

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill  
2 No. 71, Page 26, Section 324.246, Line 18, by inserting after said section and line the following:  
3

4 "324.263. 1. The board may apply to the administrative hearing commission for an emergency  
5 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 information, or  
7 other criminal charge related to the duties and responsibilities of the licensed occupation; and

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

10 2. The board shall submit to the administrative hearing commission supporting affidavits and  
11 certified court records, together with a complaint alleging the facts in support of the board's request for an  
12 emergency suspension or restriction of a license, and shall supply the administrative hearing commission with  
13 the last home or business addresses on file with the board for the licensee. Within one business day of the  
14 filing of the complaint, the administrative hearing commission shall return a service packet to the board. The  
15 service packet shall include the board's complaint and any affidavits or records the board intends to rely on  
16 that have been filed with the administrative hearing commission. The service packet may contain other  
17 information in the discretion of the administrative hearing commission. Within twenty-four hours of  
18 receiving the packet, the board shall either personally serve the licensee the service packet or leave a copy of  
19 the service packet 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 hearing commission  
21 shall review the information submitted by the board and shall issue its findings of fact and conclusions of law.  
22 If the administrative hearing commission finds that there is reasonable cause for the board to believe that the  
23 public health, safety, or welfare is at imminent risk of harm from the holder of the license, the administrative  
24 hearing commission shall enter the order requested by the board. The order shall be effective upon personal  
25 service or by leaving a copy at all of the licensee's current addresses on file with the board.

26 4. (1) The administrative hearing commission shall hold an evidentiary hearing on the record within  
27 forty-five days of the board's filing of the complaint, or upon final adjudication of any criminal charges filed  
28 against the licensee, as appropriate, to determine if cause for discipline exists under the provisions of sections  
29 324.240 to 324.275 and to determine whether the initial order entered by the commission shall continue in  
30 effect. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 the administrative hearing commission. The administrative hearing commission may grant a request for a  
 2 continuance but shall in any event hold the hearing within one hundred twenty days of the board's initial  
 3 filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the  
 4 hearing, or within thirty days prior to the hearing upon a showing of good cause.

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

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

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

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

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 19 Further amend said bill, Page 28, Section 331.025, Line 17, by inserting after said section and line the  
 20 following:

21  
 22 "331.084. 1. The board may apply to the administrative hearing commission for an emergency  
 23 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 information, or  
 25 other criminal charge related to the duties and responsibilities of the licensed occupation; and

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

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

38 3. Within five days of the board's filing of the complaint, the administrative hearing commission  
 39 shall review the information submitted by the board and shall issue its findings of fact and conclusions of law.

1 If the administrative hearing commission finds that there is reasonable cause for the board to believe that the  
2 public health, safety, or welfare is at imminent risk of harm from the holder of the license, the administrative  
3 hearing commission shall enter the order requested by the board. The order shall be effective upon personal  
4 service or by leaving a copy at all of the licensee's current addresses on file with the board.

5 4. (1) The administrative hearing commission shall hold an evidentiary hearing on the record within  
6 forty-five days of the board's filing of the complaint, or upon final adjudication of any criminal charges filed  
7 against the licensee, as appropriate, to determine if cause for discipline exists under the provisions of this  
8 chapter and to determine whether the initial order entered by the commission shall continue in effect. Prior to  
9 the hearing, the licensee may file affidavits and certified court records for consideration by the administrative  
10 hearing commission. The administrative hearing commission may grant a request for a continuance but shall  
11 in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall be  
12 granted leave to amend its complaint if it is more than thirty days prior to the hearing, or within thirty days  
13 prior to the hearing upon a showing of good cause.

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

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

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

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

27  
28 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.