

FIRST REGULAR SESSION

HOUSE BILL NO. 175

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

0649H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto one new section relating to massage therapists.

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

Section A. Chapter 324, RSMo, is amended by adding thereto one new section, to be known as section 324.263, to read as follows:

324.263. 1. The board may apply to the administrative hearing commission for an emergency suspension or restriction of a license issued under sections 324.240 to 324.275 if:

(1) The holder of the license is the subject of a pending criminal indictment, criminal information, or other criminal charge; and

(2) There is reasonable cause for the board to believe that the public health, safety, or welfare is at imminent risk of harm from the holder of the license.

2. The board shall submit to the administrative hearing commission supporting affidavits and certified court records, together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction of a license, and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one 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 board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet,

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 the board shall either personally serve the licensee or leave a copy of the service packet
19 at all of the licensee's current addresses on file with the board.

20 3. Within five days of the board's filing of the complaint, the administrative
21 hearing commission shall review the information submitted by the board and shall issue
22 its findings of fact and conclusions of law. If the administrative hearing commission
23 finds that there is reasonable cause for the board to believe that the public health, safety,
24 or welfare is at imminent risk of harm from the holder of the license, the administrative
25 hearing commission shall enter the order requested by the board. The order shall be
26 effective upon personal service or by leaving a copy at all of the licensee's current
27 addresses on file with the board.

28 4. (1) The administrative hearing commission shall hold an evidentiary hearing
29 on the record within forty-five days of the board's filing of the complaint, or upon final
30 adjudication of any criminal charges filed against the licensee, as appropriate, to
31 determine if cause for discipline exists under the provisions of sections 324.240 to
32 324.275 and to determine whether the initial order entered by the commission shall
33 continue in effect. Prior to the hearing, the licensee may file affidavits and certified
34 court records for consideration by the administrative hearing commission. The
35 administrative hearing commission may grant a request for a continuance, but shall in
36 any event hold the hearing within one hundred twenty days of the board's initial filing.
37 The board shall be granted leave to amend its complaint if it is more than thirty days
38 prior to the hearing, or within thirty days prior to the hearing upon a showing of good
39 cause.

40 (2) If no cause for discipline is found following an evidentiary hearing, the
41 administrative hearing commission shall issue findings of fact, conclusions of law, and
42 an order terminating the commission's initial order imposing an emergency suspension
43 or restriction of the license.

44 (3) If the administrative hearing commission finds cause for discipline following
45 an evidentiary hearing, the commission shall issue findings of fact and conclusions of
46 law and order the emergency suspension or restriction to remain in full force and effect
47 pending a disciplinary hearing before the board. The board shall hold a hearing
48 following the certification of the record by the administrative hearing commission and
49 may impose discipline otherwise authorized by state law.

50 5. Any action under this section shall be in addition to and not in lieu of any
51 discipline otherwise in the board's power to impose and may be brought concurrently
52 with other actions.

53 6. If the administrative hearing commission does not grant an initial order
54 imposing an emergency suspension or restriction of the license as described in

55 subsection 3 of this section, the board shall remove all reference to such emergency
56 suspension or restriction from its public records.

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