at the time application is made for licensure under this subsection.
- 72 7. Any applicant who has failed any portion of the practical examination 73 administered or approved by the board three times shall be required to return to 74 an accredited chiropractic college for a semester of additional study in the 75 subjects failed, as provided by rule of the board.
- 76 8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian 77 therapy/acupressure/acupuncture. Each such application shall be accompanied 78 by the required fee. The board shall establish by rule the minimum requirements 79 80 $_{
 m the}$ specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean methods of diagnosing and the 81 82 treatment of a patient by stimulating specific points on or within the body by 83 various methods including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the 84 85 purpose of obtaining a biopositive reflex response by nerve stimulation.
 - 9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:
- 90 (1) The board establishes minimum initial and continuing educational 91 requirements sufficient to ensure the competence of applicants seeking 92 certification in the particular specialty; and
- 93 (2) The board shall not establish any provision for certification of licensees 94 in a particular specialty which is not encompassed within the practice of 95 chiropractic as defined in section 331.010.
- 331.060. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the

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- 12 following causes:
- 13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 14 beverage to an extent that such use impairs a person's ability to perform the work 15 of any profession licensed or regulated by this chapter;
- 16 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;
- 24 (3) Use of fraud, deception, misrepresentation or bribery in securing any 25 certificate of registration or authority, permit or license issued pursuant to this 26 chapter or in obtaining permission to take any examination given or required 27 pursuant to this chapter;
- 28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other 29 compensation by fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- 33 (6) Violation of, or assisting or enabling any person to violate, any 34 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 35 this chapter;
- 36 (7) Impersonation of any person holding a certificate of registration or 37 authority, permit or license or allowing any person to use his or her certificate of 38 registration or authority, permit, license or diploma from school;
- 39 (8) Disciplinary action against the holder of a license or other right to 40 practice any profession regulated by this chapter granted by another state, 41 territory, federal agency or country upon grounds for which revocation or 42 suspension is authorized in this state;
- 43 (9) A person is finally adjudged insane or incompetent by a court of 44 competent jurisdiction;
- 45 (10) Assisting or enabling any person to practice or offer to practice any 46 profession licensed or regulated by this chapter who is not registered and 47 currently eligible to practice under this chapter;

- 48 (11) Issuance of a certificate of registration or authority, permit or license 49 based upon a material mistake of fact;
- 50 (12) Failure to display a valid certificate or license if so required by this 51 chapter or any rule promulgated hereunder;
 - (13) Violation of any professional trust or confidence;
- 53 (14) Use of any advertisement or solicitation which is false, misleading or 54 deceptive to the general public or persons to whom the advertisement or 55 solicitation is primarily directed. False, misleading or deceptive advertisements 56 or solicitations shall include, but not be limited to:
- 57 (a) Promises of cure, relief from pain or other physical or mental 58 condition, or improved physical or mental health;
 - (b) Any self-laudatory statement;
- 60 (c) Any misleading or deceptive statement offering or promising a free 61 service. Nothing herein shall be construed to make it unlawful to offer a service 62 for no charge if the offer is announced as part of a full disclosure of routine fees 63 including consultation fees;
- (d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material, or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;
- 71 (e) Failure to use the term "chiropractor", "doctor of chiropractic", 72 "chiropractic physician", or "D.C." in any advertisement, solicitation, sign, 73 letterhead, or any other method of addressing the public;
- 74 (f) Attempting to attract patronage in any manner which castigates, 75 impugns, disparages, discredits or attacks other healing arts and sciences or 76 other chiropractic physicians;
- 77 (15) Violation of the drug laws or rules and regulations of this state, any 78 other state or the federal government;
- 79 (16) Failure or refusal to properly guard against contagious, infectious or 80 communicable diseases or the spread thereof;
- 81 (17) Fails to maintain a chiropractic office in a safe and sanitary 82 condition;
- 83 (18) Engaging in unprofessional or improper conduct in the practice of

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- (19) Administering or prescribing any drug or medicine or attempting to practice medicine, surgery, or osteopathy within the meaning of chapter 334;
- (20) Being unable to practice as a chiropractic physician with reasonable 88 skill and safety to patients because of one of the following: professional incompetency; illness, drunkenness, or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the chiropractor for the purpose of establishing his competency to practice as a chiropractic physician to submit to a reexamination, which shall be 93 conducted in accordance with rules adopted for this purpose by the board, 95 including rules to allow the examination of the chiropractic physician's 96 professional competence by at least three chiropractic physicians, or to submit to a mental or physical examination or combination thereof by at least three 97 98 physicians. One examiner shall be selected by the chiropractic physician compelled to take the examination, one selected by the board, and one shall be 99 100 selected by the two examiners so selected. Notice of the physical or mental 101 examination shall be given by personal service or certified mail. Failure of the 102 chiropractic physician to submit to an examination when directed shall constitute 103 an admission of the allegations against him, unless the failure was due to circumstances beyond his control. A chiropractic physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, 106 be afforded an opportunity to demonstrate that he can resume competent practice with reasonable skill and safety to patients.
 - (a) In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractic physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;
- 113 (b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more 114 115 of the following: denying his application for a license; permanently withholding 116 issuance of a license; administering a public or private reprimand; suspending or 117 limiting or restricting his license to practice as a chiropractic physician for a 118 period of not more than five years; revoking his license to practice as a 119 chiropractic physician; requiring him to submit to the care, counseling or

- 120 treatment of physicians designated by the chiropractic physician compelled to be
- 121 treated. For the purpose of this subdivision, "license" includes the certificate of
- 122 registration, or license, or both, issued by the board.
- 3. After the filing of such complaint, the proceedings shall be conducted
- 124 in accordance with the provisions of chapter 621. Upon a finding by the
- administrative hearing commission that the grounds, provided in subsection 2 of
- 126 this section, for disciplinary action are met, the board may, singly or in
- 127 combination:
- 128 (1) Censure or place the person named in the complaint on probation on
- 129 such terms and conditions as the board deems appropriate for a period not to
- 130 exceed five years; or
- 131 (2) May suspend the license, certificate or permit for a period not to
- 132 exceed three years; or
- 133 (3) Revoke the license, certificate or permit.
- 4. If at any time after disciplinary sanctions have been imposed under
- this section or under any provision of this chapter, the licensee removes himself
- 136 from the state of Missouri, ceases to be currently licensed under the provisions
- 137 of this chapter, or fails to keep the Missouri state board of chiropractic examiners
- advised of his current place of business and residence, the time of his absence, or
- 139 unlicensed status, or unknown whereabouts shall not be deemed or taken as any
- 140 part of the time of discipline so imposed.
 - 332.231. Any person [who is of good moral character and reputation and]
 - 2 who has satisfactorily completed a course in dental hygiene in an accredited
 - 3 dental hygiene school may apply to the board for examination and registration as
 - 4 a dental hygienist in Missouri.
 - 332.251. 1. Each applicant for examination as a dental hygienist shall,
 - 2 after the board has determined that he is a person of good moral character and
 - 3 reputation, appear before the board at the time and place specified by the board
 - 4 in a written notice to each such applicant. The fee accompanying the application
 - 5 as provided in section 332.241 shall not be refunded to any applicant who fails
 - 6 to appear at the time and place so specified, but the board for good cause shown,
 - 7 as defined by rule, may permit any applicant to take the examination or
 - 8 examinations at a later time without paying an additional fee.
 - 9 2. The board shall determine and specify by rule whether dental hygienist
 - 10 examinations shall be written or oral or clinical or all three, but in any event the
 - 11 examination shall be of such form and of such content and character as to

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thoroughly test the qualifications of the applicant to practice as a dental hygienist in Missouri. Completion of the national board theoretical examination with scores acceptable to the board, as promulgated by rule, is a prerequisite to taking the dental hygienist examinations.

- 3. Any applicant who passes the dental hygienist examination or examinations with the average grade specified in a rule promulgated by the board shall be entitled to registration as a dental hygienist in Missouri, and shall receive a certificate of registration. Irrespective of the fact that an applicant may have made passing grades on his examinations, he shall not be entitled to a certificate of registration as a dental hygienist if the board finds that at any time prior to the issuance of the certificate the applicant has cheated on his examination or examinations, or has made false or misleading statements in any application filed for such examination with intent to deceive the board[, or that he is not a person of good moral character and reputation].
- 4. The board shall determine and specify by rule the number of times an applicant may fail all or a portion of the dental hygiene examinations without completing additional education in an accredited dental hygiene school, and shall specify by rule the type and amount of additional education which shall be required of an applicant, which type and amount may vary depending upon the failed portions of the dental hygiene examinations. However, no applicant shall be refused permission to take the dental hygiene examinations twice without completing additional education, nor shall additional education be required if the applicant only fails an examination over Missouri laws.

332.281. The board shall grant without examination a certificate of 2 registration and license to a dental hygienist who has been licensed in another state for at least two consecutive years immediately preceding his application to practice in Missouri if the board is satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the requirements for initial registration as a dental hygienist in Missouri under the provisions of this chapter [and that he is of good moral character and reputation]; provided that the board 7 may by rule require an applicant under this section to take any examination over Missouri laws given to dental hygienist initially seeking licensure under section 10 332.251 and to take a practical examination if his licensure in any state was ever 11 denied, revoked or suspended for incompetency or inability to practice in a safe 12 manner, or if he has failed any practical examination given as a prerequisite to licensure as a dental hygienist in any state. Any such dental hygienist applying

14 to be so registered and licensed shall accompany his application with a fee not

- 15 greater than the dental hygienist examination and license fees and if registered
- 16 and licensed shall renew his license as provided in section 332.261.
 - 332.291. Any person registered and currently licensed as a dental
- 2 hygienist[, who is of good moral character,] who has been practicing as a dental
- 3 hygienist in Missouri immediately preceding the date of his application under the
- 4 continuous supervision of a registered and currently licensed dentist in Missouri,
- 5 may apply to the board for a certificate to be signed and attested by a designee
- 6 of the board and bearing the board's seal, certifying that the holder is a person
- 7 of good moral character, that he was registered and licensed in Missouri as a
- 8 dental hygienist on the _____ day of _____, 20____, and has been practicing
- 9 as a dental hygienist continuously under the supervision of a duly registered and
- 10 currently licensed dentist in Missouri for _____ year(s) immediately preceding
- 11 the date of the certificate, and that he has represented to the board that he
- 12 intends to apply to practice as a dental hygienist in the state of _____; provided
- 13 that the required fee shall accompany each application.
 - 333.041. 1. Each applicant for a license to practice funeral directing shall
- 2 furnish evidence to establish to the satisfaction of the board that he or she is[:
- 3 (1)] at least eighteen years of age, and possesses a high school diploma, a
- 4 general equivalency diploma, or equivalent thereof, as determined, at its
- 5 discretion, by the board[; and
- 6 (2) A person of good moral character.
- 7 2. Every person desiring to enter the profession of embalming dead human
- 8 bodies within the state of Missouri and who is enrolled in a program accredited
- 9 by the American Board of Funeral Service Education, any successor organization,
- 10 or other accrediting entity as approved by the board shall register with the board
- 11 as a practicum student upon the form provided by the board. After such
- 12 registration, a student may assist, under the direct supervision of Missouri
- 13 licensed embalmers and funeral directors, in Missouri licensed funeral
- 14 establishments, while serving his or her practicum. The form for registration as
- 15 a practicum student shall be accompanied by a fee in an amount established by
- 16 the board.
- 3. Each applicant for a license to practice embalming shall furnish
- 18 evidence to establish to the satisfaction of the board that he or she:
- 19 (1) Is at least eighteen years of age, and possesses a high school diploma,
- 20 a general equivalency diploma, or equivalent thereof, as determined, at its

- 21 discretion, by the board;
- 22 (2) [Is a person of good moral character;
- (3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;
 - [(4)] (3) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;
 - [(5)] (4) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.
 - 4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

- 5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.
- 6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.
- 7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.
- 333.151. 1. The state board of embalmers and funeral directors shall 2 consist of six members, including one voting public member appointed by the governor with the advice and consent of the senate. Each member, other than the public member, appointed shall possess either a license to practice embalming or a license to practice funeral directing in this state or both said licenses and shall have been actively engaged in the practice of embalming or funeral directing for 7 a period of five years next before his or her appointment. Each member shall be a United States citizen, a resident of this state for a period of at least one year, and a qualified voter of this state [and shall be of good moral character]. Not more than three members of the board shall be of the same political party. The 10 nonpublic members shall be appointed by the governor, with the advice and 11 consent of the senate. A majority of the members shall constitute a 12 quorum. Members shall be appointed to represent diversity in gender, race, 13 ethnicity, and the various geographic regions of the state. 14
- 2. Each member of the board shall serve for a term of five years. Any vacancy on the board shall be filled by the governor and the person appointed to fill the vacancy shall possess the qualifications required by this chapter and shall serve until the end of the unexpired term of his or her predecessor, if any.
- 3. The public member shall be at the time of his or her appointment a person who is not and never was a member of any profession licensed or regulated

- 21 pursuant to this chapter or the spouse of such person; and a person who does not
- 22 have and never has had a material, financial interest in either the providing of
- 23 the professional services regulated by this chapter, or an activity or organization
- 24 directly related to any profession licensed or regulated pursuant to this chapter.
- 25 All members, including public members, shall be chosen from lists submitted by
- 26 the director of the division of professional registration. The duties of the public
- 27 member shall not include the determination of the technical requirements to be
- 28 met for licensure or whether any person meets such technical requirements or of
- 29 the technical competence or technical judgment of a licensee or a candidate for
- 30 licensure.
 - 334.414. 1. The board shall issue a certificate of registration to any
 - 2 applicant that meets the qualifications for an anesthesiologist assistant and that
- 3 has paid the required fees.
- 4 2. The board shall promulgate rules and regulations pertaining to:
- 5 (1) Establishing application forms to be furnished to all persons seeking
- 6 registration pursuant to sections 334.400 to 334.430;
- 7 (2) Accepting certification by the National Commission on Certification of
- 8 Anesthesiologist Assistants or its successor in lieu of examinations for applicants
- 9 for registration pursuant to sections 334.400 to 334.430;
- 10 (3) Determining the form and design of the registration to be issued
- 11 pursuant to sections 334.400 to 334.430;
- 12 (4) Setting the amount of the fees for registration, licensure, and renewal
- 13 pursuant to sections 334.400 to 334.430. The fees shall be set at a level to
- 14 produce revenue which shall not substantially exceed the cost and expense of
- 15 administering the provisions of sections 334.400 to 334.430;
- 16 (5) Keeping a record of all of its proceedings regarding sections 334.400
- 17 to 334.430 and of all anesthesiologist assistants registered in this state.
- 18 No rule or portion of a rule promulgated pursuant to the authority of sections
- 19 334.400 to 334.430 shall become effective unless it has been promulgated
- 20 pursuant to chapter 536.
- 3. The board shall have the authority to:
- 22 (1) Issue subpoenas to compel witnesses to testify or produce evidence in
- 23 proceedings to deny, suspend, or revoke registration; and
- 24 (2) Establish guidelines for anesthesiologist assistants pursuant to
- 25 sections 334.400 to 334.430.
- 26 4. The board may refuse to issue, suspend, revoke, or renew any

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27 certificate of registration or authority, permit, or license required pursuant to 28 sections 334.400 to 334.430 for one or any combination of causes stated in subsection 5 of this section. The board shall notify the applicant in writing of the 29 reasons for the refusal, suspension, or revocation and shall advise the applicant 30 of the right to file a complaint with the administrative hearing commission as 31 32 provided by chapter 621.

- 5. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required pursuant to sections 334.400 to 334.430 or against any person who has failed to renew or has surrendered a certificate of registration or authority, permit, or license for any one or any combination of the following causes:
- 39 (1) Use or unlawful possession of any controlled substance, as defined in 40 chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an anesthesiologist assistant;
- 42 (2) The person has been finally adjudicated and found guilty, or entered 43 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] 44 directly related to the [qualifications, functions, or] duties [of an 45 anesthesiologist assistant, for any offense for which an essential element is fraud, 46 47dishonesty or act of violence, or for any offense involving moral turpitude, and responsibilities of the occupation, as set forth in section 324.012, 48 49 regardless of whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 334.400 to 334.430 or in obtaining permission to take any examination given or required pursuant to sections 334.400 to 334.430;
- 54 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; 55
- 56 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, dishonesty in the performance of the functions and duties of an 57 58 anesthesiologist assistant;
 - (6) Violation of, or assisting or enabling any person to violate any provision of sections 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections 334.400 to 334.430;
 - (7) Impersonation of any person holding a certificate of registration or

- 63 authority, permit, or license, or allowing any person to use a certificate of 64 registration or authority, permit, license or diploma from any school;
- 65 (8) Disciplinary action against the holder of a license or other right 66 relating to the practice of an anesthesiologist assistant granted by another state, 67 territory, federal agency, or country upon grounds for which revocation or 68 suspension is authorized in this state;
- 69 (9) Final adjudication of insanity or incompetency by a court of competent 70 jurisdiction;
- 71 (10) Assisting or enabling any person to practice or offer to practice as an 72 anesthesiologist assistant who is not registered and currently eligible to practice 73 pursuant to sections 334.400 to 334.430;
- 74 (11) Issuance of a certificate of registration or authority, permit, or license 75 based upon a material mistake of fact;
 - (12) Violation of any professional trust or confidence;
- 77 (13) Violation of the ethical standards for an anesthesiologist assistant as 78 defined by board rule; or
- 79 (14) Violation of chapter 195 or rules and regulations of this state, any 80 other state, or the federal government.
- 81 6. After the filing of such complaint, the proceedings shall be conducted 82 in accordance with the provisions of chapter 621. Upon a finding by the 83 administrative hearing commission that the grounds, provided in subsection 5 of this section, for disciplinary action are met, the board may, singly or in 84 combination, censure or place the person named in the complaint on probation 85 with such terms and conditions as the board deems appropriate for a period not 86 87 to exceed ten years, or suspend his or her license for a period not to exceed seven years, or revoke his or her license, certificate, or permit. 88
- 7. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure and shall not be eligible for a temporary license. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 334.400 to 334.430.
- 93 8. Any person who violates any of the provisions of sections 334.400 to 94 334.430 is guilty of class A misdemeanor.
 - 334.530. 1. A candidate for license to practice as a physical therapist shall furnish evidence of such person's [good moral character and the person's] educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. A

- 5 candidate who presents satisfactory evidence of the person's graduation from a
- 6 school of physical therapy approved as reputable by the American Medical
- 7 Association or, if graduated before 1936, by the American Physical Therapy
- 8 Association, or if graduated after 1988, the Commission on Accreditation for
- 9 Physical Therapy Education or its successor, is deemed to have complied with the
- 10 educational qualifications of this subsection.
- 11 2. Persons desiring to practice as physical therapists in this state shall
- 12 appear before the board at such time and place as the board may direct and be
- 13 examined as to their fitness to engage in such practice. Applications for
- 14 examination shall be in writing, on a form furnished by the board and shall
- 15 include evidence satisfactory to the board that the applicant possesses the
- 16 qualifications set forth in subsection 1 of this section. Each application shall
- 17 contain a statement that it is made under oath or affirmation and that its
- 18 representations are true and correct to the best knowledge and belief of the
- 19 applicant, subject to the penalties of making a false affidavit or declaration.
- 20 3. The examination of qualified candidates for licenses to practice physical
- 21 therapy shall test entry-level competence as related to physical therapy theory,
- 22 examination and evaluation, physical therapy diagnosis, prognosis, treatment,
- 23 intervention, prevention, and consultation.
- 24 4. The examination shall embrace, in relation to the human being, the
- 25 subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology,
- 26 psychology, physical therapy theory and procedures as related to medicine,
- 27 surgery and psychiatry, and such other subjects, including medical ethics, as the
- 28 board deems useful to test the fitness of the candidate to practice physical
- 29 therapy.
- 5. The applicant shall pass a test administered by the board on the laws
- 31 and rules related to the practice of physical therapy in Missouri.
 - 334.613. 1. The board may refuse to issue or renew a license to practice
- 2 as a physical therapist or physical therapist assistant for one or any combination
- 3 of causes stated in subsection 2 of this section. The board shall notify the
- applicant in writing of the reasons for the refusal and shall advise the applicant
- 5 of the applicant's right to file a complaint with the administrative hearing
- 6 commission as provided by chapter 621. As an alternative to a refusal to issue
- 7 or renew a license to practice as a physical therapist or physical therapist
- 8 assistant, the board may, at its discretion, issue a license which is subject to
- 9 probation, restriction, or limitation to an applicant for licensure for any one or

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any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing 13 before the administrative hearing commission. If the board issues a probationary, 14 limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days 17 of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is 18 19 received by the administrative hearing commission within the thirty-day period, 20 the right to seek review of the board's decision shall be considered as waived.

- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:
- 26 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 27 beverage to an extent that such use impairs a person's ability to perform the work 28 of a physical therapist or physical therapist assistant;
 - (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions, or] duties [of a physical therapist or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section **324.012**, **regardless of** whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this 38 39 chapter or in obtaining permission to take any examination given or required under this chapter;
- 41 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, 42 or unprofessional conduct in the performance of the functions or duties of a 43 physical therapist or physical therapist assistant, including but not limited to the 44 following:
- 45 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other

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- compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;
- 50 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;
- 53 (c) Willfully and continually performing inappropriate or unnecessary 54 treatment or services;
- 55 (d) Delegating professional responsibilities to a person who is not 56 qualified by training, skill, competency, age, experience, or licensure to perform 57 such responsibilities;
- 58 (e) Misrepresenting that any disease, ailment, or infirmity can be cured 59 by a method, procedure, treatment, medicine, or device;
 - (f) Performing services which have been declared by board rule to be of no physical therapy value;
 - (g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;
 - (h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;
 - (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;
- 77 (j) Terminating the care of a patient without adequate notice or without 78 making other arrangements for the continued care of the patient;
- (k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

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- 82 (l) Failure of any applicant or licensee, other than the licensee subject to 83 the investigation, to cooperate with the board during any investigation;
- (m) Failure to comply with any subpoena or subpoena duces tecum from 84 85 the board or an order of the board;
 - (n) Failure to timely pay license renewal fees specified in this chapter;
- 87 (o) Violating a probation agreement with this board or any other licensing 88 agency;
 - (p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;
 - (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;
- 98 (5) Any conduct or practice which is or might be harmful or dangerous to 99 the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties 100 101 of a physical therapist or physical therapist assistant. For the purposes of this 102 subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar 103 104 circumstances by the member of the applicant's or licensee's profession;
 - (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;
- 108 (7) Impersonation of any person licensed as a physical therapist or 109 physical therapist assistant or allowing any person to use his or her license or 110 diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against 113 a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, 115 territory, federal agency or country, whether or not voluntarily agreed to by the 116 licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing

- 118 or limiting the practice of physical therapy while subject to an investigation or
- 119 while actually under investigation by any licensing authority, medical facility,
- 120 branch of the Armed Forces of the United States of America, insurance company,
- 121 court, agency of the state or federal government, or employer;
- 122 (9) A person is finally adjudged incapacitated or disabled by a court of 123 competent jurisdiction;
- 124 (10) Assisting or enabling any person to practice or offer to practice who 125 is not licensed and currently eligible to practice under this chapter; or knowingly 126 performing any act which in any way aids, assists, procures, advises, or 127 encourages any person to practice physical therapy who is not licensed and 128 currently eligible to practice under this chapter;
- 129 (11) Issuance of a license to practice as a physical therapist or physical 130 therapist assistant based upon a material mistake of fact;
- 131 (12) Failure to display a valid license pursuant to practice as a physical 132 therapist or physical therapist assistant;
- 133 (13) Knowingly making, or causing to be made, or aiding, or abetting in 134 the making of, a false statement in any document executed in connection with the 135 practice of physical therapy;
- 136 (14) Soliciting patronage in person or by agents or representatives, or by
 137 any other means or manner, under the person's own name or under the name of
 138 another person or concern, actual or pretended, in such a manner as to confuse,
 139 deceive, or mislead the public as to the need or necessity for or appropriateness
 140 of physical therapy services for all patients, or the qualifications of an individual
 141 person or persons to render, or perform physical therapy services;
- 142 (15) Using, or permitting the use of, the person's name under the 143 designation of "physical therapist", "physiotherapist", "registered physical 144 therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical 145 therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation 146 with reference to the commercial exploitation of any goods, wares or merchandise;
- 147 (16) Knowingly making or causing to be made a false statement or 148 misrepresentation of a material fact, with intent to defraud, for payment under 149 chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the 150 Social Security Act;
- 151 (17) Failure or refusal to properly guard against contagious, infectious, 152 or communicable diseases or the spread thereof; maintaining an unsanitary 153 facility or performing professional services under unsanitary conditions; or failure

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154 to report the existence of an unsanitary condition in any physical therapy facility 155 to the board, in writing, within thirty days after the discovery thereof;

- (18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or 158 159 offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;
 - (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;
- 171 (20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is 172 173 authorized by law to do so;
 - (21) Failing to maintain adequate patient records under section 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

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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;
- 212 (d) Written notice of the reexamination or the physical or mental 213 examination shall be sent to the physical therapist or physical therapist 214 assistant, by registered mail, addressed to the physical therapist or physical 215 therapist assistant at the physical therapist's or physical therapist assistant's 216 last known address. Failure of a physical therapist or physical therapist 217 assistant to submit to the examination when directed shall constitute an 218 admission of the allegations against the physical therapist or physical therapist 219 assistant, in which case the board may enter a final order without the 220 presentation of evidence, unless the failure was due to circumstances beyond the 221 physical therapist's or physical therapist assistant's control. A physical therapist 222 or physical therapist assistant whose right to practice has been affected under 223 this subdivision shall, at reasonable intervals, be afforded an opportunity to 224 demonstrate that the physical therapist or physical therapist assistant can 225 resume the competent practice as a physical therapist or physical therapist

- 226 assistant with reasonable skill and safety to patients;
- (e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;
- 232 (f) When the board finds any person unqualified because of any of the 233 grounds set forth in this subdivision, it may enter an order imposing one or more 234 of the disciplinary measures set forth in subsection 3 of this section.
- 3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:
- 240 (1) Warn, censure or place the physical therapist or physical therapist 241 assistant named in the complaint on probation on such terms and conditions as 242 the board deems appropriate for a period not to exceed ten years;
- 243 (2) Suspend the physical therapist's or physical therapist assistant's 244 license for a period not to exceed three years;
- 245 (3) Restrict or limit the physical therapist's or physical therapist 246 assistant's license for an indefinite period of time;
- 247 (4) Revoke the physical therapist's or physical therapist assistant's 248 license;
 - (5) Administer a public or private reprimand;
- 250 (6) Deny the physical therapist's or physical therapist assistant's 251 application for a license;
- 252 (7) Permanently withhold issuance of a license;
- 253 (8) Require the physical therapist or physical therapist assistant to 254 submit to the care, counseling or treatment of physicians designated by the board 255 at the expense of the physical therapist or physical therapist assistant to be 256 examined;
- 257 (9) Require the physical therapist or physical therapist assistant to attend 258 such continuing educational courses and pass such examinations as the board 259 may direct.
- 4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the

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physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

- 5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.
- 6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.
- 334.616. 1. A license issued under this chapter by the Missouri state board of registration for the healing arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, 4 in a [felony] criminal prosecution under the laws of [the state of Missouri, the laws of any other any state, or the laws of the United States [of America], or any country, for any offense [reasonably] directly related to the [qualifications, 7 functions or duties [of their profession, or for any felony offense, an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude, and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed, 11 12 or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is 13 14 authorized in this state following a review of the record of the proceedings and 15 upon a formal motion of the state board of registration for the healing arts. The 16 license of any such licensee shall be automatically reinstated if the conviction or 17 the revocation is ultimately set aside upon final appeal in any court of competent

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- 19 2. Anyone who has been denied a license, permit, or certificate to practice in another state shall automatically be denied a license to practice in this 20 state. However, the board of healing arts may set up other qualifications by 2122 which such person may ultimately be qualified and licensed to practice in
- 334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall furnish evidence of the person's [good moral character and of the person's] educational qualifications. The educational requirements for licensure 3 as a physical therapist assistant are:
- 5 (1) A certificate of graduation from an accredited high school or its 6 equivalent; and
- 7 (2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of 8 9 physical therapy education.
- 10 2. Persons desiring to practice as a physical therapist assistant in this 11 state shall appear before the board at such time and place as the board may 12 direct and be examined as to the person's fitness to engage in such 13 practice. Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses 14 15 the qualifications provided in subsection 1 of this section. Each application shall 16 contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of 17the person signing the statement, subject to the penalties of making a false 18 19 affidavit or declaration.
- 3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the 22 curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.
 - 4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.
 - 5. The applicant shall pass a test administered by the board on the laws

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31 and rules related to the practice as a physical therapist assistant in this state.

- 6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.
- 37 7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for 38 39 examination if such person can furnish written evidence to the board that the 40 person has been employed in this state for at least three of the last five years 41 under the supervision of a licensed physical therapist and such person possesses 42the knowledge and training equivalent to that obtained in an accredited 43 school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding 44 45 physical therapist assistant licensing become effective.
- 334.715. 1. The board may refuse to issue or renew any license required under sections 334.700 to 334.725 for one or any combination of causes listed in 3 subsection 2 of this section or any cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334,100. The board's order 10 of reprimand, probation, limitation, or restriction shall contain a statement of the 11 discipline imposed, the basis therefor, the date such action shall become effective, 12and a statement that the applicant has thirty days to request in writing a hearing 13 before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file 15 a written petition with the administrative hearing commission within thirty days 16 17 of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is 19 received by the administrative hearing commission within the thirty-day period, 20 the right to seek review of the board's decision shall be considered waived.
 - 2. The board may cause a complaint to be filed with the administrative

- 22 hearing commission as provided in chapter 621 against any holder of a certificate
- 23 of registration or authority, permit, or license required by sections 334.700 to
- 24 334.725 or any person who has failed to renew or has surrendered the person's
- 25 certification of registration or license for any one or any combination of the
- 26 following causes:
- 27 (1) Violated or conspired to violate any provision of sections 334.700 to
- 28 334.725 or any provision of any rule promulgated pursuant to sections 334.700
- 29 to 334.725; or
- 30 (2) Has been found guilty of unethical conduct as defined in the ethical
- 31 standards of the National Athletic Trainers Association or the National Athletic
- 32 Trainers Association Board of Certification, or its successor agency, as adopted
- 33 and published by the committee and the board and filed with the secretary of
- 34 state, except the board shall not use any determinations based on vague
- 35 or generic terms, including but not limited to "moral turpitude" and
- 36 "good character", when making such determination; or
- 37 (3) Any cause listed in section 334.100.
- 38 3. After the filing of such complaint before the administrative hearing
- 39 commission, the proceedings shall be conducted in accordance with the provisions
- 40 of chapter 621. Upon a finding by the administrative hearing commission that
- 41 the grounds provided in subsection 2 of this section for disciplinary action are
- 42 met, the board may, singly or in combination:
- 43 (1) Warn, censure, or place the person named in the complaint on
- 44 probation on such terms and conditions as the board deems appropriate for a
- 45 period not to exceed ten years; or
- 46 (2) Suspend the person's license, certificate, or permit for a period not to
- 47 exceed three years; or
- 48 (3) Administer a public or private reprimand; or
- 49 (4) Deny the person's application for a license; or
- 50 (5) Permanently withhold issuance of a license or require the person to
- 51 submit to the care, counseling, or treatment of physicians designated by the board
- 52 at the expense of the individual to be examined; or
- 53 (6) Require the person to attend such continuing education courses and
- 54 pass such examinations as the board may direct; or
- 55 (7) Restrict or limit the person's license for an indefinite period of time;
- 56 or
- 57 (8) Revoke the person's license.

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- 4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.
- 5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.
- 334.920. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 334.800 to 334.930 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.
- The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 334.800 to 334.930 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:
 - (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a respiratory care practitioner;
- 16 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of 17 any state or of the United States, or any country, for any offense [reasonably] 18 directly related to the [qualifications, functions or] duties [of a respiratory care 19 practitioner, for any offense an essential element is fraud, dishonesty or act of 20 violence, or for any offense involving moral turpitude,] and responsibilities of 21the occupation, as set forth in section 324.012, regardless of whether or 22 23 not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 334.800 to 334.930 or in obtaining permission to take any examination given or required pursuant to sections 334.800 to 334.930;

- 28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other 29 compensation by fraud, deception or misrepresentation;
- 30 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 31 or dishonesty in the performance of the functions and duties of a respiratory care 32 practitioner;
- 33 (6) Violation of, or assisting or enabling any person to violate, any 34 provision of sections 334.800 to 334.930 or any lawful rule or regulation adopted 35 pursuant to sections 334.800 to 334.930;
- 36 (7) Impersonation of any person holding a certificate of registration or 37 authority, permit or license or allowing any person to use his or her certificate of 38 registration or authority, permit, license or diploma from any school;
- 39 (8) Disciplinary action against the holder of a license or other right to 40 practice any profession regulated by sections 334.800 to 334.930 granted by 41 another state, territory, federal agency or country upon grounds for which 42 revocation or suspension is authorized in this state;
- 43 (9) A person if finally adjudged insane or incompetent by a court of 44 competent jurisdiction;
- 45 (10) Assisting or enabling any person to practice or offer to practice as a 46 respiratory care practitioner who is not registered and currently eligible to 47 practice pursuant to sections 334.800 to 334.930;
- 48 (11) Issuance of a certificate of registration or authority, permit or license 49 based upon a material mistake of fact;
 - (12) Violation of any professional trust or confidence;
- 51 (13) Use of any advertisement or solicitation which is false, misleading or 52 deceptive to the general public or persons to whom the advertisement or 53 solicitation is primarily directed;
- 54 (14) Committing unethical conduct as defined in the ethical standards for 55 respiratory care practitioners adopted by the division and filed with the secretary 56 of state; or
- 57 (15) Violation of the drug laws or rules and regulations of this state, any 58 other state or the federal government.
- 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation

- with such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or may revoke the license, certificate or permit.
- 4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 334.800 to 334.930 relative to the licensing of the applicant for the first time.
- 5. Any person who violates any of the provisions of sections 334.800 to 334.930 is guilty of class A misdemeanor.

335.046. 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall [be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or 10 diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best 11 12knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking 13 lands shall be required to submit evidence of proficiency in the English 14 language. The applicant must be approved by the board and shall pass an 15 examination as required by the board. The board may require by rule as a 16 requirement for licensure that each applicant shall pass an oral or practical 17 examination. Upon successfully passing the examination, the board may issue 18 to the applicant a license to practice nursing as a registered professional 19 nurse. The applicant for a license to practice registered professional nursing 20 shall pay a license fee in such amount as set by the board. The fee shall be 21uniform for all applicants. Applicants from foreign countries shall be licensed as 22 23 prescribed by rule.

24 2. An applicant for license to practice as a licensed practical nurse shall 25 submit to the board a written application on forms furnished to the 26 applicant. The original application shall contain the applicant's statements 27 showing the applicant's education and other such pertinent information as the

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28 board may require. Such applicant shall [be of good moral character, and] have 29 completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed 30 31 curriculum in a state-accredited or approved school of nursing, earned a nursing 32 degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that 33 it is made under oath or affirmation and that its representations are true and 35 correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from 36 non-English-speaking countries shall be required to submit evidence of their 37 proficiency in the English language. The applicant must be approved by the 38 39 board and shall pass an examination as required by the board. The board may 40 require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the 41 42 board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay 43 44 a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by 45 rule. 46

- 3. Upon refusal of the board to allow any applicant to sit for either the registered professional nurses' examination or the licensed practical nurses' examination, as the case may be, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.
- 53 4. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.066. 1. The board may refuse to issue or reinstate any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or reinstating any such permit or license, require a person to submit himself or herself for identification, intervention, treatment, or monitoring by the intervention program and alternative program as provided in section 335.067. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by

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- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:
- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, by the federal government, or by the department of health and senior services by regulation, regardless of impairment, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 335.011 to 335.096. A blood alcohol content of .08 shall create a presumption of impairment;
 - (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated pursuant to sections 335.011 to 335.096, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 335.011 to 335.096 or in obtaining permission to take any examination given or required pursuant to sections 335.011 to 335.096;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- 38 (5) Incompetency, gross negligence, or repeated negligence in the 39 performance of the functions or duties of any profession licensed or regulated by 40 this chapter. For the purposes of this subdivision, "repeated negligence" means 41 the failure, on more than one occasion, to use that degree of skill and learning 42 ordinarily used under the same or similar circumstances by the member of the 43 applicant's or licensee's profession;
- 44 (6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, 45 or unprofessional conduct in the performance of the functions or duties of any

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- 46 profession licensed or regulated by this chapter, including, but not limited to, the 47 following:
- 48 (a) Willfully and continually overcharging or overtreating patients; or 49 charging for visits which did not occur unless the services were contracted for in 50 advance, or for services which were not rendered or documented in the patient's 51 records;
- 52 (b) Attempting, directly or indirectly, by way of intimidation, coercion or 53 deception, to obtain or retain a patient or discourage the use of a second opinion 54 or consultation;
- 55 (c) Willfully and continually performing inappropriate or unnecessary 56 treatment, diagnostic tests, or nursing services;
- 57 (d) Delegating professional responsibilities to a person who is not 58 qualified by training, skill, competency, age, experience, or licensure to perform 59 such responsibilities;
- 60 (e) Performing nursing services beyond the authorized scope of practice 61 for which the individual is licensed in this state;
- 62 (f) Exercising influence within a nurse-patient relationship for purposes 63 of engaging a patient in sexual activity;
 - (g) Being listed on any state or federal sexual offender registry;
- 65 (h) Failure of any applicant or licensee to cooperate with the board during 66 any investigation;
- 67 (i) Failure to comply with any subpoena or subpoena duces tecum from the 68 board or an order of the board;
 - (j) Failure to timely pay license renewal fees specified in this chapter;
- 70 (k) Violating a probation agreement, order, or other settlement agreement 71 with this board or any other licensing agency;
- 72 (l) Failing to inform the board of the nurse's current residence within 73 thirty days of changing residence;
- 74 (m) Any other conduct that is unethical or unprofessional involving a 75 minor;
 - (n) A departure from or failure to conform to nursing standards;
- 77 (o) Failure to establish, maintain, or communicate professional boundaries 78 with the patient. A nurse may provide health care services to a person with 79 whom the nurse has a personal relationship as long as the nurse otherwise meets 80 the standards of the profession;
- 81 (p) Violating the confidentiality or privacy rights of the patient, resident,

82 or client;

- 83 (q) Failing to assess, accurately document, or report the status of a 84 patient, resident, or client, or falsely assessing, documenting, or reporting the 85 status of a patient, resident, or client;
- 86 (r) Intentionally or negligently causing physical or emotional harm to a 87 patient, resident, or client;
- 88 (s) Failing to furnish appropriate details of a patient's, client's, or 89 resident's nursing needs to succeeding nurses legally qualified to provide 90 continuing nursing services to a patient, client, or resident;
- 91 (7) Violation of, or assisting or enabling any person to violate, any 92 provision of sections 335.011 to 335.096, or of any lawful rule or regulation 93 adopted pursuant to sections 335.011 to 335.096;
- 94 (8) Impersonation of any person holding a certificate of registration or 95 authority, permit or license or allowing any person to use his or her certificate of 96 registration or authority, permit, license or diploma from any school;
- 97 (9) Disciplinary action against the holder of a license or other right to 98 practice any profession regulated by sections 335.011 to 335.096 granted by 99 another state, territory, federal agency or country upon grounds for which 100 revocation or suspension is authorized in this state;
- 101 (10) A person is finally adjudged insane or incompetent by a court of 102 competent jurisdiction;
- 103 (11) Assisting or enabling any person to practice or offer to practice any 104 profession licensed or regulated by sections 335.011 to 335.096 who is not 105 registered and currently eligible to practice pursuant to sections 335.011 to 106 335.096;
- 107 (12) Issuance of a certificate of registration or authority, permit or license 108 based upon a material mistake of fact;
 - (13) Violation of any professional trust or confidence;
- 110 (14) Use of any advertisement or solicitation which is false, misleading or 111 deceptive to the general public or persons to whom the advertisement or 112 solicitation is primarily directed;
- 113 (15) Violation of the drug laws or rules and regulations of this state, any 114 other state or the federal government;
- 115 (16) Placement on an employee disqualification list or other related 116 restriction or finding pertaining to employment within a health-related profession 117 issued by any state or federal government or agency following final disposition by

- 118 such state or federal government or agency;
- 119 (17) Failure to successfully complete the intervention or alternative 120 program for substance use disorder;
- 121 (18) Knowingly making or causing to be made a false statement or 122 misrepresentation of a material fact, with intent to defraud, for payment 123 pursuant to the provisions of chapter 208 or chapter 630, or for payment from 124 Title XVIII or Title XIX of the federal Medicare program;
- 125 (19) Failure or refusal to properly guard against contagious, infectious, 126 or communicable diseases or the spread thereof; maintaining an unsanitary office 127 or performing professional services under unsanitary conditions; or failure to 128 report the existence of an unsanitary condition in the office of a physician or in 129 any health care facility to the board, in writing, within thirty days after the 130 discovery thereof;
- (20) A pattern of personal use or consumption of any controlled substance or any substance which requires a prescription unless it is prescribed, dispensed, or administered by a provider who is authorized by law to do so or a pattern of abuse of any prescription medication;
- 135 (21) Habitual intoxication or dependence on alcohol, evidence of which 136 may include more than one alcohol-related enforcement contact as defined by 137 section 302.525;
- 138 (22) Failure to comply with a treatment program or an aftercare program
 139 entered into as part of a board order, settlement agreement, or licensee's
 140 professional health program;
- 141 (23) Failure to submit to a drug or alcohol screening when requested by 142 an employer or by the board. Failure to submit to a drug or alcohol screening 143 shall create the presumption that the test would have been positive for a drug for 144 which the individual did not have a prescription in a drug screening or positive 145 for alcohol in an alcohol screening;
- 146 (24) Adjudged by a court in need of a guardian or conservator, or both, 147 obtaining a guardian or conservator, or both, and who has not been restored to 148 capacity;
- 149 (25) Diversion or attempting to divert any medication, controlled 150 substance, or medical supplies;
- 151 (26) Failure to answer, failure to disclose, or failure to fully provide all 152 information requested on any application or renewal for a license. This includes 153 disclosing all pleas of guilt or findings of guilt in a case where the imposition of

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- 154 sentence was suspended, whether or not the case is now confidential;
- 155 (27) Physical or mental illness, including but not limited to deterioration 156 through the aging process or loss of motor skill, or disability that impairs the 157 licensee's ability to practice the profession with reasonable judgment, skill, or 158 safety. This does not include temporary illness which is expected to resolve 159 within a short period of time;
- 160 (28) Any conduct that constitutes a serious danger to the health, safety, 161 or welfare of a patient or the public.
 - 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.
 - 4. For any hearing before the full board, the board shall cause the notice of the hearing to be served upon such licensee in person or by certified mail to the licensee at the licensee's last known address. If service cannot be accomplished in person or by certified mail, notice by publication as described in subsection 3 of section 506.160 shall be allowed; any representative of the board is authorized to act as a court or judge would in that section; any employee of the board is authorized to act as a clerk would in that section.
 - 5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all the requirements of sections 335.011 to 335.096 relative to the licensing of an applicant for the first time.
- 6. The board may notify the proper licensing authority of any other state concerning the final disciplinary action determined by the board on a license in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.
- 7. Any person, organization, association or corporation who reports or provides information to the board of nursing pursuant to the provisions of sections 335.011 to 335.259 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.
 - 8. The board may apply to the administrative hearing commission for an

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- 190 emergency suspension or restriction of a license for the following causes:
- 191 (1) Engaging in sexual conduct as defined in section 566.010, with a 192 patient who is not the licensee's spouse, regardless of whether the patient 193 consented;
- 194 (2) Engaging in sexual misconduct with a minor or person the licensee 195 believes to be a minor. "Sexual misconduct" means any conduct of a sexual 196 nature which would be illegal under state or federal law;
- 197 (3) Possession of a controlled substance in violation of chapter 195 or any 198 state or federal law, rule, or regulation, excluding record-keeping violations;
 - (4) Use of a controlled substance without a valid prescription;
- 200 (5) The licensee is adjudicated incapacitated or disabled by a court of 201 competent jurisdiction;
 - (6) Habitual intoxication or dependence upon alcohol or controlled substances or failure to comply with a treatment or aftercare program entered into pursuant to a board order, settlement agreement, or as part of the licensee's professional health program;
- 206 (7) A report from a board-approved facility or a professional health 207 program stating the licensee is not fit to practice. For purposes of this section, 208 a licensee is deemed to have waived all objections to the admissibility of 209 testimony from the provider of the examination and admissibility of the 210 examination reports. The licensee shall sign all necessary releases for the board 211 to obtain and use the examination during a hearing; or
 - (8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.
- 214 9. The board shall submit existing affidavits and existing certified court records together with a complaint alleging the facts in support of the board's 215 request for an emergency suspension or restriction to the administrative hearing 216 commission and shall supply the administrative hearing commission with the last 217 home or business addresses on file with the board for the licensee. Within one 218 219 business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the 220 221 board's complaint and any affidavits or records the board intends to rely on that 222 have been filed with the administrative hearing commission. The service packet 223may contain other information in the discretion of the administrative hearing 224 commission. Within twenty-four hours of receiving the packet, the board shall 225 either personally serve the licensee or leave a copy of the service packet at all of

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the licensee's current addresses on file with the board. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission.

- 10. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall determine based on that information if probable cause exists pursuant to subsection 8 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.
- 11. (1) The administrative hearing commission shall hold a hearing within forty-five days of the board's filing of the complaint to determine if cause for discipline exists. The administrative hearing commission may grant a request for a continuance, but shall in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less than thirty days, the board may be granted leave to amend if public safety requires.
- (2) If no cause for discipline exists, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction.
- (3) If cause for discipline exists, the administrative hearing commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose any discipline otherwise authorized by state law.
- 255 12. Any action under this section shall be in addition to and not in lieu 256 of any discipline otherwise in the board's power to impose and may be brought 257 concurrently with other actions.
- 258 13. If the administrative hearing commission does not find probable cause 259 and does not grant the emergency suspension or restriction, the board shall 260 remove all reference to such emergency suspension or restriction from its public 261 records. Records relating to the suspension or restriction shall be maintained in

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- the board's files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.
- 14. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the nurse's license, such temporary authority of the board shall become final authority if there is no request by the nurse for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the nurse named in the complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board.
 - 15. If the administrative hearing commission refuses to grant temporary authority to the board or restrict or suspend the nurse's license under subsection 8 of this section, such dismissal shall not bar the board from initiating a subsequent disciplinary action on the same grounds.
- 276 16. (1) The board may initiate a hearing before the board for discipline 277 of any licensee's license or certificate upon receipt of one of the following:
- 278 (a) Certified court records of a finding of guilt or plea of guilty or nolo 279 contendere in a criminal prosecution under the laws of any state or of the United 280 States, or any country, for any offense [involving the qualifications, functions, 281 or duties of any profession licensed or regulated under this chapter, for any 282 offense involving fraud, dishonesty or act of violence, or for any offense involving 283 moral turpitude, directly related to the duties and responsibilities of the 284 occupation, as set forth in section 324.012, regardless of whether or not 285 sentence is imposed;
 - (b) Evidence of final disciplinary action against the licensee's license, certification, or registration issued by any other state, by any other agency or entity of this state or any other state, or the United States or its territories, or any other country;
- 290 (c) Evidence of certified court records finding the licensee has been judged 291 incapacitated or disabled under Missouri law or under the laws of any other state 292 or of the United States or its territories.
- 293 (2) The board shall provide the licensee not less than ten days' notice of 294 any hearing held pursuant to chapter 536.
- 295 (3) Upon a finding that cause exists to discipline a licensee's license, the 296 board may impose any discipline otherwise available.
 - 336.030. 1. A person is qualified to receive a license as an optometrist:

- 2 (1) [Who is of good moral character;
- 3 (2)] Who has graduated from a college or school of optometry approved by 4 the board; and
- 5 [(3)] (2) Who has met either of the following conditions:
- 6 (a) Has passed an examination satisfactory to, conducted by, or approved 7 by the board to determine his or her fitness to receive a license as an optometrist 8 with pharmaceutical certification and met the requirements of licensure as may 9 be required by rule and regulation; or
- 10 (b) Has been licensed and has practiced for at least three years in the five 11 years immediately preceding the date of application with pharmaceutical 12 certification in another state, territory, country, or province in which the 13 requirements are substantially equivalent to the requirements in this state and 14 has satisfactorily completed any practical examination or any examination on 15 Missouri laws as may be required by rule and regulation.
- 2. The board may adopt reasonable rules and regulations providing for the examination and certification of optometrists who apply to the board for the authority to practice optometry in this state.
- 336.110. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:
- 13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 14 beverage to an extent that such use impairs a person's ability to perform the work 15 of any profession licensed or regulated by this chapter;
- 16 (2) The person has been finally adjudicated and found guilty, or entered 17 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of 18 any state or of the United States, or any country, for any offense [reasonably] 19 directly related to the [qualifications, functions or] duties [of any profession]

- licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;
- 24 (3) Use of fraud, deception, misrepresentation or bribery in securing any 25 certificate of registration or authority, permit or license issued pursuant to this 26 chapter or in obtaining permission to take any examination given or required 27 pursuant to this chapter;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- 30 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 31 or dishonesty in the performance of the functions or duties of any profession 32 licensed or regulated by this chapter;
- 33 (6) Violation of, or assisting or enabling any person to violate, any 34 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 35 this chapter;
- 36 (7) Impersonation of any person holding a certificate of registration or 37 authority, permit or license or allowing any person to use his or her certificate of 38 registration or authority, permit, license or diploma from any school;
- 39 (8) Disciplinary action against the holder of a license or other right to 40 practice any profession regulated by this chapter granted by another state, 41 territory, federal agency or country upon grounds for which revocation or 42 suspension is authorized in this state;
- 43 (9) A person is finally adjudged insane or incompetent by a court of 44 competent jurisdiction;
- 45 (10) Assisting or enabling any person to practice or offer to practice any 46 profession licensed or regulated by this chapter who is not registered and 47 currently eligible to practice under this chapter;
- 48 (11) Issuance of a certificate of registration or authority, permit or license 49 based upon a material mistake of fact;
- 50 (12) Failure to display a valid certificate or license if so required by this 51 chapter or any rule promulgated hereunder;
- 52 (13) Violation of any professional trust or confidence;
- 53 (14) Use of any advertisement or solicitation which is false, misleading or 54 deceptive to the general public or persons to whom the advertisement or 55 solicitation is primarily directed. False, misleading or deceptive advertisements

or solicitations shall include, but not be limited to:

- 57 (a) Promises of cure, relief from pain or other physical or mental 58 condition, or improved physical or mental health;
 - (b) Any self-laudatory statement;
- 60 (c) Any misleading or deceptive statement offering or promising a free 61 service. Nothing herein shall be construed to make it unlawful to offer a service 62 for no charge if the offer is announced as part of a full disclosure of routine fees 63 including consultation fees;
- (d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;
- 71 (15) Violation of the drug laws or rules and regulation of this state, any 72 other state or the federal government;
- 73 (16) Failure or refusal to properly guard against contagious, infectious or 74 communicable diseases or the spread thereof.
- 75 3. After the filing of such complaint, the proceedings shall be conducted 76 in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, 77 78 for disciplinary action are met, the board may, singly or in combination, censure 79 or place the person named in the complaint on probation on such terms and 80 conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, 81 82 certificate, or permit.
- 337.020. 1. Each person desiring to obtain a license, whether temporary, provisional or permanent, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training that meets the guidelines developed by the committee. The committee shall not charge an application fee until such time that the application has been approved. In the event that an application is denied or rejected, no application fee shall be charged. The

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- application fee shall not be refundable. Each application shall contain a 11 statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the 12 13 application, subject to the penalties of making a false affidavit or declaration.
- 14 2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit evidence satisfactory to the committee that the applicant 15 is at least twenty-one years of age, [is of good moral character,] and meets the 17 appropriate educational requirements as set forth in either section 337.021 or 18 337.025, or is qualified for licensure without examination pursuant to section 19 337.029. In determining the acceptability of the applicant's qualifications, the 20 committee may require evidence that it deems reasonable and proper, in 21 accordance with law, and the applicant shall furnish the evidence in the manner 22 required by the committee.
 - 3. The committee with assistance from the division shall issue a permanent license to and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination for professional practice in psychology and such other examinations in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the examination for professional practice in psychology.
 - 4. The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.
- 5. A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person's postdoctoral degree licensed supervisor. A 43 provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant

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- to section 337.035, upon the expiration of one year from the date of issuance 46 47 whichever event first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a 48 maximum issuance of two years total per provisional licensee. The committee by 49 rule shall provide procedures for exceptions and variances from the requirement 50 of a maximum issuance of two years due to vacations, illness, pregnancy and 51 52 other good causes.
- 53 6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity 54 55 pursuant to section 337.029, or by endorsement of the score from the examination 56 for professional practice in psychology upon receipt of an application for such 57 licensure and upon proof that the applicant is either licensed as a psychologist 58 in another jurisdiction, is a diplomate of the American Board of Professional Psychology, or is a member of the National Register of Health Services Providers 59 60 in Psychology.
- 7. A temporary license issued pursuant to subsection 6 of this section 62 shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued 63 64 without payment of an additional fee and shall remain in full force and effect until the earlier of the following events: 65
- 66 (1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview 67 68 examination;
- 69 (2) In cases where the committee has found the applicant ineligible for 70 licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such appeal time; or 71
 - (3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.
- 77 8. Written and oral examinations pursuant to sections 337.010 to 337.090 78 shall be administered by the committee at least twice each year to any applicant 79 who meets the educational requirements set forth in either section 337.021 or 80 337.025 or to any applicant who is seeking licensure either by reciprocity 81 pursuant to section 337.029, or by endorsement of the score from the examination

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- of professional practice in psychology. The committee shall examine in the areas 83 of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations 84 governing the practice of psychology. The committee may use, in whole or in part, 85 the examination for professional practice in psychology national examination in 86 psychology or such other national examination in psychology which may be 87 available. 88
- 89 9. If an applicant fails any examination, the applicant shall be permitted 90 to take a subsequent examination, upon the payment of an additional 91 reexamination fee. This reexamination fee shall not be refundable.
- 337.035. 1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for 3 one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. 6
 - 2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
- 13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work 15 of any profession licensed or regulated by this chapter;
 - (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section **324.012, regardless of** whether or not sentence is imposed;
- 24(3) Use of fraud, deception, misrepresentation or bribery in securing any 25certificate of registration or authority, permit or license issued pursuant to this 26 chapter or in obtaining permission to take any examination given or required

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- 27 pursuant to this chapter;
- 28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; 29
- 30 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 31 or dishonesty in the performance of the functions or duties of any profession 32 licensed or regulated by this chapter;
- 33 (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to 34 this chapter; 35
- 36 (7) Impersonation of any person holding a certificate of registration or 37 authority, permit or license or allowing any person to use his or her certificate of 38 registration or authority, permit, license or diploma from any school;
- 39 (8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, 40 territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- 43 (9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction; 44
- 45 (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and 46 47 currently eligible to practice as provided this chapter;
- (11) Issuance of a certificate of registration or authority, permit or license 48 based upon a material mistake of fact; 49
- 50 (12) Failure to display a valid certificate or license if so required by this 51 chapter or any rule promulgated pursuant to this chapter;
 - (13) Violation of any professional trust or confidence;
- 53 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or 54 solicitation is primarily directed; 55
- 56 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state. 57
- 58 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the 60 administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the committee may, singly or in combination, 61 censure or place the person named in the complaint on probation on such terms

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- and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
- 65 license, certificate, or permit.
- 4. An interested third party may file a complaint or appear or present evidence relative to such complaint or another complaint filed pursuant to this section. For purposes of this section, an interested third party includes a parent or guardian of a person who received treatment by a psychologist or any person who is related within the second degree of consanguinity or affinity and who is financially responsible for the payment of such treatment.
- 337.330. 1. The committee may refuse to issue any license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 2. The committee may cause a complaint to be filed with the administrative hearing commission, as provided by chapter 621, against any holder of any license required by this chapter or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:
- 11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 12 beverage to an extent that such use impairs a person's ability to perform the work 13 of any profession licensed or regulated by this chapter;
 - (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions, or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;
- 22 (3) Use of fraud, deception, misrepresentation or bribery in securing any 23 permit or license issued under this chapter or in obtaining permission to take any 24 examination given or required under sections 337.300 to 337.345;
- 25 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other 26 compensation by fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation,

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- 28 or dishonesty in the performance of the functions or duties of any profession 29 licensed by sections 337.300 to 337.345;
- 30 (6) Violation of, or assisting or enabling any person to violate, any 31 provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;
- 32 (7) Impersonation of any person holding a certificate of registration or 33 authority, permit or license or allowing any person to use his or her certificate of 34 registration or authority, permit, license, or diploma from any school;
- 35 (8) Disciplinary action against the holder of a license or other right to 36 practice any profession regulated by sections 337.300 to 337.345 granted by 37 another state, territory, federal agency, or country upon grounds for which 38 revocation or suspension is authorized in this state;
- 39 (9) A person is finally adjudged insane or incapacitated by a court of 40 competent jurisdiction;
- 41 (10) Assisting or enabling any person to practice or offer to practice any 42 profession licensed or regulated by sections 337.300 to 337.345 who is not 43 registered and currently eligible to practice as provided in sections 337.300 to 44 337.345;
- 45 (11) Issuance of a certificate of registration or authority, permit, or license 46 based upon a material mistake of fact;
- 47 (12) Failure to display a valid certificate or license if so required by 48 sections 337.300 to 337.345 or any rule promulgated thereunder;
 - (13) Violation of any professional trust or confidence;
- 50 (14) Use of any advertisement or solicitation which is false, misleading, 51 or deceptive to the general public or persons to whom the advertisement or 52 solicitation is primarily directed;
 - (15) Being guilty of unethical conduct as defined in the code of conduct as adopted by the committee and filed with the secretary of state.
- 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.
 - 337.510. 1. Each applicant for licensure as a professional counselor shall

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- furnish evidence to the committee that the applicant is at least eighteen years of age, [is of good moral character,] is a United States citizen or is legally present in the United States; and
- 5 (1) The applicant has completed a course of study as defined by the board 6 rule leading to a master's, specialist's, or doctoral degree with a major in 7 counseling, except any applicant who has held a license as a professional 8 counselor in this state or currently holds a license as a professional counselor in 9 another state shall not be required to have completed any courses related to 10 career development; and
- 11 (2) The applicant has completed acceptable supervised counseling as 12 defined by board rule. If the applicant has a master's degree with a major in 13 counseling as defined by board rule, the applicant shall complete at least two 14 years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the 15 16 acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study 17 18 for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling; 19
- 20 (3) After August 28, 2007, each applicant shall have completed a 21 minimum of three hours of graduate level coursework in diagnostic systems either 22 in the curriculum leading to a degree or as post master's graduate level course 23 work;
 - (4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.
 - 2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who does not meet the requirements in section 324.009 and who is at least eighteen years of age, [is of good moral character,] and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:
- 35 (1) Approval by the American Association of State Counseling Boards 36 (AASCB) or its successor organization according to the eligibility criteria 37 established by AASCB. The successor organization shall be defined by board

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- 39 (2) In good standing and currently certified by the National Board for 40 Certified Counselors or its successor organization and has completed acceptable 41 supervised counseling experience as defined by board rule. The successor 42 organization shall be defined by board rule.
- 43 3. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that 44 the applicant has complied with the provisions of this act and has taken and 45 passed a written, open-book examination on Missouri laws and regulations 46 47 governing the practice of professional counseling as defined in section 48 337.500. The division shall issue a provisional professional counselor license to 49 any applicant who meets all requirements of this section, but who has not 50 completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion 51 52 of such acceptable supervised counseling experience.
 - 4. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, including two hours of suicide assessment, referral, treatment, and management training, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.
- 337.525. 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.500 to 337.540 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 7 2. The committee may cause a complaint to be filed with the 8 administrative hearing commission as provided by chapter 621 against any holder 9 of any license required by sections 337.500 to 337.540 or any person who has 10 failed to renew or has surrendered his license for any one or any combination of the following causes:
- 12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 13 beverage to an extent that such use impairs a person's ability to engage in the

- 14 occupation of professional counselor;
- 15 (2) The person has been finally adjudicated and found guilty, or entered
- 16 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
- 17 any state or of the United States, or any country, for any offense [reasonably]
- 18 directly related to [the qualifications, functions or] duties [of a professional
- 19 counselor; for any offense an essential element of which is fraud, dishonesty or
- 20 act of violence, or for any offense involving moral turpitude,] and
- 21 responsibilities of the occupation, as set forth in section 324.012,
- 22 **regardless of** whether or not sentence is imposed;
- 23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
- 24 license issued pursuant to the provisions of sections 337.500 to 337.540 or in
- 25 obtaining permission to take any examination given or required pursuant to the
- 26 provisions of sections 337.500 to 337.540;
- 27 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
- 28 compensation by fraud, deception or misrepresentation;
- 29 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
- 30 the performance of the functions or duties of a professional counselor;
- 31 (6) Violation of, or assisting or enabling any person to violate, any
- 32 provision of sections 337.500 to 337.540, or of any lawful rule or regulation
- 33 adopted pursuant to sections 337.500 to 337.540;
- 34 (7) Impersonation of any person holding a license or allowing any person
- 35 to use his or her license or diploma from any school;
- 36 (8) Revocation or suspension of a license or other right to practice
- 37 counseling granted by another state, territory, federal agency or country upon
- 38 grounds for which revocation or suspension is authorized in this state;
- 39 (9) A person is finally adjudged incapacitated by a court of competent
- 40 jurisdiction;
- 41 (10) Assisting or enabling any person to practice or offer to practice
- 42 professional counseling who is not licensed and currently eligible to practice
- 43 under the provisions of sections 337.500 to 337.540;
- 44 (11) Issuance of a license based upon a material mistake of fact;
- 45 (12) Failure to display a valid license if so required by sections 337.500
- 46 to 337.540 or any rule promulgated hereunder;
- 47 (13) Violation of any professional trust or confidence;
- 48 (14) Use of any advertisement or solicitation which is false, misleading or
- 49 deceptive to the general public or persons to whom the advertisement or

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50 solicitation is primarily directed;

- 51 (15) Being guilty of unethical conduct as defined in the ethical standards 52 for counselors adopted by the division and filed with the secretary of state.
- 3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.
- 4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.
- 337.615. 1. Each applicant for licensure as a clinical social worker shall 2 furnish evidence to the committee that:
- 3 (1) The applicant has a master's degree from a college or university 4 program of social work accredited by the council of social work education or a 5 doctorate degree from a school of social work acceptable to the committee;
- 6 (2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed 10 at least four thousand hours of supervised clinical experience with a qualified 11 clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of 12 licensure at three thousand hours and shall be furnished a certificate by the state 13 committee for social workers acknowledging the completion of said additional 14 15 hours;
- 16 (3) The applicant has achieved a passing score, as defined by the 17 committee, on an examination approved by the committee. The eligibility 18 requirements for such examination shall be promulgated by rule of the committee;
 - (4) The applicant is at least eighteen years of age, [is of good moral character,] is a United States citizen or has status as a legal resident alien, and has not been [convicted of a felony during the ten years immediately prior to application for licensure] finally adjudicated and found guilty, or entered

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- a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or of the United States, or any country, for any 25 offense directly related to the occupation, as set forth in section 26 324.012, regardless of whether or not sentence has been imposed.
- 27 2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of 2829 Columbia to practice clinical social work who does not meet the requirements of 30 section 324.009 and who has had no disciplinary action taken against the license, 31 certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person has received 32 a masters or doctoral degree from a college or university program of social work 33 34 accredited by the council of social work education and has been licensed to 35 practice clinical social work for the preceding five years.
- 3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 38 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section. 40
- 337.630. 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative 6 hearing commission as provided by chapter 621.
- 7 2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder 9 of any license required by sections 337.600 to 337.689 or any person who has 10 failed to renew or has surrendered the person's license for any one or any combination of the following causes:
- 12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the 13 14 occupation of social work licensed under this chapter; except that the fact that a person has undergone treatment for past substance or alcohol abuse and/or has 15 16 participated in a recovery program, shall not by itself be cause for refusal to issue 17 or renew a license;
- 18 (2) The person has been finally adjudicated and found guilty, or entered

- 19 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
- 20 of any state or of the United States, or any country, for any offense
- 21 [reasonably] directly related to the [qualifications, functions or] duties [of a
- 22 social worker licensed under this chapter; for any offense an essential element of
- 23 which is fraud, dishonesty or act of violence, or for any offense involving moral
- 24 turpitude,] and responsibilities of the occupation, as set forth in section
- 25 **324.012, regardless of** whether or not sentence is imposed;
- 26 (3) Use of fraud, deception, misrepresentation or bribery in securing any
- 27 license issued pursuant to the provisions of sections 337.600 to 337.689 or in
- 28 obtaining permission to take any examination given or required pursuant to the
- 29 provisions of sections 337.600 to 337.689;
- 30 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
- 31 compensation by fraud, deception or misrepresentation;
- 32 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
- 33 the performance of the functions or duties of a social worker licensed pursuant
- 34 to this chapter;
- 35 (6) Violation of, or assisting or enabling any person to violate, any
- 36 provision of sections 337.600 to 337.689, or of any lawful rule or regulation
- 37 adopted pursuant to sections 337.600 to 337.689;
- 38 (7) Impersonation of any person holding a license or allowing any person
- 39 to use the person's license or diploma from any school;
- 40 (8) Revocation or suspension of a license or other right to practice social
- 41 work licensed pursuant to this chapter granted by another state, territory, federal
- 42 agency or country upon grounds for which revocation or suspension is authorized
- 43 in this state;
- 44 (9) Final adjudication as incapacitated by a court of competent
- 45 jurisdiction;
- 46 (10) Assisting or enabling any person to practice or offer to practice social
- 47 work licensed pursuant to this chapter who is not licensed and currently eligible
- 48 to practice pursuant to the provisions of sections 337.600 to 337.689;
- 49 (11) Obtaining a license based upon a material mistake of fact;
- 50 (12) Failure to display a valid license if so required by sections 337.600
- 51 to 337.689 or any rule promulgated hereunder;
- 52 (13) Violation of any professional trust or confidence;
- 53 (14) Use of any advertisement or solicitation which is false, misleading or
- 54 deceptive to the general public or persons to whom the advertisement or

- 55 solicitation is primarily directed;
- 56 (15) Being guilty of unethical conduct as defined in the ethical standards 57 for clinical social workers adopted by the committee by rule and filed with the 58 secretary of state.
- 3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 337.600 to 337.689 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.
- 4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.
 - 337.644. 1. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:
- 3 (1) The applicant has a master's or doctorate degree in social work from 4 an accredited social work degree program approved by the council of social work 5 education;
- 6 (2) The applicant has achieved a passing score, as defined by the 7 committee, on an examination approved by the committee. The eligibility 8 requirements for such examination shall be determined by the state committee 9 for social workers;
- 10 (3) The applicant is at least eighteen years of age, [is of good moral character,] is a United States citizen or has status as a legal resident alien, and 11 has not been [convicted of a felony during the ten years immediately prior to 12application for licensure] finally adjudicated and found guilty, or entered 13 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense directly related to the duties and responsibilities of the occupation, as 16 17 set forth in section 324.012, regardless or whether or not sentence is 18 imposed;
- 19 (4) The applicant has submitted a written application on forms prescribed 20 by the state board;
- 21 (5) The applicant has submitted the required licensing fee, as determined

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- 22 by the committee.
 - 2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.
 - 3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.
 - 337.645. 1. Each applicant for licensure as an advanced macro social worker shall furnish evidence to the committee that:
 - (1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;
- 6 (2) The applicant has completed at least three thousand hours of 7 supervised advanced macro experience with a qualified advanced macro supervisor as defined in section 337.600 in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised advanced 10 macro experience with a qualified advanced macro supervisor, as defined in 11 12 section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and 13 shall be furnished a certificate by the state committee for social workers 14 acknowledging the completion of said additional hours; 15
 - (3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;
- (4) The applicant is at least eighteen years of age, is of good moral 19 character, is a United States citizen or has status as a legal resident alien, and has not been [convicted of a felony during the ten years immediately prior to 22application for licensure] finally adjudicated and found guilty, or entered 23 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense

- directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.
- 28 2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of 30 Columbia to practice advanced macro social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice advanced macro social work in this state if the person meets one of the following criteria:
- 34 (1) Has received a master's or doctoral degree from a college or university 35 program of social work accredited by the council of social work education and has 36 been licensed to practice advanced macro social work for the preceding five years; 37 or
- 38 (2) Is currently licensed or certified as an advanced macro social worker 39 in another state, territory of the United States, or the District of Columbia having 40 substantially the same requirements as this state for advanced macro social 41 workers.
- 3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.
 - 337.665. 1. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the committee that:
- 3 (1) The applicant has a baccalaureate degree in social work from an 4 accredited social work degree program approved by the council of social work 5 education;
- 6 (2) The applicant has achieved a passing score, as defined by the 7 committee, on an examination approved by the committee. The eligibility 8 requirements for such examination shall be determined by the state committee 9 for social work;
- 10 (3) The applicant is at least eighteen years of age, [is of good moral character,] is a United States citizen or has status as a legal resident alien, and has not been [convicted of a felony during the ten years immediately prior to application for licensure] finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the

- 15 laws of any state or of the United States, or any country, for any offense
- 16 directly related to the duties and responsibilities of the occupation, as
- 17 set forth in section 324.012, regardless of whether or not sentence is
- 18 imposed;
- 19 (4) The applicant has submitted a written application on forms prescribed 20 by the state board;
- 21 (5) The applicant has submitted the required licensing fee, as determined 22 by the committee.
- 2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.
- 3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section.
- 4. The committee shall issue a certificate to practice independently under subsection 3 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than twenty-four months and no more than forty-eight consecutive calendar months.
- 337.715. 1. Each applicant for licensure or provisional licensure as a 2 marital and family therapist shall furnish evidence to the committee that:
- 3 (1) The applicant has a master's degree or a doctoral degree in marital 4 and family therapy from a program accredited by the Commission on 5 Accreditation for Marriage and Family Therapy Education, or its equivalent as 6 defined by committee regulation, from an educational institution accredited by a 7 regional accrediting body that is recognized by the United States Department of
- 8 Education;
- 9 (2) The applicant for licensure as a marital and family therapist has 10 twenty-four months of postgraduate supervised clinical experience acceptable to 11 the committee, as the state committee determines by rule;
- 12 (3) After August 28, 2008, the applicant shall have completed a minimum 13 of three semester hours of graduate-level course work in diagnostic systems either 14 within the curriculum leading to a degree as defined in subdivision (1) of this

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- subsection or as post-master's graduate-level course work. Each applicant shall 15 16 demonstrate supervision of diagnosis as a core component of the postgraduate supervised clinical experience as defined in subdivision (2) of this subsection; 17
- (4) Upon examination, the applicant is possessed of requisite knowledge 19 of the profession, including techniques and applications research and its interpretation and professional affairs and ethics;
- 21 (5) The applicant is at least eighteen years of age, [is of good moral 22 character, is a United States citizen or has status as a legal resident alien, and 23 has not been [convicted of a felony during the ten years immediately prior to application for licensure] finally adjudicated and found guilty, or entered 24 25a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense 27directly related to the duties and responsibilities of the occupation, as 28 set forth in section 324.012, regardless of whether or not sentence is 29 imposed.
- 30 2. Any person otherwise qualified for licensure holding a current license, certificate of registration, or permit from another state or territory of the United 31 32 States or the District of Columbia to practice marriage and family therapy may be granted a license without examination to engage in the practice of marital and 33 family therapy in this state upon application to the state committee, payment of 34 35 the required fee as established by the state committee, and satisfaction of the 36 following:
- (1) Determination by the state committee that the requirements of the other state or territory are substantially the same as Missouri; 38
- 39 (2) Verification by the applicant's licensing entity that the applicant has 40 a current license; and
- (3) Consent by the applicant to examination of any disciplinary history in 41 42any state.
- 43 3. The state committee shall issue a license to each person who files an 44 application and fee as required by the provisions of sections 337.700 to 337.739.
- 337.730. 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.700 to 337.739 for one or any combination of causes stated in subsection 2 of this section. The committee shall 3 notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

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- The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:
- 12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 13 beverage to an extent that such use impairs a person's ability to engage in the 14 occupation of marital and family therapist; except the fact that a person has 15 undergone treatment for past substance or alcohol abuse or has participated in 16 a recovery program, shall not by itself be cause for refusal to issue or renew a 17 license;
- 18 (2) The person has been finally adjudicated and found guilty, or entered 19 a plea of guilty in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to 20 21the [qualifications, functions or] duties [of a marital and family therapist; for any 22 offense an essential element of which is fraud, dishonesty or act of violence, or for 23 any offense involving moral turpitude, and responsibilities of the occupation, as set forth in section 324.012, whether or not sentence is 24 25 imposed;
- 26 (3) Use of fraud, deception, misrepresentation or bribery in securing any 27 license issued pursuant to the provisions of sections 337.700 to 337.739 or in 28 obtaining permission to take any examination given or required pursuant to the 29 provisions of sections 337.700 to 337.739;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a marital and family therapist;
- 34 (6) Violation of, or assisting or enabling any person to violate, any 35 provision of sections 337.700 to 337.739 or of any lawful rule or regulation 36 adopted pursuant to sections 337.700 to 337.739;
- 37 (7) Impersonation of any person holding a license or allowing any person 38 to use the person's license or diploma from any school;
- 39 (8) Revocation or suspension of a license or other right to practice marital 40 and family therapy granted by another state, territory, federal agency or country 41 upon grounds for which revocation or suspension is authorized in this state;
 - (9) Final adjudication as incapacitated by a court of competent

- 43 jurisdiction;
- 44 (10) Assisting or enabling any person to practice or offer to practice
- 45 marital and family therapy who is not licensed and is not currently eligible to
- 46 practice under the provisions of sections 337.700 to 337.739;
- 47 (11) Obtaining a license based upon a material mistake of fact;
- 48 (12) Failure to display a valid license if so required by sections 337.700
- 49 to 337.739 or any rule promulgated hereunder;
- 50 (13) Violation of any professional trust or confidence;
- 51 (14) Use of any advertisement or solicitation which is false, misleading or
- 52 deceptive to the general public or persons to whom the advertisement or
- 53 solicitation is primarily directed;
- 54 (15) Being guilty of unethical conduct as defined in the ethical standards
- 55 for marital and family therapists adopted by the committee by rule and filed with
- 56 the secretary of state.
- 3. Any person, organization, association or corporation who reports or
- 58 provides information to the committee under sections 337.700 to 337.739 and who
- 59 does so in good faith shall not be subject to an action for civil damages as a result
- 60 thereof.
- 4. After filing of such complaint, the proceedings shall be conducted in
- 62 accordance with the provisions of chapter 621. Upon a finding by the
- 63 administrative hearing commission that the grounds provided in subsection 2 of
- 64 this section for disciplinary action are met, the division may censure or place the
- 65 person named in the complaint on probation on such terms and conditions as the
- 66 committee deems appropriate for a period not to exceed five years, or may
- 67 suspend for a period not to exceed three years, or revoke the license.
 - 338.030. An applicant for examination shall be twenty-one years of age
 - 2 [and in addition shall furnish satisfactory evidence of his good moral character]
- 3 and have had one year practical experience under the supervision of a licensed
- 4 pharmacist within a licensed pharmacy, or other location approved by the board,
- 5 and shall be a graduate of a school or college of pharmacy whose requirements for
- 6 graduation are satisfactory to and approved by the board of pharmacy.
 - 338.055. 1. The board may refuse to issue any certificate of registration
- 2 or authority, permit or license required pursuant to this chapter for one or any
- 3 combination of causes stated in subsection 2 of this section or if the designated
- 4 pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or
- 5 controlling shareholder of the applicant has committed any act or practice in

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- 6 subsection 2 of this section. The board shall notify the applicant in writing of the 7 reasons for the refusal and shall advise the applicant of his or her right to file a 8 complaint with the administrative hearing commission as provided by chapter 9 621.
- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:
- 16 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 17 beverage to an extent that such use impairs a person's ability to perform the work 18 of any profession licensed or regulated by this chapter;
- 19 (2) The person has been finally adjudicated and found guilty, or entered 20 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] 2122 directly related to the [qualifications, functions or] duties [of any profession 23 licensed or regulated under this chapter, for any offense an essential element of 24which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude, and responsibilities of the occupation, as set forth in section 2526 **324.012**, whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- 33 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation 34 or dishonesty in the performance of the functions or duties of any profession 35 licensed or regulated by this chapter;
- 36 (6) Violation of, or assisting or enabling any person to violate, any 37 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 38 this chapter;
- 39 (7) Impersonation of any person holding a certificate of registration or 40 authority, permit or license or allowing any person to use his or her certificate of 41 registration or authority, permit, license, or diploma from any school;

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- 42 (8) Denial of licensure to an applicant or disciplinary action against an 43 applicant or the holder of a license or other right to practice any profession 44 regulated by this chapter granted by another state, territory, federal agency, or 45 country whether or not voluntarily agreed to by the licensee or applicant, 46 including, but not limited to, surrender of the license upon grounds for which 47 denial or discipline is authorized in this state;
- 48 (9) A person is finally adjudged incapacitated by a court of competent 49 jurisdiction;
- 50 (10) Assisting or enabling any person to practice or offer to practice any 51 profession licensed or regulated by this chapter who is not registered and 52 currently eligible to practice under this chapter;
- 53 (11) Issuance of a certificate of registration or authority, permit or license 54 based upon a material mistake of fact;
- 55 (12) Failure to display a valid certificate or license if so required by this 56 chapter or any rule promulgated hereunder;
 - (13) Violation of any professional trust or confidence;
- 58 (14) Use of any advertisement or solicitation which is false, misleading or 59 deceptive to the general public or persons to whom the advertisement or 60 solicitation is primarily directed;
- 61 (15) Violation of the drug laws or rules and regulations of this state, any 62 other state or the federal government;
 - (16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;
- 71 (17) Personal use or consumption of any controlled substance unless it is 72 prescribed, dispensed, or administered by a health care provider who is 73 authorized by law to do so.
- 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in

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combination, censure or place the person named in the complaint on probation on 79 such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or 80 revoke the license, certificate, or permit. The board may impose additional 81 82 discipline on a licensee, registrant, or permittee found to have violated any 83 disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the 84 licensee, registrant, or permittee named in the complaint on additional probation 85 86 on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed 87 three years, or revocation of the license, certificate, or permit. 88

- 4. If the board concludes that a licensee or registrant has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the licensee's or registrant's license. Within fifteen days after service of the complaint on the licensee or registrant, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the licensee or registrant appear to constitute a clear and present danger to the public health and safety which justify that the licensee's or registrant's license or registration be immediately restricted or suspended. The burden of proving that the actions of a licensee or registrant constitute a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.
- 106 5. If the administrative hearing commission grants temporary authority 107 to the board to restrict or suspend the licensee's or registrant's license, such temporary authority of the board shall become final authority if there is no 108 109 request by the licensee or registrant for a full hearing within thirty days of the 110 preliminary hearing. The administrative hearing commission shall, if requested 111 by the licensee or registrant named in the complaint, set a date to hold a full 112 hearing under the provisions of chapter 621 regarding the activities alleged in the initial complaint filed by the board. 113

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6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds.

338.065. 1. At such time as the final trial proceedings are concluded 2 whereby a licensee or registrant, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license, has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a [felony] criminal prosecution [pursuant to] under the laws of [the state of Missouri, the laws of any other state, territory, or the laws of] any 6 state, the United States [of America], or any country, for any offense 7 [reasonably] directly related to the [qualifications, functions or] duties [of a licensee, permittee, or registrant pursuant to this chapter or any felony offense, 10 an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude, and responsibilities of the occupation 11 12 as set forth in section 324.012, regardless of whether or not sentence is imposed, the board of pharmacy may hold a disciplinary hearing to singly or in 13 14 combination censure or place the licensee, permittee, or registrant named in the complaint on probation on such terms and conditions as the board deems 15 16 appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, registration or permit. 17

2. Anyone who has been revoked or denied a license, permit or certificate to practice in another state may automatically be denied a license or permit to practice in this state. However, the board of pharmacy may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

338.185. After August 28, 1990, notwithstanding any other provisions of law, the board of pharmacy shall have access to records involving an applicant for a license or permit or renewal of a license or permit as provided within this chapter, where the applicant has been adjudicated and found guilty or entered a plea of guilty or nolo contendere in a prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions, or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is imposed.

- 339.040. 1. Licenses shall be granted only to persons who present, and
- 2 corporations, associations, partnerships, limited partnerships, limited liability
- 3 companies, and professional corporations whose officers, managers, associates,
- 4 general partners, or members who actively participate in such entity's brokerage,
- 5 broker-salesperson, or salesperson business present, satisfactory proof to the
- 6 commission that they[:
 - (1) Are persons of good moral character; and
 - (2) Bear a good reputation for honesty, integrity, and fair dealing; and
- 9 (3)] are competent to transact the business of a broker or salesperson in 10 such a manner as to safeguard the interest of the public.
- 11 2. In order to determine an applicant's qualifications to receive a license
- 12 under sections 339.010 to 339.180 and sections 339.710 to 339.860, the
- 13 commission shall hold oral or written examinations at such times and places as
- 14 the commission may determine.
- 15 3. Each applicant for a broker or salesperson license shall be at least
- 16 eighteen years of age and shall pay the broker examination fee or the salesperson
- 17 examination fee.
- 4. Each applicant for a broker license shall be required to have
- 19 satisfactorily completed the salesperson license examination prescribed by the
- 20 commission. For the purposes of this section only, the commission may permit
- 21 a person who is not associated with a licensed broker to take the salesperson
- 22 examination.
- 5. Each application for a broker license shall include a certificate from the
- 24 applicant's broker or brokers that the applicant has been actively engaged in the
- 25 real estate business as a licensed salesperson for at least two years immediately
- 26 preceding the date of application, and shall include a certificate from a school
- 27 accredited by the commission under the provisions of section 339.045 that the
- 28 applicant has, within six months prior to the date of application, successfully
- 29 completed the prescribed broker curriculum or broker correspondence course
- 30 offered by such school, except that the commission may waive all or part of the
- 31 requirements set forth in this subsection when an applicant presents proof of
- 32 other educational background or experience acceptable to the commission. Each
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- 33 application for a broker-salesperson license shall include evidence of the current
- 34 broker license held by the applicant.
- 6. Each application for a salesperson license shall include a certificate
- 36 from a school accredited by the commission under the provisions of section

- 339.045 that the applicant has, within six months prior to the date of application, 38 successfully completed the prescribed salesperson curriculum or salesperson 39 correspondence course offered by such school, except that the commission may 40 waive all or part of the educational requirements set forth in this subsection 41 when an applicant presents proof of other educational background or experience 42 acceptable to the commission.
 - 7. The commission may issue a temporary work permit pending final review and printing of the license to an applicant who appears to have satisfied the requirements for licenses. The commission may, at its discretion, withdraw the work permit at any time.
 - 8. Every active broker, broker-salesperson, salesperson, officer, manager, general partner, member or associate shall provide upon request to the commission evidence that during the two years preceding he or she has completed twelve hours of real estate instruction in courses approved by the commission. The commission may, by rule and regulation, provide for individual waiver of this requirement.
 - 9. Each entity that provides continuing education required under the provisions of subsection 8 of this section may make available instruction courses that the entity conducts through means of distance delivery. The commission shall by rule set standards for such courses. The commission may by regulation require the individual completing such distance-delivered course to complete an examination on the contents of the course. Such examination shall be designed to ensure that the licensee displays adequate knowledge of the subject matter of the course, and shall be designed by the entity producing the course and approved by the commission.
 - 10. In the event of the death or incapacity of a licensed broker, or of one or more of the licensed general partners, officers, managers, members or associates of a real estate partnership, limited partnership, limited liability company, professional corporation, corporation, or association whereby the affairs of the broker, partnership, limited partnership, limited liability company, professional corporation, corporation, or association cannot be carried on, the commission may issue, without examination or fee, to the legal representative or representatives of the deceased or incapacitated individual, or to another individual approved by the commission, a temporary broker license which shall authorize such individual to continue for a period to be designated by the commission to transact business for the sole purpose of winding up the affairs of

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the broker, partnership, limited partnership, limited liability company, professional corporation, corporation, or association under the supervision of the commission.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such 5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the 7 affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a 10 violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of 11 12 records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before 13 14 the commission to offer testimony or any material specified in the subpoenas. Subpoenas and subpoenas duces tecum issued pursuant to this section 15 16 shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in 17 civil cases. 18

- 2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:
- (1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;
- 30 (2) Making substantial misrepresentations or false promises or 31 suppression, concealment or omission of material facts in the conduct of his or her 32 business or pursuing a flagrant and continued course of misrepresentation 33 through agents, salespersons, advertising or otherwise in any transaction;

- 34 (3) Failing within a reasonable time to account for or to remit any moneys, 35 valuable documents or other property, coming into his or her possession, which 36 belongs to others;
- 37 (4) Representing to any lender, guaranteeing agency, or any other 38 interested party, either verbally or through the preparation of false documents, 39 an amount in excess of the true and actual sale price of the real estate or terms 40 differing from those actually agreed upon;
- 41 (5) Failure to timely deliver a duplicate original of any and all 42 instruments to any party or parties executing the same where the instruments 43 have been prepared by the licensee or under his or her supervision or are within 44 his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of 45 46 a lease, listing agreement or the purchase, sale, exchange or lease of property, or 47 any type of real estate transaction in which he or she may participate as a 48 licensee;
- 49 (6) Acting for more than one party in a transaction without the knowledge 50 of all parties for whom he or she acts, or accepting a commission or valuable 51 consideration for services from more than one party in a real estate transaction 52 without the knowledge of all parties to the transaction;
- 53 (7) Paying a commission or valuable consideration to any person for acts 54 or services performed in violation of sections 339.010 to 339.180 and sections 55 339.710 to 339.860;
- 56 (8) Guaranteeing or having authorized or permitted any licensee to 57 guarantee future profits which may result from the resale of real property;
- 58 (9) Having been finally adjudicated and been found guilty of the violation 59 of any state or federal statute which governs the sale or rental of real property 60 or the conduct of the real estate business as defined in subsection 1 of section 61 339.010;
- 62 (10) Obtaining a certificate or registration of authority, permit or license 63 for himself or herself or anyone else by false or fraudulent representation, fraud 64 or deceit;
- 65 (11) Representing a real estate broker other than the broker with whom 66 associated without the express written consent of the broker with whom 67 associated;
- 68 (12) Accepting a commission or valuable consideration for the performance 69 of any of the acts referred to in section 339.010 from any person except the broker

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70 with whom associated at the time the commission or valuable consideration was 71 earned;

- (13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;
- (14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;
- 81 (15) Violation of, or attempting to violate, directly or indirectly, or 82 assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant 84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;
- 85 (16) Committing any act which would otherwise be grounds for the 86 commission to refuse to issue a license under section 339.040;
- 87 (17) Failure to timely inform seller of all written offers unless otherwise 88 instructed in writing by the seller;
 - or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is imposed;
- 97 (19) Any other conduct which constitutes untrustworthy, improper or 98 fraudulent business dealings, demonstrates bad faith or incompetence, 99 misconduct, or gross negligence;
- 100 (20) Disciplinary action against the holder of a license or other right to 101 practice any profession regulated under sections 339.010 to 339.180 and sections 102 339.710 to 339.860 granted by another state, territory, federal agency, or country 103 upon grounds for which revocation, suspension, or probation is authorized in this 104 state;
- 105 (21) Been found by a court of competent jurisdiction of having used any

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- 106 controlled substance, as defined in chapter 195, to the extent that such use 107 impairs a person's ability to perform the work of any profession licensed or 108 regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;
- 109 (22) Been finally adjudged insane or incompetent by a court of competent 110 jurisdiction;
- 111 (23) Assisting or enabling any person to practice or offer to practice any 112 profession licensed or regulated under sections 339.010 to 339.180 and sections 113 339.710 to 339.860 who is not registered and currently eligible to practice under 114 sections 339.010 to 339.180 and sections 339.710 to 339.860;
- 115 (24) Use of any advertisement or solicitation which is knowingly false, 116 misleading or deceptive to the general public or persons to whom the 117 advertisement or solicitation is primarily directed;
 - (25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;
- 122 (26) Engaging in, committing, or assisting any person in engaging in or 123 committing mortgage fraud, as defined in section 443.930.
- 124 3. After the filing of such complaint, the proceedings will be conducted in 125 accordance with the provisions of law relating to the administrative hearing 126 commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts 127128 shall be grounds for the suspension or revocation of his license by the 129 commission, or the placing of the licensee on probation on such terms and 130 conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five 131 132 hundred dollars for each offense. Each day of a continued violation shall 133 constitute a separate offense.
 - 4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.
- 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has [pleaded guilty to,] been finally

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- adjudicated and found guilty or has entered a plea of nolo contendere [to, or been found guilty of any of the following offenses or offenses of a similar nature established] in a criminal prosecution under the laws of [this,] any [other] state, the United States, or any [other] country, [notwithstanding] for any offense directly related to the duties and responsibilities of the occupation as set forth in section 324.012, regardless of whether sentence is imposed[:
- 149 (1) Any dangerous felony as defined under section 556.061 or murder in 150 the first degree;
- (2) Any of the following sexual offenses: rape in the first degree, forcible 151 152 rape, rape, statutory rape in the first degree, statutory rape in the second degree, 153 rape in the second degree, sexual assault, sodomy in the first degree, forcible 154 sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second 155 156 degree, sodomy in the second degree, deviate sexual assault, sexual misconduct 157 involving a child, sexual misconduct in the first degree under section 566.090 as 158 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, 159 enticement of a child, or attempting to entice a child; 160
 - (3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;
 - (4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and
 - (5) Mortgage fraud as defined in section 570.310].
- 6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within

ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

339.511. 1. There shall be six classes of licensure for individuals including:

- 3 (1) State-licensed appraiser trainee;
- 4 (2) State-licensed real estate appraiser;
- 5 (3) State-certified residential appraiser trainee;
- 6 (4) State-certified residential real estate appraiser;
- 7 (5) State-certified general appraiser trainee; and
- 8 (6) State-certified general real estate appraiser.
- 9 2. There shall be one class of license for appraisal management 10 companies.
- 11 3. Persons desiring to obtain licensure as a state-licensed appraiser 12 trainee, state-licensed real estate appraiser, state-certified residential appraiser trainee, certification as a state-certified residential real estate appraiser, 13 14 state-certified general appraiser trainee, or state-certified general real estate 15 appraiser shall make written application to the commission on such forms as are 16 prescribed by the commission setting forth the applicant's qualifications for licensure or certification [and present to the commission satisfactory proof that 1718 the person is of good moral character and bears a good reputation for honesty, 19 integrity and fair dealing].
- 20 4. Each applicant for licensure as a state-licensed appraiser trainee, state-licensed real estate appraiser, a state-certified residential appraiser trainee, 2122 a state-certified residential real estate appraiser, a state-certified general 23 appraiser trainee, or a state-certified general real estate appraiser shall have 24 demonstrated the knowledge and competence necessary to perform appraisals of 25 residential and other real estate as the commission may prescribe by rule not inconsistent with any requirements imposed by the appraiser qualifications 26 board. The commission shall prescribe by rule procedures for obtaining and 2728 maintaining approved courses of instruction. The commission shall, also, 29 prescribe the hours of training in real estate appraisal practices and the 30 minimum level of experience acceptable for licensure or certification.
- 31 5. Persons who receive certification after March 30, 1991, or who have a

- 32 state license or certificate to engage in business as a real estate appraiser issued
- 33 by the commission, shall receive the same license or certificate from the
- 34 commission as such persons are currently holding without further education,
- 35 experience, examination or application fee, but shall be required to meet all
- 36 continuing education requirements prescribed by the commission.
 - 6. Appraisal management companies desiring to obtain licensure shall:
- 38 (1) Make application to the commission on such forms as are prescribed 39 by the commission setting forth the applicant's qualifications for licensure;
 - (2) Remit the fee or fees as established by rule; and
- 41 (3) Post with the commission and maintain on renewal a surety bond in 42 the amount of twenty thousand dollars as further promulgated by rule [; and
- 43 (4) Submit to the commission satisfactory proof that any controlling 44 person, defined in section 339.503, is of good moral character and bears a good 45 reputation for honesty, integrity, and fair dealing.
 - 339.532. 1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 7 2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any 9 state-certified real estate appraiser, state-licensed real estate appraiser, 10 state-licensed appraiser trainee, state-certified residential appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management 11 company that is a legal entity other than a natural person, any person who is a 12 controlling person as defined in this chapter, or any person who has failed to 13 renew or has surrendered his or her certificate or license for any one or any 14 combination of the following causes: 15
- 16 (1) Procuring or attempting to procure a certificate or license pursuant to 17 section 339.513 by knowingly making a false statement, submitting false 18 information, refusing to provide complete information in response to a question 19 in an application for certification or licensure, or through any form of fraud or 20 misrepresentation;
- 21 (2) Failing to meet the minimum qualifications for certification or 22 licensure or renewal established by sections 339.500 to 339.549;

- 23 (3) Paying money or other valuable consideration, other than as provided 24 for by section 339.513, to any member or employee of the commission to procure 25 a certificate or license pursuant to sections 339.500 to 339.549;
- 26 (4) The person has been finally adjudicated and found guilty, or entered 27 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, or any country, for any offense [reasonably] 2829 directly related to the [qualifications, functions or] duties [of any profession 30 licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of which an essential element is fraud, dishonesty or act of violence, or for any 31 32offense involving moral turpitude, and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is 34 imposed;
- 35 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or 36 misrepresentation in the performance of the functions or duties of any profession 37 licensed or regulated by sections 339.500 to 339.549;
- 38 (6) Violation of any of the standards for the development or 39 communication of real estate appraisals as provided in or pursuant to sections 40 339.500 to 339.549;
- 41 (7) Failure to comply with the Uniform Standards of Professional 42 Appraisal Practice promulgated by the appraisal standards board of the appraisal 43 foundation;
- 44 (8) Failure or refusal without good cause to exercise reasonable diligence 45 in developing an appraisal, preparing an appraisal report, or communicating an 46 appraisal;
- 47 (9) Negligence or incompetence in developing an appraisal, in preparing 48 an appraisal report, or in communicating an appraisal;
- 49 (10) Violating, assisting or enabling any person to willfully disregard any 50 of the provisions of sections 339.500 to 339.549 or the regulations of the 51 commission for the administration and enforcement of the provisions of sections 52 339.500 to 339.549;
- 53 (11) Accepting an appraisal assignment when the employment itself is 54 contingent upon the appraiser's reporting a predetermined analysis or opinion or 55 where the fee to be paid for the performance of the appraisal assignment is 56 contingent upon the opinion, conclusion, or valuation reached or upon the 57 consequences resulting from the appraisal assignment;
- 58 (12) Violating the confidential nature of governmental records to which

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- 59 the person gained access through employment or engagement to perform an 60 appraisal assignment or specialized appraisal services for a governmental agency;
- 61 (13) Violating any term or condition of a certificate or license issued by 62 the commission pursuant to the authority of sections 339.500 to 339.549;
 - (14) Violation of any professional trust or confidence;
- 64 (15) Obtaining or attempting to obtain any fee, charge, tuition or other 65 compensation by fraud, deception or misrepresentation;
- (16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice pursuant to sections 339.500 to 339.549;
- 70 (17) Use of any advertisement or solicitation which is false, misleading or 71 deceptive to the general public or persons to whom the advertisement or 72 solicitation is primarily directed;
 - (18) Disciplinary action against the holder of a license, certificate or other right to practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
 - (19) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or certification, or for license or certification renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;
 - (20) Engaging in or committing, or assisting any person in engaging in or committing, any practice or act of mortgage fraud, as defined in section 443.930;
 - (21) Influencing or attempting to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, or bribery.
- 87 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the 88 administrative hearing commission that the grounds, provided in subsection 2 of 89 90 this section, for disciplinary action are met, the commission may, singly or in 91 combination, publicly censure or place the person named in the complaint on 92 probation on such terms and conditions as the commission deems appropriate for 93 a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the certificate or license. The holder of a certificate or license, 94

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95 or the legal entity and any controlling person in the case of an appraisal 96 management company, revoked pursuant to this section may not obtain certification as a state-certified real estate appraiser, licensure as a state-licensed 97 real estate appraiser, or licensure as an appraisal management company for at 98 least five years after the date of revocation. 99

- 4. Notwithstanding other provisions of this section, a real estate appraiser license or certification or an appraisal management company license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant, or any controlling person in the case of an appraisal management company, has [pleaded guilty to,] been finally adjudicated and found guilty, or has entered a plea of nolo contendere [to, or been found guilty of mortgage fraud as defined in section 570.310] in a criminal prosecution under the laws of any state, the United States, or any country, for any offense directly related to the duties and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is imposed. The commission shall notify the individual or legal entity of the reasons for the revocation in writing, by certified mail.
- 112 5. A person, or the legal entity or controlling person in the case of an 113 appraisal management company, whose license is revoked under subsection 4 of this section may appeal such revocation to the administrative hearing 114 commission, as provided by chapter 621, within ninety days from the time the 116 commission mails the notice of revocation. A person who fails to do so waives all rights to appeal the revocation.
 - 6. A certification of a state-certified real estate appraiser, a license of a state-licensed real estate appraiser, or a license of an appraisal management company that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person, controlling person, or legal entity may not obtain certification as a state-certified real estate appraiser, licensure as a state-licensed real estate appraiser, or licensure as an appraisal management company subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure

131 subsequent to revocation.

- 340.228. 1. Any person desiring a license to practice veterinary medicine in the state of Missouri shall make a written application to the board on forms to be provided by the board. The board shall provide such forms without charge upon the applicant's request.
- 2. Each application shall contain a statement that is made under oath or affirmation that representations made therein are true, correct and contain no material omissions of fact to the best knowledge and belief of the person making the application and whose signature shall be subscribed thereto. Any person who knowingly submits false information, information intended to mislead the board, or omits a material fact on the application shall be subject to penalties provided for by the laws of this state for giving a false statement under oath or affirmation, in addition to any actions which the board may take pursuant to the provisions of sections 340.200 to 340.330.
- 3. To qualify for licensure under sections 340.200 to 340.330, the application must show that the applicant:
- 16 (1) [Is a person of good moral character;
 - (2)] Is a graduate of an accredited school of veterinary medicine;
- [(3)] (2) Has completed a veterinary candidacy program after graduation 18 19 under the supervision of a veterinarian licensed and in good standing in any state, territory or district of the United States. The supervising veterinarian 20 shall submit an affidavit to the board stating that the applicant has satisfactorily 2122completed the veterinary candidacy program. If the applicant submits 23 satisfactory proof that he or she has completed a student preceptor program 24recognized and approved by the board before graduation, the board may waive the veterinary candidacy requirement; and 25
- 26 [(4)] (3) Has passed an examination or examinations as prescribed by board rule. The examination or examinations shall be designed to test the 2728 examinee's knowledge of, and proficiency in, subjects and techniques commonly 29 taught in schools of veterinary medicine, the requirements of sections 340.200 to 340.330, other related statutes and administrative rules and other material as 30 determined by the board. An examinee must demonstrate scientific, practical and 31 32 legal knowledge sufficient to establish for the board that the examinee is 33 competent to practice veterinary medicine. The examination or examinations will 34 only be given in the English language. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory 35

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- 36 to the board that the applicant possesses the qualifications set forth in this 37 section.
- 4. The board may require such other information and proof of a person's fitness as it deems necessary.
 - 340.264. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 340.200 to 340.330 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 2. The board may file a complaint with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 340.200 to 340.330 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or combination of the following causes:
- 13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 14 beverage to an extent that such use impairs a person's ability to perform the work 15 of any profession licensed or regulated by sections 340.200 to 340.330;
 - (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, [territory, district of the United States,] or the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated under sections 340.200 to 340.330 or for any offense for which an essential element is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 340.200 to 340.330 or in obtaining permission to take any examination given or required pursuant to sections 340.200 to 340.330;
- 29 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct 30 or unprofessional conduct in the performance of the functions or duties of any 31 profession licensed or regulated by sections 340.200 to 340.330, including, but not 32 limited to:

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- 33 (a) Obtaining or attempting to obtain any fee, charge, tuition or other 34 compensation by fraud, deception or misrepresentation;
- 35 (b) Willfully and continually overcharging for services or overtreating patients or charging for services which did not occur unless the services were 36 37 contracted for in advance, or for services which were not rendered or documented 38 in the patient's records, or charging for services which were not consented to by the owner of the patient or the owner's agent; 39
- 40 (c) Willfully or continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services; 41
- 42 (d) Attempting, directly or indirectly, by intimidation, coercion or 43 deception to obtain or retain a patient or discourage the owner from seeking a 44 second opinion or consultation;
- 45 (e) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, registration or licensure to 46 47 perform such responsibilities;
- 48 (f) Misrepresenting that any disease or ailment can be cured by a method, 49 procedure, treatment, medicine or device;
- 50 (g) Performing or prescribing medical services which have been declared by board rule to be of no medical value;
 - (h) Final disciplinary action by any professional veterinary medical association or society or licensed hospital or clinic or medical staff of such hospital or clinic in this state or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, surrender, or restriction of a license or staff or hospital or clinic privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was related to unprofessional conduct, professional incompetence, malpractice or any other violation of sections 340.200 to 340.330;
- 61 (i) Dispensing, prescribing, administering or otherwise distributing any 62 drug, controlled substance or other treatment without sufficient examination or 63 establishment of a veterinarian-client-patient relationship, or for other medically accepted therapeutic or experimental or investigative purposes, or not in the 64 course of professional practice, or not in good faith to relieve pain and suffering, 66 or not to cure an ailment, physical infirmity or disease; or the dispensing, prescribing, administering or distribution of any drug, controlled substance or 67 68 other treatment by anyone other than a properly licensed veterinarian, unless

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- such person is a properly registered veterinary technician, unregistered assistant, or the patient's owner and then to be limited to administration of drugs or other treatment under the supervision, control or explicit instructions of a licensed veterinarian;
- 73 (j) Terminating the medical care of a patient without adequate notice to 74 the owner or without making other arrangements for the continued care of the 75 patient;
- (k) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent, or failing to comply with any other law relating to medical records; except, radiographs prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;
- 83 (l) Failure of any applicant or licensee to cooperate with the board during 84 any investigation, if such investigation does not concern the applicant or licensee;
- 85 (m) Failure to comply with any subpoena or subpoena duces tecum from 86 the board or an order of the board;
- 87 (n) Failure to timely pay license or registration renewal fees as specified 88 in sections 340.200 to 340.330;
- 89 (o) Violating a probation agreement with the board or any other licensing 90 authority of this state, another state or territory of the United States, or a federal 91 agency;
 - (p) Violating any informal consent agreement for discipline entered into by an applicant or licensee with the board or any other licensing authority of this state, another state or territory of the United States, or a federal agency;
- 95 (q) Failing to inform the board of any change in business or residential 96 address as required by sections 340.200 to 340.330 or administrative rule;
- 97 (r) Advertising by an applicant or licensee which is false or misleading, 98 or which violates any rules of the board, or which claims without substantiation 99 the positive cure of any disease, or professional superiority to or greater skill 100 than that possessed by any other veterinarian;
- 101 (5) Any conduct or practice which is or might be harmful or dangerous to 102 the health of a patient;
- 103 (6) Incompetency, gross negligence or repeated negligence in the 104 performance of the functions or duties of any profession licensed or regulated by

- sections 340.200 to 340.330. For purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of the profession;
- 109 (7) Violation of, or attempting to violate, directly or indirectly, or 110 assisting, or enabling any person to violate, any provisions of sections 340.200 to 111 340.330, or any lawful rule or regulation adopted pursuant to sections 340.200 to 112 340.330;
- 113 (8) Impersonation of any person holding a certificate of registration or 114 authority, permit or license or allowing any person to use his certificate of 115 registration or authority, permit, license or diploma from any school;
- 116 (9) Revocation, suspension, restriction, modification, limitation. 117 reprimand, warning, censure, probation or other final disciplinary action against 118 the holder of, or applicant for, a license or registration or other right to practice 119 any profession regulated by sections 340.200 to 340.330 or by another state, 120 territory, federal agency or country, whether or not voluntarily agreed to by the 121 licensee or applicant, including, but not limited to:
- 122 (a) Denial of licensure or registration;
 - (b) Surrender of the license or registration;
- 124 (c) Allowing the license or registration to expire or lapse; or
- (d) Discontinuing or limiting the practice of veterinary medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, insurance company, court, agency of the state or federal government, or employer;
- 129 (10) Being adjudged incapacitated or disabled by a court of competent 130 jurisdiction;
- 131 (11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 340.200 to 340.330 who is not licensed or registered and currently eligible to practice under sections 340.200 to 340.330, or knowingly performing any act which aids, assists, procures, advises, or encourages any person to practice veterinary medicine who is not licensed or registered and currently eligible to practice under sections 340.200 to 340.330;
- 137 (12) Issuance of a certificate of registration or authority, permit or license 138 based upon a material mistake of fact;
- 139 (13) Failure to obtain, renew or display a valid certificate, license, permit 140 or notice if required;

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- 141 (14) Violation of the drug laws or rules and regulations of this state, any 142 other state, territory, or the federal government;
- 143 (15) Knowingly or recklessly making or causing to be made, or aiding or 144 abetting in the making of a false statement or documentation in connection with 145 the birth, death, or health of any animal, executed in connection with the practice 146 of his or her profession or failure to file such statements or documents with the 147 proper officials of the federal or state government as provided by law or any rule 148 promulgated under sections 340.200 to 340.330;
 - (16) Soliciting patronage in person or by agents, under his or her own name or under the name of another, actual or pretended, in such a manner as to confuse, deceive or mislead the public as to the need or appropriateness of animal health care or services or the qualifications of an individual person or persons to diagnose, render, or perform such animal health care services;
 - (17) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;
- 156 (18) Maintaining an unsanitary office or facility, or performing 157 professional services under unsanitary conditions with due consideration given 158 to the place where the services are rendered;
 - (19) Practicing or offering to practice any profession or service regulated by sections 340.200 to 340.330 independent of the supervision and direction of a person licensed under sections 340.200 to 340.330 as a veterinarian in good standing by any candidate for registration or person registered to practice as a veterinary technician or engaged as an unregistered assistant to a veterinarian;
 - (20) Treating or attempting to treat ailments or health conditions of animals other than as authorized under sections 340.200 to 340.330 or board rule by any candidate for registration or person registered to practice as a veterinary technician or engaged as an unregistered assistant to a licensed veterinarian;
- 168 (21) A pattern of personal use or consumption of any controlled substance 169 unless it is prescribed, dispensed or administered by a licensed physician;
- 170 (22) Any revocation, suspension, surrender, limitation or restriction of any 171 controlled substance authority, whether agreed to voluntarily or not;
- 172 (23) Being unable to practice as a veterinarian or veterinary technician 173 with reasonable skill and safety to patients because of illness, drunkenness, 174 excessive use of drugs, narcotics, chemicals, or as a result of any mental or 175 physical condition;
- 176 (24) Violation of any professional trust or confidence;

- 177 (25) Failing to obtain or renew any facility permit or to maintain 178 mandatory requirements or minimum standards for any such facility as required 179 by sections 340.200 to 340.330 or board rule.
- 3. If the board files a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 182 621. If the administrative hearing commission finds that grounds provided in
- 183 this section are met, the board may either singly or in combination:
- 184 (1) Warn, censure or place the person named in the complaint on 185 probation on such terms and conditions as the board deems appropriate for a 186 period not to exceed ten years;
- 187 (2) Suspend such license, certificate or permit for a period not to exceed 188 three years;
- 189 (3) Restrict or limit the license, certificate or permit for an indefinite 190 period of time;
- 191 (4) Revoke such license, certificate or permit;
- 192 (5) Administer a public or private reprimand;
- 193 (6) Deny the application for a license;
- 194 (7) Permanently withhold issuance of a license or certificate;
- 195 (8) Require the applicant or licensee to submit to the care, counseling or 196 treatment of physicians designated by the board at the expense of the person to 197 be examined;
- 198 (9) Require the person to attend such continuing educational courses and 199 pass such examinations as the board may direct.
 - 340.274. 1. A license issued under sections 340.200 to 340.330 shall be automatically revoked following a review of the record of the proceedings by the board and upon a formal motion of the board:
 - 4 (1) [When the final trial proceedings are concluded where a] **The** person 5 has been **finally** adjudicated and found guilty, or has entered a plea of guilty or 6 nolo contendere [whether or not a sentence is imposed:
- 7 (a)] in a [felony] criminal prosecution under the laws of [this state, the 8 laws of any other state, territory or district of the United States, or] any state, 9 the United States, or any country, for any offense [reasonably] directly 10 related to the [qualifications, functions or duties of the person licensed under 11 sections 340.200 to 340.330;
- 12 (b) For any felony offense, for which an essential element is fraud, 13 dishonesty or an act of violence; or

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- 14 (c) For any felony offense involving moral turpitude] duties and 15 responsibilities of the occupation as set forth in section 324.012, 16 regardless of whether or not sentence is imposed;
- 17 (2) Upon the final and unconditional revocation or surrender of the 18 person's license to practice the same profession in another state, territory or 19 district of the United States upon grounds for which revocation is authorized in 20 this state.
- 2. The license of such person shall be automatically reinstated if the conviction, judgment or revocation is set aside upon final appeal in any court of competent jurisdiction.
 - 3. Any person who has been denied a license, certificate, permit or other authority to practice a profession in another state, if such profession in this state is regulated pursuant to sections 340.200 to 340.330, shall automatically be denied a license to practice such profession in this state; however, the board may establish qualifications whereby such person may be qualified and licensed to practice such profession in this state.
 - 340.300. 1. Any person desiring to be registered as a veterinary technician in the state of Missouri shall submit a written application to the board. Such application shall be on forms furnished by the board without charge.
- 2. Each application shall contain a statement that is made under oath or affirmation that representations made therein are true, correct and contain no material omissions of fact to the best knowledge and belief of the person making the application and whose signature shall be subscribed thereto. Any person who knowingly submits false information, information intended to mislead the board, or omits a material fact on the application shall be subject to penalties provided for by the laws of this state for giving a false statement under oath or affirmation; such penalty is in addition to and not in lieu of any action which the board takes pursuant to the provisions of sections 340.200 to 340.330.
- 3. To qualify to be registered as a veterinary technician pursuant to this section, the application must show that the applicant:
 - (1) Is at least eighteen years of age;
- 16 (2) [Is of good moral character;
- 17 (3)] Has successfully completed a college level course of study in veterinary 18 technology in a school having a curriculum approved by the board or a college 19 level course in the care and treatment of animals which is accredited by the 20 AVMA; and

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- 21 [(4)] (3) Has passed an examination or examinations as prescribed by 22 board rule. The examination or examinations shall be designed to test the examinee's knowledge of, proficiency in, subjects and techniques commonly taught 23 24 in schools providing a curriculum in veterinary technology, familiarity with the 25 requirements of sections 340.200 to 340.330, related statutes and board rules, and other material as determined by the board. An examinee must demonstrate 26 27 scientific, practical and legal knowledge sufficient to establish to the board that 28 the applicant is competent to practice as a veterinary technician. Applications 29 for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the 30 qualifications set forth in subdivisions (1), (2) and (3) of this subsection. 31
 - 4. The board may require additional information and proof of a person's fitness and qualifications by board rule.
- 344.030. 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.
 - 2. No initial license shall be issued to a person as a nursing home administrator unless:
 - (1) The applicant provides the board satisfactory proof that the applicant is [of good moral character and] a high school graduate or equivalent;
- 10 (2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or 11 12two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the 13 board, which includes instruction in the needs properly to be served by nursing 14 homes, the protection of the interests of residents therein, and the elements of 15 good nursing home administration, or has presented evidence satisfactory to the 16 17 board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and 18
- 19 (3) The applicant passes the examinations administered by the board. If 20 an applicant fails to make a passing grade on either of the examinations such 21 applicant may make application for reexamination on a form furnished by the 22 board and may be retested. If an applicant fails either of the examinations a 23 third time, the applicant shall be required to complete a course of instruction

prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

- 3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.
- 4. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over[, of good moral character] and a high school graduate or equivalent to serve as an acting nursing home administrator, provided such person is replacing a licensed nursing home administrator who has died, has been removed or has vacated the nursing home administrator's position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.

344.050. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for

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one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to refusal to issue or renew any certificate, registration or authority, permit or license, the 7 board may, at its discretion, issue a license which is subject to probation for any one or any combination of causes stated in subsection 2 of this section. The 10 board's order of probation shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that 11 the applicant has thirty days to request in writing a hearing before the 12 administrative hearing commission. If the board issues a probationary license to 13 14 an applicant for licensure, the applicant may file a written petition with the 15 administrative hearing commission within thirty days of the effective date of the probationary license seeking review of whether cause exists to discipline the 16 licensee under subsection 2 of this section. If no written request for a hearing is 17 received by the administrative hearing commission within the thirty-day period, 18 19 the right to seek review of the board's decision shall be waived.

- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:
- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, [pursuant to] in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any

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- certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- 42 (4) Obtaining or attempting to obtain any fee, charge, tuition or other 43 compensation by fraud, deception or misrepresentation;
- 44 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation 45 or dishonesty in the performance of the functions or duties of any profession 46 licensed or regulated by this chapter;
- 47 (6) Violation of, or assisting or enabling any person to violate, any 48 provision of this chapter, or of any lawful rule or regulation adopted pursuant to 49 this chapter;
 - (7) Violation of, or assisting or enabling any person to violate, any provision of chapter 198 or any lawful rule or regulation promulgated thereunder;
 - (8) Impersonation of any person holding a certificate of registration or authority, permit or license, or allowing any person to use such person's certificate of registration or authority, permit, license or diploma from any school;
- 55 (9) Disciplinary action against the holder of a license or other right to 56 practice any profession regulated by this chapter granted by another state, 57 territory, federal agency or country upon grounds for which revocation or 58 suspension is authorized in this state;
- 59 (10) A person is finally adjudged incapacitated or disabled by a court of 60 competent jurisdiction;
- 61 (11) Assisting or enabling any person to practice or offer to practice any 62 profession licensed or regulated by this chapter who is not registered and 63 currently eligible to practice under this chapter;
- 64 (12) Issuance of a certificate of registration or authority, permit or license 65 based upon a material mistake of fact;
- 66 (13) Violation of the drug laws or rules and regulations of this state, any 67 other state or the federal government;
- 68 (14) Knowingly failing to report abuse or neglect of a resident in a 69 long-term care facility, as required by section 198.070, of which he or she has 70 actual knowledge that it is abuse or neglect;
- 71 (15) Violation of any professional trust or confidence;
- 72 (16) Having served as the administrator, operator, or any principal 73 involved in the operation of a facility licensed under chapter 198 and during such 74 time the facility has had its license revoked under section 198.036, has entered

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- into a consent agreement to obtain a probationary license under subsection 5 of section 198.026, has had a license denied under subsection 2 of section 198.022, or has surrendered its license while under investigation.
- 78 3. The administrative hearing commission shall have no authority to 79 require issuance of a license, pending a final determination by the commission, 80 in any case in which an applicant is seeking initial licensure.
- 4. No license may be suspended or revoked and no application for renewal of a license may be denied under this section until the licensee has been afforded an opportunity for hearing after due notice as provided in sections 621.015 to 621.205.
- 5. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms as the board deems appropriate, or may suspend or revoke the certificate, permit or license. The board may exclude any application for up to five years for any person who has had his or her license revoked by the board or has surrendered his or her license to the board.

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

- 3 (1) "Audiologist", a person who is licensed as an audiologist pursuant to 4 sections 345.010 to 345.080 to practice audiology;
- 5 (2) "Audiology aide", a person who is registered as an audiology aide by
 6 the board, who does not act independently but works under the direction and
 7 supervision of a licensed audiologist. Such person assists the audiologist with
 8 activities which require an understanding of audiology but do not require formal
 9 training in the relevant academics. To be eligible for registration by the board,
 10 each applicant shall submit a registration fee[, be of good moral and ethical
 11 character;] and:
 - (a) Be at least eighteen years of age;
- 13 (b) Furnish evidence of the person's educational qualifications which shall 14 be at a minimum:
- a. Certification of graduation from an accredited high school or its equivalent; and
- b. On-the-job training;
- 18 (c) Be employed in a setting in which direct and indirect supervision are 19 provided on a regular and systematic basis by a licensed audiologist.

- 20 However, the aide shall not administer or interpret hearing screening or
- 21 diagnostic tests, fit or dispense hearing instruments, make ear impressions, make
- 22 diagnostic statements, determine case selection, present written reports to anyone
- 23 other than the supervisor without the signature of the supervisor, make referrals
- 24 to other professionals or agencies, use a title other than audiology aide, develop
- 25 or modify treatment plans, discharge clients from treatment or terminate
- 26 treatment, disclose clinical information, either orally or in writing, to anyone
- 27 other than the supervising audiologist, or perform any procedure for which he or
- 28 she is not qualified, has not been adequately trained or both;
- 29 (3) "Board", the state board of registration for the healing arts;
- 30 (4) "Commission", the advisory commission for speech-language 31 pathologists and audiologists;
- 32 (5) "Hearing instrument" or "hearing aid", any wearable device or 33 instrument designed for or offered for the purpose of aiding or compensating for 34 impaired human hearing and any parts, attachments or accessories, including ear 35 molds, but excluding batteries, cords, receivers and repairs;
- 36 (6) "Person", any individual, organization, or corporate body, except that 37 only individuals may be licensed pursuant to sections 345.010 to 345.080;
 - (7) "Practice of audiology":

- 39 (a) The application of accepted audiologic principles, methods and 40 procedures for the measurement, testing, interpretation, appraisal and prediction 41 related to disorders of the auditory system, balance system or related structures 42 and systems;
- 43 (b) Provides consultation or counseling to the patient, client, student, 44 their family or interested parties;
 - (c) Provides academic, social and medical referrals when appropriate;
- (d) Provides for establishing goals, implementing strategies, methods and techniques, for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance system or related structures and systems;
- 50 (e) Provides for involvement in related research, teaching or public 51 education;
- 52 (f) Provides for rendering of services or participates in the planning, 53 directing or conducting of programs which are designed to modify audition, 54 communicative, balance or cognitive disorder, which may involve speech and 55 language or education issues;

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- 56 (g) Provides and interprets behavioral and neurophysiologic 57 measurements of auditory balance, cognitive processing and related functions, 58 including intraoperative monitoring;
- (h) Provides involvement in any tasks, procedures, acts or practices that 60 are necessary for evaluation of audition, hearing, training in the use of 61 amplification or assistive listening devices;
- 62 (i) Provides selection, assessment, fitting, programming, and dispensing 63 of hearing instruments, assistive listening devices, and other amplification 64 systems;
- 65 (j) Provides for taking impressions of the ear, making custom ear molds, 66 ear plugs, swim molds and industrial noise protectors;
 - (k) Provides assessment of external ear and cerumen management;
- 68 (l) Provides advising, fitting, mapping assessment of implantable devices 69 such as cochlear or auditory brain stem devices;
- 70 (m) Provides information in noise control and hearing conservation 71 including education, equipment selection, equipment calibration, site evaluation 72 and employee evaluation;
 - (n) Provides performing basic speech-language screening test;
- 74 (o) Provides involvement in social aspects of communication, including 75 challenging behavior and ineffective social skills, lack of communication 76 opportunities;
- 77 (p) Provides support and training of family members and other 78 communication partners for the individual with auditory balance, cognitive and 79 communication disorders;
- 80 (q) Provides aural rehabilitation and related services to individuals with 81 hearing loss and their families;
- 82 (r) Evaluates, collaborates and manages audition problems in the 83 assessment of the central auditory processing disorders and providing 84 intervention for individuals with central auditory processing disorders;
- 85 (s) Develops and manages academic and clinical problems in 86 communication sciences and disorders;
- 87 (t) Conducts, disseminates and applies research in communication 88 sciences and disorders;
 - (8) "Practice of speech-language pathology":
- 90 (a) Provides screening, identification, assessment, diagnosis, treatment, 91 intervention, including but not limited to prevention, restoration, amelioration

- 92 and compensation, and follow-up services for disorders of:
- a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;
- b. Language, involving the parameters of phonology, morphology, syntax,
 semantics and pragmatic; and including disorders of receptive and expressive
 communication in oral, written, graphic and manual modalities;
- 98 c. Oral, pharyngeal, cervical esophageal and related functions, such as 99 dysphagia, including disorders of swallowing and oral functions for feeding; 100 orofacial myofunctional disorders;
- d. Cognitive aspects of communication, including communication disability and other functional disabilities associated with cognitive impairment;
- e. Social aspects of communication, including challenging behavior, ineffective social skills, lack of communication opportunities;
- 105 (b) Provides consultation and counseling and makes referrals when 106 appropriate;
- 107 (c) Trains and supports family members and other communication 108 partners of individuals with speech, voice, language, communication and 109 swallowing disabilities;
- 110 (d) Develops and establishes effective augmentative and alternative 111 communication techniques and strategies, including selecting, prescribing and 112 dispensing of augmentative aids and devices; and the training of individuals, 113 their families and other communication partners in their use;
- 114 (e) Selects, fits and establishes effective use of appropriate 115 prosthetic/adaptive devices for speaking and swallowing, such as 116 tracheoesophageal valves, electrolarynges, or speaking valves;
- 117 (f) Uses instrumental technology to diagnose and treat disorders of 118 communication and swallowing, such as videofluoroscopy, nasendoscopy, 119 ultrasonography and stroboscopy;
- 120 (g) Provides aural rehabilitative and related counseling services to 121 individuals with hearing loss and to their families;
- (h) Collaborates in the assessment of central auditory processing disorders in cases in which there is evidence of speech, language or other cognitive communication disorders; provides intervention for individuals with central auditory processing disorders;
- 126 (i) Conducts pure-tone air conduction hearing screening and screening 127 tympanometry for the purpose of the initial identification or referral;

- 128 (j) Enhances speech and language proficiency and communication 129 effectiveness, including but not limited to accent reduction, collaboration with 130 teachers of English as a second language and improvement of voice, performance 131 and singing;
 - (k) Trains and supervises support personnel;
- 133 (l) Develops and manages academic and clinical programs in 134 communication sciences and disorders;
- 135 (m) Conducts, disseminates and applies research in communication 136 sciences and disorders;
- 137 (n) Measures outcomes of treatment and conducts continuous evaluation 138 of the effectiveness of practices and programs to improve and maintain quality 139 of services;
- 140 (9) "Speech-language pathologist", a person who is licensed as a 141 speech-language pathologist pursuant to sections 345.010 to 345.080; who engages 142 in the practice of speech-language pathology as defined in sections 345.010 to 143 345.080;
- 144 (10) "Speech-language pathology aide", a person who is registered as a 145 speech-language aide by the board, who does not act independently but works under the direction and supervision of a licensed speech-language 146 147 pathologist. Such person assists the speech-language pathologist with activities 148 which require an understanding of speech-language pathology but do not require formal training in the relevant academics. To be eligible for registration by the 149 150 board, each applicant shall submit a registration fee, be of good moral and 151 ethical character;] and:
 - (a) Be at least eighteen years of age;
- 153 (b) Furnish evidence of the person's educational qualifications which shall 154 be at a minimum:
- a. Certification of graduation from an accredited high school or its equivalent; and
- b. On-the-job training;
- 158 (c) Be employed in a setting in which direct and indirect supervision is 159 provided on a regular and systematic basis by a licensed speech-language 160 pathologist.
- However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone

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other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language pathologist, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

- (11) "Speech-language pathology assistant", a person who is registered as a speech-language pathology assistant by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist practicing for at least one year or speech-language pathologist practicing under subdivision (1) or (6) of subsection 1 of section 345.025 for at least one year and whose activities require both academic and practical training in the field of speech-language pathology although less training than those established by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration by the board, each applicant shall submit the registration fee, supervising speech-language pathologist information if employment is confirmed, if not such information shall be provided after registration, [be of good moral character] and furnish evidence of the person's educational qualifications which meet the following:
- 184 (a) Hold a bachelor's level degree from an institution accredited or 185 approved by a regional accrediting body recognized by the United States 186 Department of Education or its equivalent; and
 - (b) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of bachelor's level course work and requirements in the field of speech-language pathology as established by the board through rules and regulations;
- 191 (c) Submit proof of completion of the number and type of clinical hours as 192 established by the board through rules and regulations.
 - 345.050. 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's [good moral and ethical character,] current competence and shall:
 - 4 (1) Hold a master's or a doctoral degree from a program accredited by the 5 Council on Academic Accreditation of the American Speech-Language-Hearing 6 Association or other accrediting agency approved by the board in the area in 7 which licensure is sought;

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- 8 (2) Submit official transcripts from one or more accredited colleges or 9 universities presenting evidence of the completion of course work and clinical 10 practicum requirements equivalent to that required by the Council on Academic 11 Accreditation of the American Speech-Language-Hearing Association or other 12 accrediting agency approved by the board; and
- 13 (3) Pass an examination promulgated or approved by the board. The 14 board shall determine the subject and scope of the examinations.
 - 2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee [and shall be of good moral and ethical character], submit an activity statement and meet one of the following requirements:
- 19 (1) The board shall issue a license to any speech-language pathologist or 20 audiologist who is licensed in another country and who has had no violations, 21 suspension or revocations of a license to practice speech-language pathology or 22 audiology in any jurisdiction; provided that, such person is licensed in a country 23 whose requirements are substantially equal to, or greater than, Missouri at the 24 time the applicant applies for licensure; or
- 25 (2) Hold the certificate of clinical competence issued by the American 26 Speech-Language-Hearing Association in the area in which licensure is sought.

345.065. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to sections 345.010 to 345.080 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board 7 may, at its discretion, issue a license or registration which is subject to probation, restriction or limitation to an applicant for licensure or registration for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the 11 discipline imposed, the basis therefor, the date such action shall become effective 12 and a statement that the applicant has thirty days to request in writing a hearing 13 14 before the administrative hearing commission. If the board issues a probationary, 15 limited or restricted license or registration to an applicant for licensure or 16 registration, either party may file a written petition with the administrative

hearing commission within thirty days of the effective date of the probationary,

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- limited or restricted license or registration seeking review of the board's determination. If no written request for a hearing is received by the 19 administrative hearing commission within the thirty-day period, the right to seek 20 review of the board's decision shall be considered as waived. 21
- 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the 26 person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
 - (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 345.010 to 345.080;
 - (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] directly related to the [qualifications, functions or] duties [of any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude, and responsibilities of the occupation as set forth in section 324.012, regardless of whether or not sentence is imposed;
- 40 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 345.010 to 345.080 or in obtaining permission to take any examination given or required pursuant to sections 345.010 to 345.080;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other 44 compensation by fraud, deception or misrepresentation; 45
- 46 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession 47 licensed or regulated by sections 345.010 to 345.080; 48
- 49 (6) Violation of, or assisting or enabling any person to violate, any 50 provision of sections 345.010 to 345.080, or of any lawful rule or regulation 51 adopted pursuant to sections 345.010 to 345.080;
- 52 (7) Impersonation of any person holding a certificate of registration or 53 authority, permit or license or allowing any person to use his or her certificate of

- 54 registration or authority, permit, license or diploma from any school;
- 55 (8) Disciplinary action against the holder of a license or other right to 56 practice any profession regulated by sections 345.010 to 345.080 granted by 57 another state, territory, federal agency or country upon grounds for which 58 revocation or suspension is authorized in this state;
- 59 (9) A person is finally adjudged insane or incompetent by a court of 60 competent jurisdiction;
- 61 (10) Assisting or enabling any person to practice or offer to practice any 62 profession licensed or regulated by sections 345.010 to 345.080 who is not 63 registered and currently eligible to practice pursuant to sections 345.010 to 64 345.080;
- 65 (11) Issuance of a certificate of registration or authority, permit or license 66 based upon a material mistake of fact;
- 67 (12) Failure to display a valid certificate or license if so required by 68 sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;
- 70 (13) Violation of any professional trust or confidence;
- 71 (14) Fraudulently or deceptively using a license, provisional license or 72 registration;
- 73 (15) Altering a license, provisional license or registration;
- 74 (16) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology;
- 76 (17) Using or promoting or causing the use of any misleading, deceiving, 77 improbable or untruthful advertising matter, promotional literature, testimonial, 78 guarantee, warranty, label, brand, insignia or any other representation;
- 79 (18) Falsely representing the use or availability of services or advice of a 80 physician;
- 81 (19) Misrepresenting the applicant, licensee or holder by using the word 82 doctor or any similar word, abbreviation or symbol if the use is not accurate or 83 if the degree was not obtained from a regionally accredited institution;
- 84 (20) Committing any act of dishonorable, immoral or unprofessional 85 conduct while engaging in the practice of speech-language pathology or audiology;
- 86 (21) Providing services or promoting the sale of devices, appliances or 87 products to a person who cannot reasonably be expected to benefit from such 88 services, devices, appliances or products.
- 3. After the filing of such complaint, the proceedings shall be conducted

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90 in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend, for a period not to exceed three years, or restrict or limit the person's ability to practice for an indefinite period of time, or revoke the license or registration.

4. The board may apply for relief by injunction, without bond, to restrain any person, partnership or corporation from engaging in any act or practice which constitutes an offense pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there is no adequate remedy at law to obtain an injunction. The members of the board and the advisory commission shall not be individually liable for applying for such relief.

346.055. 1. An applicant may obtain a license provided the applicant:

- 2 (1) Is at least eighteen years of age; and
 - (2) [Is of good moral character; and
- 4 (3)] Successfully passes a qualifying examination as described under 5 sections 346.010 to 346.250; and
- 6 [(4)] (3) (a) Holds an associate's degree or higher, from a state or 7 regionally accredited institution of higher education, in hearing instrument 8 sciences; or
- 9 (b) Holds an associate's level degree or higher, from a state or regionally 10 accredited institution of higher education and submits proof of completion of the 11 International Hearing Society's Distance Learning for Professionals in Hearing 12 Health Sciences Course; or
- 13 (c) Holds a master's or doctoral degree in audiology from a state or 14 regionally accredited institution; or
- 15 (d) Holds a current, unsuspended, unrevoked license from another country 16 if the standards for licensing in such country, as determined by the board, are 17 substantially equivalent to or exceed those required in paragraph (a) or (b) of this 18 subdivision; or
- 19 (e) Holds a current, unsuspended, unrevoked license from another 20 country, has been actively practicing as a licensed hearing aid fitter or dispenser 21 in another country for no less than forty-eight of the last seventy-two months, and 22 submits proof of completion of advance certification from either the International

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- Hearing Society or the National Board for Certification in Hearing Instrument
 Sciences.
- 2. The provisions of subsection 1 of this section shall not apply to any person holding a valid Missouri hearing instrument specialist license under this chapter when applying for the renewal of that license. These provisions shall apply to any person holding a hearing instrument specialist-in-training permit at the time of their application for licensure or renewal of said permit.
 - 3. (1) The board shall promulgate reasonable standards and rules for the evaluation of applicants for purposes of determining the course of instruction and training required of each applicant for a hearing instrument specialist license under the requirement of subdivision (4) of subsection 1 of this section.
- 34 (2) Any rule or portion of a rule, as that term is defined in section 35 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of 36 37 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant 38 39 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking 40 41 authority and any rule proposed or adopted after August 28, 2013, shall be 42 invalid and void.
- 346.105. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter, upon recommendation of the board, for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.
- 2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or against any person who has failed to renew or has surrendered such person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
- 14 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 15 beverage to an extent that such use impairs a person's ability to perform the work 16 of any profession licensed or regulated by this chapter;

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- 17 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or any country, for any offense [reasonably] 19 20 directly related to the [qualification, functions or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of 2122which is fraud, dishonesty or act of violence, or for any offense involving moral 23 turpitude,] and responsibilities of the occupation as set forth in section 24 **324.012, regardless of** whether or not sentence is imposed;
- 25 (3) Use of fraud, deception, misrepresentation or bribery in securing any 26 certificate of registration or authority, permit or license issued pursuant to this 27chapter or in obtaining permission to take any examination given or required 28 pursuant to this chapter;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- 31 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession 32 33 licensed or regulated by this chapter;
 - (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of 38 registration or authority, permit, license or diploma from any school;
- 40 (8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, 41 territory, federal agency or country upon grounds for which revocation or 42 43 suspension is authorized in this state;
- 44 (9) A person is finally adjudged insane or incompetent by a court of 45 competent jurisdiction;
- 46 (10) Assisting or enabling any person to practice or offer to practice any 47 profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter; 48
- 49 (11) Issuance of a certificate of registration or authority, permit or license 50 based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this 51 52 chapter or any rule promulgated hereunder;

- 53 (13) Violation of any professional trust or confidence;
- 54 (14) Use of any advertisement or solicitation which is false, misleading or 55 deceptive to the general public or persons to whom the advertisement or 56 solicitation is primarily directed;
- 57 (15) Representing that the service or advice of a person licensed as a physician pursuant to chapter 334 will be used or made available in the selection, 58 fitting, adjustment, maintenance or repair of hearing instruments when that is 59 not true, or using the words "doctor", "clinic", "clinical audiologist", "state-licensed 60 clinic", "state registered", "state certified", or "state approved" or any other term, 61 62 abbreviation, or symbol when it would falsely give the impression that service is 63 being provided by physicians licensed pursuant to chapter 334, or by audiologists 64 licensed pursuant to chapter 345, or that the licensee's service has been 65 recommended by the state when such is not the case.
 - 436.230. 1. Except as otherwise provided in subsection 2 of this section, the director shall issue a certificate of registration to an individual who complies with section 436.227.
- 2. The director may refuse to issue a certificate of registration if the director determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to serve as an athlete agent. In making the determination, the director may consider whether the applicant has:
- 9 (1) Been [convicted of a crime that if committed in this state would be a 10 felony or other crime involving moral turpitude] finally adjudicated and 11 found guilty, or entered a plea of guilty or nolo contendere, in a 12 criminal prosecution under the laws of any state, or of the United 13 States, or any country, for any offense directed related to the duties 14 and responsibilities of the occupation as set forth in section 324.012, 15 regardless of whether or not sentence is imposed;
- 16 (2) Made a materially false, misleading, deceptive, or fraudulent 17 representation as an athlete agent or in the application;
- 18 (3) Engaged in conduct that would disqualify the applicant from serving 19 in a fiduciary capacity;
 - (4) Engaged in conduct prohibited by section 436.254;
- 21 (5) Had a registration or licensure as an athlete agent suspended, 22 revoked, or denied or been refused renewal of registration or licensure in any 23 state;

- 24 (6) Engaged in conduct or failed to engage in conduct the consequence of 25 which was that a sanction, suspension, or declaration of ineligibility to participate 26 in an interscholastic or intercollegiate athletic event was imposed on a student 27 athlete or educational institution; or
- 28 (7) Engaged in conduct that significantly adversely reflects on the 29 applicant's credibility, honesty, or integrity.
- 30 3. In making a determination under subsection 3 of this section, the 31 director shall consider:
- 32 (1) How recently the conduct occurred;
 - (2) The nature of the conduct and the context in which it occurred; and
- 34 (3) Any other relevant conduct of the applicant.
- 4. An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the director. The application for renewal must be signed by the applicant under penalty of perjury under section 575.040 and shall contain current information on all matters required in an original registration.
- 5. A certificate of registration or a renewal of a registration is valid for two years.

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