

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 268, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "324.263. 1. The board may apply to the administrative hearing commission for an
5 emergency suspension or restriction of a license issued under sections 324.240 to 324.275 if:

6 (1) The holder of the license is the subject of a pending criminal indictment, criminal
7 information, or other criminal charge related to the duties and responsibilities of the licensed
8 occupation; and

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

11 2. The board shall submit to the administrative hearing commission supporting affidavits
12 and certified court records, together with a complaint alleging the facts in support of the board's
13 request for an emergency suspension or restriction of a license, and shall supply the administrative
14 hearing commission with the last home or business addresses on file with the board for the licensee.
15 Within one business day of the filing of the complaint, the administrative hearing commission shall
16 return a service packet to the board. The service packet shall include the board's complaint and any
17 affidavits or records the board intends to rely on that have been filed with the administrative hearing
18 commission. The service packet may contain other information in the discretion of the
19 administrative hearing commission. Within twenty-four hours of receiving the packet, the board
20 shall either personally serve the licensee the service packet or leave a copy of the service packet at
21 all of the licensee's current addresses on file with the board.

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

29 4. (1) The administrative hearing commission shall hold an evidentiary hearing on the
30 record within forty-five days of the board's filing of the complaint, or upon final adjudication of any

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1 criminal charges filed against the licensee, as appropriate, to determine if cause for discipline exists
2 under the provisions of sections 324.240 to 324.275 and to determine whether the initial order
3 entered by the commission shall continue in effect. Prior to the hearing, the licensee may file
4 affidavits and certified court records for consideration by the administrative hearing commission.
5 The administrative hearing commission may grant a request for a continuance but shall in any event
6 hold the hearing within one hundred twenty days of the board's initial filing. The board shall be
7 granted leave to amend its complaint if it is more than thirty days prior to the hearing, or within
8 thirty days prior to the hearing upon a showing of good cause.

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

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

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

19 6. If the administrative hearing commission does not grant an initial order imposing an
20 emergency suspension or restriction of the license as described in subsection 3 of this section, the
21 board shall remove all reference to such emergency suspension or restriction from its public records.

22 331.084. 1. The board may apply to the administrative hearing commission for an
23 emergency suspension or restriction of a license issued under this chapter if:

24 (1) The holder of the license is the subject of a pending criminal indictment, criminal
25 information, or other criminal charge related to the duties and responsibilities of the licensed
26 occupation; and

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

29 2. The board shall submit to the administrative hearing commission supporting affidavits
30 and certified court records, together with a complaint alleging the facts in support of the board's
31 request for an emergency suspension or restriction of a license, and shall supply the administrative
32 hearing commission with the last home or business addresses on file with the board for the licensee.
33 Within one business day of the filing of the complaint, the administrative hearing commission shall
34 return a service packet to the board. The service packet shall include the board's complaint and any
35 affidavits or records the board intends to rely on that have been filed with the administrative hearing
36 commission. The service packet may contain other information in the discretion of the
37 administrative hearing commission. Within twenty-four hours of receiving the packet, the board
38 shall either personally serve the licensee the service packet or leave a copy of the service packet at
39 all of the licensee's current addresses on file with the board.

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

8 4. (1) The administrative hearing commission shall hold an evidentiary hearing on the
9 record within forty-five days of the board's filing of the complaint, or upon final adjudication of any
10 criminal charges filed against the licensee, as appropriate, to determine if cause for discipline exists
11 under the provisions of this chapter and to determine whether the initial order entered by the
12 commission shall continue in effect. Prior to the hearing, the licensee may file affidavits and
13 certified court records for consideration by the administrative hearing commission. The
14 administrative hearing commission may grant a request for a continuance but shall in any event hold
15 the hearing within one hundred twenty days of the board's initial filing. The board shall be granted
16 leave to amend its complaint if it is more than thirty days prior to the hearing, or within thirty days
17 prior to the hearing upon a showing of good cause.

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

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

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

28 6. If the administrative hearing commission does not grant an initial order imposing an
29 emergency suspension or restriction of the license as described in subsection 3 of this section, the
30 board shall remove all reference to such emergency suspension or restriction from its public
31 records."; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.